

SENATE BILL NO. 213—SENATOR O’CONNELL

FEBRUARY 18, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for certain public services for children in private schools, charter schools and home schools. (BDR 34-37)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the boards of trustees of school districts to provide certain services under certain circumstances to children in private schools, charter schools and home schools; revising provisions governing the computation of basic support to include children in private schools, charter schools and home schools who are enrolled in classes in public schools; requiring the board of trustees of school districts to provide certain programs of special education and related services to children who receive instruction at home; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 386.560 is hereby amended to read as follows:  
2     386.560   1. A charter school may contract with the board of trustees  
3     of the school district in which the charter school is located to perform any  
4     service relating to the operation of the charter school, including, without  
5     limitation, transportation and the provision of health services for the pupils  
6     who are enrolled in the charter school.  
7     2. A charter school may use any public facility located within the  
8     school district in which the charter school is located. A charter school may  
9     use school buildings owned by the school district only upon approval of the  
10    board of trustees of the school district and during times that are not regular  
11    school hours.  
12    3. *Upon the request of a parent or legal guardian of a child who is*  
13    *enrolled in a charter school, the board of trustees of the school district in*  
14    *which the charter school is located shall authorize the child to participate*

1 *in a class or extracurricular activity at a public school within the school*  
2 *district if:*

3 *(a) Space for the child in the class or extracurricular activity is*  
4 *available; and*

5 *(b) The parent or legal guardian demonstrates to the satisfaction of*  
6 *the board of trustees that the child is qualified to participate in the class*  
7 *or extracurricular activity.*

8 *If the board of trustees of a school district authorizes a child to*  
9 *participate in a class or extracurricular activity pursuant to this*  
10 *subsection, the board of trustees is not required to provide transportation*  
11 *for the child to attend the class or activity.*

12 *4. The board of trustees of a school district may revoke its approval*  
13 *for a pupil to participate in a class or extracurricular activity at a public*  
14 *school pursuant to subsection 3 if the board of trustees or the public*  
15 *school determines that the pupil has failed to comply with applicable*  
16 *statutes, or applicable rules and regulations of the board of trustees, the*  
17 *public school or an association for interscholastic activities. If the board*  
18 *of trustees so revokes its approval, neither the board of trustees nor the*  
19 *public school are liable for any damages relating to the denial of services*  
20 *to the pupil.*

21 **Sec. 2.** NRS 387.123 is hereby amended to read as follows:

22 387.123 1. The count of pupils for apportionment purposes includes  
23 all pupils who are enrolled in programs of instruction of the school district  
24 or pupils who reside in the county in which the school district is located  
25 and are enrolled in any charter school for:

26 (a) Pupils in the kindergarten department.

27 (b) Pupils in grades 1 to 12, inclusive.

28 (c) Pupils not included under paragraph (a) or (b) who are receiving  
29 special education pursuant to the provisions of NRS 388.440 to 388.520,  
30 inclusive.

31 (d) Children detained in detention homes, alternative programs and  
32 juvenile forestry camps receiving instruction pursuant to the provisions of  
33 NRS 388.550, 388.560 and 388.570.

34 (e) *Pupils who are enrolled in classes pursuant to subsection 3 of NRS*  
35 *386.560.*

36 (f) *Pupils who are enrolled in classes pursuant to subsection 3 of NRS*  
37 *392.070.*

38 (g) Part-time pupils enrolled in classes and taking courses necessary to  
39 receive a high school diploma ~~+~~, *excluding those pupils who are*  
40 *included in paragraphs (e) and (f).*

41 2. The state board shall establish uniform regulations for counting  
42 enrollment and calculating the average daily attendance of pupils. In  
43 establishing such regulations for the public schools, the state board:

1 (a) Shall divide the school year into 10 school months, each containing  
2 20 or fewer school days.

3 (b) May divide the pupils in grades 1 to 12, inclusive, into categories  
4 composed respectively of those enrolled in elementary schools and those  
5 enrolled in secondary schools.

6 (c) Shall prohibit the counting of any pupil specified in subsection 1  
7 more than once.

8 3. Except as otherwise provided in subsection 4 and NRS 388.700, the  
9 state board shall establish by regulation the maximum pupil-teacher ratio in  
10 each grade, and for each subject matter wherever different subjects are  
11 taught in separate classes, for each school district of this state which is  
12 consistent with:

13 (a) The maintenance of an acceptable standard of instruction;

14 (b) The conditions prevailing in the school district with respect to the  
15 number and distribution of pupils in each grade; and

16 (c) Methods of instruction used, which may include educational  
17 television, team teaching or new teaching systems or techniques.

18 If the superintendent of public instruction finds that any school district is  
19 maintaining one or more classes whose pupil-teacher ratio exceeds the  
20 applicable maximum, and unless he finds that the board of trustees of the  
21 school district has made every reasonable effort in good faith to comply  
22 with the applicable standard, he shall, with the approval of the state board,  
23 reduce the count of pupils for apportionment purposes by the percentage  
24 which the number of pupils attending those classes is of the total number of  
25 pupils in the district, and the state board may direct him to withhold the  
26 quarterly apportionment entirely.

27 4. A charter school is not required to comply with the pupil-teacher  
28 ratio prescribed by the state board pursuant to subsection 3.

29 **Sec. 3.** NRS 387.1233 is hereby amended to read as follows:

30 387.1233 1. Except as otherwise provided in subsection 2, basic  
31 support of each school district must be computed by:

32 (a) Multiplying the basic support guarantee per pupil established for that  
33 school district for that school year by the sum of:

34 (1) Six-tenths the count of pupils enrolled in the kindergarten  
35 department on the last day of the first school month of the school year,  
36 including, without limitation, the count of pupils who reside in the county  
37 and are enrolled in any charter school.

38 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the  
39 last day of the first school month of the school year, including, without  
40 limitation, the count of pupils who reside in the county and are enrolled in  
41 any charter school.

42 (3) The count of pupils not included under subparagraph (1) or (2)  
43 who are receiving special education pursuant to the provisions of NRS

1 388.440 to 388.520, inclusive, on the last day of the first school month of  
2 the school year, excluding the count of pupils who have not attained the age  
3 of 5 years and who are receiving special education pursuant to subsection 1  
4 of NRS 388.490 on that day.

5 (4) Six-tenths the count of pupils who have not attained the age of 5  
6 years and who are receiving special education pursuant to subsection 1 of  
7 NRS 388.490 on the last day of the first school month of the school year.

8 (5) The count of children detained in detention homes, alternative  
9 programs and juvenile forestry camps receiving instruction pursuant to the  
10 provisions of NRS 388.550, 388.560 and 388.570 on the last day of the  
11 first school month of the school year.

12 *(6) The count of pupils who are enrolled in classes for at least one*  
13 *semester pursuant to subsection 3 of NRS 386.560 or subsection 3 of*  
14 *NRS 392.070, expressed as a percentage of the total time services are*  
15 *provided to those pupils per school day in proportion to the total time*  
16 *services are provided during a school day to pupils who are counted*  
17 *pursuant to subparagraph (2).*

18 (b) Multiplying the number of special education program units  
19 maintained and operated by the amount per program established for that  
20 school year.

21 (c) Adding the amounts computed in paragraphs (a) and (b).

22 2. If the enrollment of pupils on the last day of the first school month  
23 of the school year in a school district or a charter school is less than the  
24 enrollment of pupils in the same school district or charter school on the last  
25 day of the first school month for the immediately preceding school year, the  
26 larger number must be used for purposes of apportioning money from the  
27 state distributive school account to that school district or charter school  
28 pursuant to NRS 387.124.

29 3. Pupils who are excused from attendance at examinations or have  
30 completed their work in accordance with the rules of the board of trustees  
31 must be credited with attendance during that period.

32 4. Pupils who are incarcerated in a facility or institution operated by  
33 the department of prisons must not be counted for the purpose of  
34 computing basic support pursuant to this section. The average daily  
35 attendance for such pupils must be reported to the department of education.

36 5. Part-time pupils who are enrolled in courses which are approved by  
37 the department as meeting the requirements for an adult to earn a high  
38 school diploma must not be counted for the purpose of computing basic  
39 support pursuant to this section. The average daily attendance for such  
40 pupils must be reported to the department.

41 **Sec. 4.** NRS 387.1243 is hereby amended to read as follows:

42 387.1243 1. The first apportionment based on an estimated number  
43 of pupils and special education program units and succeeding

1 apportionments are subject to adjustment from time to time as the need  
2 therefor may appear.

3 2. The apportionments to a school district may be adjusted during a  
4 fiscal year by the department of education, upon approval by the board of  
5 examiners and the interim finance committee, if the department of taxation  
6 and the county assessor in the county in which the school district is located  
7 certify to the department of education that the school district will not  
8 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property  
9 of the Federal Government located within the county if:

10 (a) The leasehold interest, possessory interest, beneficial interest or  
11 beneficial use of the property is subject to taxation pursuant to NRS  
12 361.157 and 361.159 and one or more lessees or users of the property are  
13 delinquent in paying the tax; and

14 (b) The total amount of tax owed but not paid for the fiscal year by any  
15 such lessees and users is at least 5 percent of the proceeds that the school  
16 district would have received from the tax levied pursuant to subsection 1 of  
17 NRS 387.195.

18 If a lessee or user pays the tax owed after the school district's  
19 apportionment has been increased in accordance with the provisions of this  
20 subsection to compensate for the tax owed, the school district shall repay to  
21 the distributive school account in the state general fund an amount equal to  
22 the tax received from the lessee or user for the year in which the school  
23 district received an increased apportionment, not to exceed the increase in  
24 apportionments made to the school district pursuant to this subsection.

25 3. *On or before August 1 of each year, the board of trustees of a*  
26 *school district shall provide to the department, in a format prescribed by*  
27 *the department, the count of pupils calculated pursuant to subparagraph*  
28 *(6) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at*  
29 *least one semester during the immediately preceding school year. The*  
30 *count of pupils submitted to the department must be included in the final*  
31 *adjustment computed pursuant to subsection 4.*

32 4. A final adjustment must be computed as soon as practicable  
33 following the close of the school year, but not later than August 25. The  
34 final computation must be based upon the actual counts of pupils required  
35 to be made for the computation of basic support and the limits upon the  
36 support of special education programs, except that for any year when the  
37 total enrollment of pupils and children described in paragraphs (a), (b), (c)  
38 and (d) of subsection 1 of NRS 387.123 is greater on the last day of any  
39 school month after the second school month and the increase in enrollment  
40 shows at least:

41 (a) A 3 percent gain, basic support as computed from first month  
42 enrollment must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment must be increased by an additional 2 percent.

~~[4.]~~ **5.** If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

**Sec. 5.** NRS 392.035 is hereby amended to read as follows:

392.035 1. In determining the mobility of pupils in a school, for any purpose, the department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a), (b), ~~and~~ (c), *(e) and (f)* of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

**Sec. 6.** NRS 392.070 is hereby amended to read as follows:

392.070 **1.** Attendance required by the provisions of NRS 392.040 ~~{shall}~~ **must** be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board . ~~{of education.}~~

**2.** *The board of trustees of each school district shall provide programs of special education and related services for children who are exempt from compulsory attendance pursuant to subsection 1 and receive instruction at home. The programs of special education and related services required by this section must be made:*

*(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;*

1     ***(b) In the same manner that the board of trustees provides, as***  
2     ***required by 20 U.S.C. § 1412, for the participation of pupils with***  
3     ***disabilities who are enrolled in private schools within the school district***  
4     ***voluntarily by their parents or legal guardians; and***

5     ***(c) In accordance with the same requirements set forth in 20 U.S.C. §***  
6     ***1412 which relate to the participation of pupils with disabilities who are***  
7     ***enrolled in private schools within the school district voluntarily by their***  
8     ***parents or legal guardians.***

9     ***3. Except as otherwise provided in subsection 2 for programs of***  
10    ***special education and related services, upon the request of a parent or***  
11    ***legal guardian of a child who is enrolled in a private school or who***  
12    ***receives instruction at home, the board of trustees of the school district in***  
13    ***which the child resides shall authorize the child to participate in a class***  
14    ***or extracurricular activity at a public school within the school district if:***

15    ***(a) Space for the child in the class or extracurricular activity is***  
16    ***available; and***

17    ***(b) The parent or legal guardian demonstrates to the satisfaction of***  
18    ***the board of trustees that the child is qualified to participate in the class***  
19    ***or extracurricular activity.***

20    ***If the board of trustees of a school district authorizes a child to***  
21    ***participate in a class or extracurricular activity pursuant to this***  
22    ***subsection, the board of trustees is not required to provide transportation***  
23    ***for the child to attend the class or activity.***

24    ***4. The board of trustees of a school district may revoke its approval***  
25    ***for a pupil to participate in a class or extracurricular activity at a public***  
26    ***school pursuant to subsection 3 if the board of trustees or the public***  
27    ***school determines that the pupil has failed to comply with applicable***  
28    ***statutes, or applicable rules and regulations of the board of trustees, the***  
29    ***public school or an association for interscholastic activities. If the board***  
30    ***of trustees revokes its approval, neither the board of trustees nor the***  
31    ***public school are liable for any damages relating to the denial of services***  
32    ***to the pupil.***

33    ***5. The programs of special education and related services required***  
34    ***by subsection 2 may be offered at a public school or another location that***  
35    ***is appropriate.***

36    ***6. The department may adopt such regulations as are necessary for***  
37    ***the boards of trustees of school districts to provide the programs of***  
38    ***special education and related services required by subsection 2.***

39    ***7. As used in this section, "related services" has the meaning***  
40    ***ascribed to it in 20 U.S.C. § 1401(22).***

41    **Sec. 7.** NRS 392.466 is hereby amended to read as follows:

42    392.466   1. Except as otherwise provided in this section, any pupil  
43    who commits a battery which results in the bodily injury of an employee of

1 the school, sells or distributes any controlled substance or is found in  
2 possession of a dangerous weapon, while on the premises of any public  
3 school, at an activity sponsored by a public school or on any school bus  
4 must, for the first occurrence, be suspended or expelled from that school,  
5 although he may be placed in another kind of school, for at least a period  
6 equal to one semester for that school. For a second occurrence, the pupil  
7 must:

8 (a) Be permanently expelled from that school; and

9 (b) Receive equivalent instruction authorized by the state board pursuant  
10 to **subsection 1 of** NRS 392.070.

11 2. Except as otherwise provided in this section, any pupil who is found  
12 in possession of a firearm while on the premises of any public school, at an  
13 activity sponsored by a public school or on any school bus must, for the  
14 first occurrence, be expelled from the school for a period of not less than 1  
15 year, although he may be placed in another kind of school for a period not  
16 to exceed the period of the expulsion. For a second occurrence, the pupil  
17 must:

18 (a) Be permanently expelled from the school; and

19 (b) Receive equivalent instruction authorized by the state board pursuant  
20 to **subsection 1 of** NRS 392.070.

21 The superintendent of schools of a school district may, in a particular case  
22 in that school district, allow an exception to the expulsion requirement of  
23 this subsection.

24 3. Except as otherwise provided in this section, any pupil who is a  
25 habitual disciplinary problem as set forth in NRS 392.4655 must be  
26 suspended or expelled from the school for a period equal to at least one  
27 semester for that school. For the period of his suspension or expulsion, the  
28 pupil must receive equivalent instruction authorized by the state board  
29 pursuant to **subsection 1 of** NRS 392.070.

30 4. This section does not prohibit a pupil from having in his possession  
31 a knife or firearm with the approval of the principal of the school. A  
32 principal may grant such approval only in accordance with the policies or  
33 regulations adopted by the board of trustees of the school district.

34 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been  
35 found to have possessed a firearm in violation of subsection 2, may be  
36 suspended from school or permanently expelled from school pursuant to  
37 this section only after the board of trustees of the school district has  
38 reviewed the circumstances and approved this action in accordance with the  
39 procedural policy adopted by the board for such issues.

40 6. A pupil who is participating in a program of special education  
41 pursuant to NRS 388.520, other than a pupil who is gifted and talented,  
42 may, in accordance with the procedural policy adopted by the board of

43 trustees of the school district for such matters, be:

1 (a) Suspended from school pursuant to this section for not more than 10  
2 days. Such a suspension may be imposed pursuant to this paragraph for  
3 each occurrence of conduct proscribed by subsection 1.

4 (b) Suspended from school for more than 10 days or permanently  
5 expelled from school pursuant to this section only after the board of  
6 trustees of the school district has reviewed the circumstances and  
7 determined that the action is in compliance with the Individuals with  
8 Disabilities Education Act, ~~42~~ 20 U.S.C. §§ 1400 et seq. ~~D-I~~

9 7. As used in this section:

10 (a) "Battery" has the meaning ascribed to it in paragraph (a) of  
11 subsection 1 of NRS 200.481.

12 (b) "Dangerous weapon" includes, without limitation, a blackjack, slung  
13 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,  
14 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or  
15 any other knife described in NRS 202.350, or any other object which is  
16 used, or threatened to be used, in such a manner and under such  
17 circumstances as to pose a threat of, or cause, bodily injury to a person.

18 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,  
19 explosive substance or device, and any other item included within the  
20 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July  
21 1, 1995.

22 **Sec. 8.** NRS 394.103 is hereby amended to read as follows:

23 394.103 "Private schools" means private elementary and secondary  
24 educational institutions. The term does not include a home in which  
25 instruction is provided to a child *who is* excused from compulsory  
26 attendance pursuant to *subsection 1 of* NRS 392.070.

27 **Sec. 9.** NRS 483.270 is hereby amended to read as follows:

28 483.270 1. The department may issue a restricted license to any pupil  
29 between the ages of 14 and 18 years who is attending:

30 (a) A public school in a school district in this state in a county whose  
31 population is less than 35,000 or in a city or town whose population is less  
32 than 25,000 when transportation to and from school is not provided by the  
33 board of trustees of the school district, if the pupil meets the requirements  
34 for eligibility adopted by the department pursuant to subsection 5; or

35 (b) A private school meeting the requirements for approval ~~under~~ *by*  
36 *the state board of education pursuant to subsection 1 of* NRS 392.070  
37 when transportation to and from school is not provided by the private  
38 school,  
39 and it is impossible or impracticable to furnish such pupil with private  
40 transportation to and from school.

41 2. An application for the issuance of a restricted license under this  
42 section must:

43 (a) Be made upon a form provided by the department.

1 (b) Be signed and verified as provided in NRS 483.300.

2 (c) Contain such other information as may be required by the  
3 department.

4 3. Any restricted license issued pursuant to this section:

5 (a) Is effective only for the school year during which it is issued or for a  
6 more restricted period.

7 (b) Authorizes the licensee to drive a motor vehicle on a street or  
8 highway only while going to and from school, and at a speed not in excess  
9 of the speed limit set by law for school buses.

10 (c) May contain such other restrictions as the department may deem  
11 necessary and proper.

12 (d) May authorize the licensee to transport as passengers in a motor  
13 vehicle driven by him, only while he is going to and from school, members  
14 of his immediate family, or other minor persons upon written consent of the  
15 parents or guardians of such minors, but in no event may the number of  
16 passengers so transported at any time exceed the number of passengers for  
17 which the vehicle was designed.

18 4. No restricted license may be issued under the provisions of this  
19 section until the department is satisfied fully as to the applicant's  
20 competency and fitness to drive a motor vehicle.

21 5. The department shall adopt regulations that set forth the  
22 requirements for eligibility of a pupil to receive a restricted license  
23 pursuant to paragraph (a) of subsection 1.

24 **Sec. 10.** This act becomes effective on July 1, 1999.