

Dan Schwartz
State Treasurer



STATE OF NEVADA
OFFICE OF THE STATE TREASURER

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**STATE TREASURER'S OFFICE ISSUES PROPOSAL
FOR EDUCATION SAVINGS ACCOUNT ELIGIBILITY UNDER SB 302**

Carson City, NV – State Treasurer Dan Schwartz and the STO's Implementation Team have put forward the following proposal for Nevada parents to determine eligibility under the recently enacted "Education Savings Accounts" ("ESA") program.

One of SB302's key provisions, Section 7, addresses the time a student must be enrolled in a public school prior to the establishment of an ESA. The statute reads as follows:

Sec.7. 1. Except as otherwise provided in subsection 10, the parent of any child required by NRS 392.040 to attend a public school who has been enrolled in a public school in this State during the period immediately preceding the establishment of an education savings account pursuant to this section for not less than 100 school days without interruption may establish an education savings account for the child by entering into a written agreement with the State Treasurer, in a manner and on a form provided by the State Treasurer.

In an effort to provide clearer guidelines on how a parent can determine if their student meets the eligibility criteria required to apply for an ESA under the statute, the STO proposes the following guidelines:

After the first open enrollment period (January 4th – February 29th, 2016), a student shall be deemed eligible to apply for an ESA if they meet one of the following criteria:

- 1. The student has been enrolled in a Nevada public/charter school for at least 100 school days immediately preceding the receipt of an application to establish an ESA by the State Treasurer;**

OR

- 2. The student has been participating in any classes in a Nevada public/charter school pursuant to NRS 392.070(3) for at least 100 school days immediately prior to the receipt of an application to establish an ESA by the Treasurer's office.**

NOTE: The STO will interpret a public/charter school to be online or traditional.

NOTE: NRS 392.070(3) allows a private school student to enroll in a public/charter school, provided the school district approves his or her application for a course that is not offered at a private school.

NOTE: Participating in after school or “extracurricular” activities will not be deemed as qualifying for the 100 school day enrollment period.

NOTE: “Without interruption” shall be interpreted as attendance with 15 or fewer consecutive days absent from school. If a student is absent for more than 15 consecutive days, the clock for the 100 consecutive school days will be reset. The State Treasurer may waive this reset in limited cases such as serious medical conditions, death in the family, or other extraordinary circumstances, evaluated on a case-by-case basis.

Examples (all examples assume the parent or “participating entity” applies on or after January 4, 2016):

Example 1: To be eligible, a parent must submit an application for their child to qualify for an ESA, evidencing that the student has been enrolled in a public/charter school for 100 consecutive school days immediately prior to the application date of January 4, 2016. (A chart outlining applicable starting days for 2015-2016 can be found at <http://www.nevadatreasurer.gov/SchoolChoice/Home/>)

Example 2: A student currently enrolled in a private school who is taking a class not offered at the private school which is offered at a public/charter school if authorized by their school district, may qualify for an ESA. This class must be taken for 100 consecutive school days immediately prior to the date an application is submitted to the State Treasurer’s Office. Attendance at a public/charter summer school program immediately prior to the application date would count towards the 100 school day requirement.

Example 3: A parent of a “Home School” student who is interested in becoming an “Opt-In” student to be eligible for an Education Savings Account must also meet the 100 consecutive school days requirement. The student must have enrolled in a class at a public/charter school as authorized by their school district for the 100 school days immediately prior to applying for an ESA. As noted, this student would not qualify for an ESA if he/she only participates in an after school or “extracurricular” activity.

NOTE: An “Opt-In” student is also required to take any examinations in mathematics and English language arts as required by NRS 389, or approved Norm-referenced achievement examinations in mathematics and English language arts each school year.

During the first open enrollment period (January 4th – February 29th, 2016) the STO will make a onetime exception to the policy outlined above:

- 1. The student must have been enrolled in a Nevada public/charter school for at least 100 consecutive school days anytime during the 2014-2015 school year;**

OR

- 2. The student must have participated in a class/classes provided by Nevada public/charter school pursuant to NRS 392.070(3) for at least 100 consecutive school days anytime during the 2014-2015 school year.**

A final timeline for when individual ESA accounts will be funded has not been established, however the STO will begin to accept and process applications starting on January 4, 2016.

The State Treasurer is planning to conduct a workshop in July and public hearings in August 2015; and, thereafter to adopt temporary regulations.

Parents and school administrators who continue to have questions pertaining to the implementation of Nevada's Education Savings account program should contact the STO office at 702-486-5101 or NevadaSchoolChoice@NevadaTreasurer.gov.

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