

CHAPTER.....

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; requiring the Department of Education to establish a program to award grants of money for the purpose of providing transportation to such pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil receives approval to attend the school. **Section 2** additionally: (1) requires the board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; (2) requires the Superintendent of Public Instruction to establish a process to review such policies and procedures; (3) provides certain requirements governing the application process established by a school district, including, without limitation, various factors that may not be considered when determining whether to approve an application; (4) sets forth the process for the parent or legal guardian of a pupil who submits an application to appeal certain decisions regarding the application; and (5) requires the Superintendent of Public Instruction and each school district to publish certain data concerning vacancies at each public school on the Internet website maintained by the Department of Education and school district, respectively. **Section 1** of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. Additionally, **section 2** authorizes the board of trustees of a school district to accept gifts and grants to carry out certain provisions of **section 2**.

Section 1.5 of this bill requires the Department, to the extent that money is available, to establish a program to award grants of money to organizations or the parent or legal guardian of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. **Section 1.5** additionally requires the Department to adopt regulations as necessary to carry out the program.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for mitted-m a t e r i a l~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.



Sec. 1.5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, to the extent that money is available for this purpose, establish a program to award grants of money to organizations or the parent or legal guardian of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

2. A pupil who uses transportation provided by the recipient of a grant of money awarded pursuant to this section shall notify the Department if the pupil transfers to another school.

3. An applicant who receives a grant of money pursuant to this section shall not use the grant for any purpose other than providing eligible pupils with transportation to and from a public school located outside the zone of attendance that the pupil is otherwise required to attend.

4. The Department shall adopt regulations:

(a) Prescribing the requirements to apply for and receive a grant through the program established by this section.

(b) Establishing the eligibility criteria for pupils for whom transportation may be provided through a grant, including, without limitation, that:

(1) The pupil lives in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(2) The pupil attends a school district which has elected not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040 and no other viable form of transportation is available to the pupil.

(c) Necessary to carry out the provisions of this section.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;



(b) University school for profoundly gifted pupils;
(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~for~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~or~~;
or

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil is approved to attend the school pursuant to this section.

3. The Superintendent of Public Instruction shall:

(a) Establish a process to review the policies and procedures of school districts adopted pursuant to paragraph (a) of subsection 4 to determine if such policies and procedures are consistent with the requirements of this section.

(b) Ensure that any application of a school district for pupils to apply to attend a school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.

(c) On or before the first day of each calendar quarter, publish, on the Internet website maintained by the Department, the number of vacancies for each grade level in each public school in this State.

(d) On the Internet website maintained by the Department, annually publish data describing, for pupils who transferred between schools located in different zones of attendance pursuant to paragraph (f) of subsection 2:

(1) The total number of pupils who transferred between schools located in different zones of attendance during the previous school year; and



(2) For each public school, the number of pupils who transferred into and out of the school pursuant to paragraph (f) of subsection 2 during the previous school year.

4. The board of trustees of each school district shall:

(a) Adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such policies and procedures must:

(1) Not deem a pupil ineligible to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 on an arbitrary basis, including, without limitation, based on the home address of the pupil;

(2) Require all public schools within the school district, except for magnet schools, career and technical academies and dual enrollment high schools, to be open to the attendance of pupils pursuant to paragraph (f) of subsection 2, subject to capacity;

(3) Prohibit the assessment of any tuition or fees by a public school within the school district to a pupil who attends the school pursuant to paragraph (f) of subsection 2;

(4) Include a procedure for pupils to apply to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2, including, without limitation, the date each year on which the school district will begin accepting applications and the annual deadline by which an application must be submitted;

(5) Not require a pupil to complete an application to attend a public school unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend;

(6) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved; and

(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which:

(I) Must give priority to pupils who live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of



performance pursuant to the statewide system of accountability for public schools; and

(II) Except as otherwise provided in sub-subparagraph (I), may include, without limitation, a lottery.

(b) On or before the first day of each calendar quarter, publish on the Internet website maintained by the school district the number of vacancies for each grade level in each public school in the school district.

(c) Determine the capacity for each grade level within each public school in the school district in accordance with the provisions of this section and annually publish such capacity on the Internet website maintained by the school district not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. The capacity determined pursuant to this paragraph must not be reduced during the period in which the school district accepts such applications unless a significant change in circumstances, which was unforeseeable at the time the capacity was published pursuant to this section, necessitates such a change, including, without limitation, a change in capacity due to an issue with the facilities of the public school. If the capacity of a public school is reduced during the period in which the school district accepts such applications, the board of trustees shall ensure that, not later than 15 days before the earliest date on which decisions on such applications are to be made, there is published on the Internet website maintained by the school district a written explanation of the change in circumstances which necessitated the reduction in capacity.

(d) Require a public school in the school district to enroll a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved, so long as the public school has capacity at the grade level of the pupil without taking into consideration the capacity of any specialized program.

(e) Allow a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

(f) Adopt a uniform methodology for calculating the capacity of each public school within the school district for the purposes of paragraph (c). The methodology must be publicly documented,



applied consistently across all public schools within the school district and published on the Internet website maintained by the school district. The methodology adopted by a school district must calculate the capacity of each public school within the school district based on:

*(1) Maximum building occupancy; or
(2) An occupancy level of not more than 1 person per 40 square feet of instructional space.*

(g) Prepare and submit an annual report to the Superintendent of Public Instruction describing:

(1) The number of applications to attend a public school outside the zone of attendance that a pupil is otherwise required to attend that were received by the school district and the number of such applications that were approved or denied; and

(2) For each application that was denied, the reason the board of trustees of the school district denied the application.

5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application:

*(a) The academic, artistic or athletic ability of a pupil;
(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;*

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner;

(e) The address at which the pupil resides; or

(f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.

6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.

7. The board of trustees of a school district may accept gifts and grants to carry out the provisions of subsections 3 to 6, inclusive.



8. *The State Board shall adopt regulations necessary to carry out the provisions of this section.*

9. *As used in this section:*

(a) *“Expelled” has the meaning ascribed to “expel” or “expulsion” in NRS 392.4603.*

(b) *“Instructional space” does not include:*

(1) *A gymnasium;*

(2) *A theater;*

(3) *An administrative office;*

(4) *A cafeteria; and*

(5) *A storage space.*

(c) *“Suspended” has the meaning ascribed to “suspend” or “suspension” in NRS 392.4607.*

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1, 1.5 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

