

ASSEMBLY BILL NO. 127—ASSEMBLYMEN VON TOBEL, CEGAVSKE,  
COLLINS, GUSTAVSON, HETTRICK, NOLAN AND TIFFANY

FEBRUARY 13, 2001

JOINT SPONSOR: SENATOR PORTER

Referred to Committee on Education

SUMMARY—Authorizes school districts and charter schools to provide programs of distance education for pupils at risk of dropping out of high school. (BDR 34-461)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to education; authorizing school districts and charter schools to provide programs of distance education for pupils at risk of dropping out of high school; providing for the submission of applications to the state board of education to provide programs of distance education; requiring the state board of education to adopt regulations prescribing the requirements of programs of distance education; revising provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; 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 386.550 is hereby amended to read as follows:  
2     386.550 A charter school shall:  
3     1. Comply with all laws and regulations relating to discrimination and  
4     civil rights.  
5     2. Remain nonsectarian, including, without limitation, in its  
6     educational programs, policies for admission and employment practices.  
7     3. Refrain from charging tuition or fees, levying taxes or issuing  
8     bonds.  
9     4. Comply with any plan for desegregation ordered by a court that is in  
10    effect in the school district in which the charter school is located.  
11    5. Comply with the provisions of chapter 241 of NRS.  
12    6. Except as otherwise provided in this subsection, schedule and  
13    provide annually at least as many days of instruction as are required of



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- 1 other public schools located in the same school district as the charter  
2 school is located. The governing body of a charter school may submit a  
3 written request to the superintendent of public instruction for a waiver from  
4 providing the days of instruction required by this subsection. The  
5 superintendent of public instruction may grant such a request if the  
6 governing body demonstrates to the satisfaction of the superintendent that:
- 7 (a) Extenuating circumstances exist to justify the waiver; and
  - 8 (b) The charter school will provide at least as many hours or minutes of  
9 instruction as would be provided under a program consisting of 180 days.
- 10 7. Cooperate with the board of trustees of the school district in the  
11 administration of the achievement and proficiency examinations  
12 administered pursuant to NRS 389.015 and the examinations required  
13 pursuant to NRS 389.550 to the pupils who are enrolled in the charter  
14 school.
- 15 8. Comply with applicable statutes and regulations governing the  
16 achievement and proficiency of pupils in this state.
- 17 9. Provide instruction in the core academic subjects set forth in  
18 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils  
19 who are enrolled in the charter school, and provide at least the courses of  
20 instruction that are required of pupils by statute or regulation for promotion  
21 to the next grade or graduation from a public high school and require the  
22 pupils who are enrolled in the charter school to take those courses of study.  
23 This subsection does not preclude a charter school from offering, or  
24 requiring the pupils who are enrolled in the charter school to take, other  
25 courses of study that are required by statute or regulation.
- 26 10. Refrain from using public money to purchase real property or  
27 buildings without the approval of the sponsor.
- 28 11. Hold harmless, indemnify and defend the sponsor of the charter  
29 school against any claim or liability arising from an act or omission by the  
30 governing body of the charter school or an employee or officer of the  
31 charter school. An action at law may not be maintained against the sponsor  
32 of a charter school for any cause of action for which the charter school has  
33 obtained liability insurance.
- 34 12. Provide written notice to the parents or legal guardians of pupils in  
35 grades 9 to 12, inclusive, who are enrolled in the charter school of whether  
36 the charter school is accredited by the Commission on Schools of the  
37 Northwest Association of Schools and Colleges.
- 38 13. Adopt a final budget in accordance with the regulations adopted by  
39 the department. A charter school is not required to adopt a final budget  
40 pursuant to NRS 354.598 or otherwise comply with the provisions of  
41 chapter 354 of NRS.
- 42 *14. If the charter school provides a program of distance education*  
43 *pursuant to sections 10 to 21, inclusive, of this act, comply with all*  
44 *statutes and regulations that are applicable to a program of distance*  
45 *education for purposes of the operation of the program, regardless of*  
46 *whether those statutes and regulations impose additional requirements*  
47 *upon the charter school.*



1     **Sec. 2.** NRS 386.560 is hereby amended to read as follows:

2     386.560 1. The governing body of a charter school may contract with  
3     the board of trustees of the school district in which the charter school is  
4     located or the University and Community College System of Nevada for  
5     the provision of facilities to operate the charter school or to perform any  
6     service relating to the operation of the charter school, including, without  
7     limitation, transportation and the provision of health services for the pupils  
8     who are enrolled in the charter school.

9     2. A charter school may use any public facility located within the  
10    school district in which the charter school is located. A charter school may  
11    use school buildings owned by the school district only upon approval of the  
12    board of trustees of the school district and during times that are not regular  
13    school hours.

14    3. The board of trustees of a school district may donate surplus  
15    personal property of the school district to a charter school that is located  
16    within the school district.

17    4. ~~Upon~~ *Except as otherwise provided in this subsection, upon* the  
18    request of a parent or legal guardian of a pupil who is enrolled in a charter  
19    school, the board of trustees of the school district in which the charter  
20    school is located shall authorize the pupil to participate in a class that is not  
21    available to the pupil at the charter school or participate in an  
22    extracurricular activity, excluding sports, at a public school within the  
23    school district if:

24    (a) Space for the pupil in the class or extracurricular activity is  
25    available; and

26    (b) The parent or legal guardian demonstrates to the satisfaction of the  
27    board of trustees that the pupil is qualified to participate in the class or  
28    extracurricular activity.

29    If the board of trustees of a school district authorizes a pupil to participate  
30    in a class or extracurricular activity, excluding sports, pursuant to this  
31    subsection, the board of trustees is not required to provide transportation  
32    for the pupil to attend the class or activity. *The provisions of this*  
33    *subsection do not apply to a pupil who is enrolled in a charter school and*  
34    *who desires to participate on a part-time basis in a program of distance*  
35    *education provided by the board of trustees of a school district pursuant*  
36    *to section 18 of this act.*

37    5. Upon the request of a parent or legal guardian of a pupil who is  
38    enrolled in a charter school, the board of trustees of the school district in  
39    which the charter school is located shall authorize the pupil to participate in  
40    sports at the public school that he would otherwise be required to attend  
41    within the school district, or upon approval of the board of trustees, any  
42    public school within the same zone of attendance as the charter school if:

43    (a) Space is available for the pupil to participate; and

44    (b) The parent or legal guardian demonstrates to the satisfaction of the  
45    board of trustees that the pupil is qualified to participate.

46    If the board of trustees of a school district authorizes a pupil to participate  
47    in sports pursuant to this subsection, the board of trustees is not required to  
48    provide transportation for the pupil to participate.



1       6. The board of trustees of a school district may revoke its approval for  
2 a pupil to participate in a class, extracurricular activity or sports at a public  
3 school pursuant to subsections 4 and 5 if the board of trustees or the public  
4 school determines that the pupil has failed to comply with applicable  
5 statutes, or applicable rules and regulations of the board of trustees, the  
6 public school or an association for interscholastic activities. If the board of  
7 trustees so revokes its approval, neither the board of trustees nor the public  
8 school are liable for any damages relating to the denial of services to the  
9 pupil.

10       **Sec. 3.** NRS 386.570 is hereby amended to read as follows:

11       386.570 1. Each pupil who is enrolled in a charter school, including,  
12 without limitation, a pupil who is enrolled in a program of special  
13 education in a charter school, must be included in the count of pupils in the  
14 school district for the purposes of apportionments and allowances from the  
15 state distributive school account pursuant to NRS 387.121 to 387.126,  
16 inclusive, unless the pupil is exempt from compulsory attendance pursuant  
17 to NRS 392.070. A charter school is entitled to receive its proportionate  
18 share of any other money available from federal, state or local sources that  
19 the school or the pupils who are enrolled in the school are eligible to  
20 receive.

21       2. The governing body of a charter school may negotiate with the  
22 board of trustees of the school district and the state board for additional  
23 money to pay for services which the governing body wishes to offer.

24       3. To determine the amount of money for distribution to a charter  
25 school in its first year of operation, the count of pupils who are enrolled in  
26 the charter school must initially be determined 30 days before the  
27 beginning of the school year of the school district, based on the number of  
28 pupils whose applications for enrollment have been approved by the  
29 charter school. The count of pupils who are enrolled in the charter school  
30 must be revised on the last day of the first school month of the school  
31 district in which the charter school is located for the school year, based on  
32 the actual number of pupils who are enrolled in the charter school.  
33 Pursuant to subsection ~~4~~ 5 of NRS 387.124, the governing body of a  
34 charter school may request that the apportionments made to the charter  
35 school in its first year of operation be paid to the charter school 30 days  
36 before the apportionments are otherwise required to be made.

37       4. The governing body of a charter school may solicit and accept  
38 donations, money, grants, property, loans, personal services or other  
39 assistance for purposes relating to education from members of the general  
40 public, corporations or agencies. The governing body may comply with  
41 applicable federal laws and regulations governing the provision of federal  
42 grants for charter schools.

43       5. If a charter school uses money received from this state to purchase  
44 real property, buildings, equipment or facilities, the governing body of the  
45 charter school shall assign a security interest in the property, buildings,  
46 equipment and facilities to the State of Nevada.

47       **Sec. 4.** NRS 387.123 is hereby amended to read as follows:

48       387.123 1. The count of pupils for apportionment purposes includes  
49 all pupils who are enrolled in programs of instruction of the school district ,



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- 1 *including, without limitation, a program of distance education provided*  
2 *by the school district,* or pupils who reside in the county in which the  
3 school district is located and are enrolled in any charter school , *including,*  
4 *without limitation, a program of distance education provided by a charter*  
5 *school,* for:
- 6 (a) Pupils in the kindergarten department.  
7 (b) Pupils in grades 1 to 12, inclusive.  
8 (c) Pupils not included under paragraph (a) or (b) who are receiving  
9 special education pursuant to the provisions of NRS 388.440 to 388.520,  
10 inclusive.  
11 (d) *Pupils not included under paragraph (a) or (b) who reside in the*  
12 *county and are enrolled full time in a program of distance education*  
13 *provided by another school district if an agreement is filed with the*  
14 *superintendent of public instruction pursuant to section 18 of this act.*  
15 (e) *Pupils not included under paragraph (a) or (b) who reside in the*  
16 *county and are enrolled part time in a program of distance education if*  
17 *an agreement is filed with the superintendent of public instruction*  
18 *pursuant to section 18 or 19 of this act, as applicable.*  
19 (f) Children detained in detention homes, alternative programs and  
20 juvenile forestry camps receiving instruction pursuant to the provisions of  
21 NRS 388.550, 388.560 and 388.570.  
22 ~~(e)~~ (g) Pupils who are enrolled in classes pursuant to subsection 4 of  
23 NRS 386.560.  
24 ~~(f)~~ (h) Pupils who are enrolled in classes pursuant to subsection 3 *or 5*  
25 *of NRS 392.070.*  
26 ~~(g)~~ (i) Part-time pupils enrolled in classes and taking courses  
27 necessary to receive a high school diploma, excluding those pupils who are  
28 included in paragraphs (e) ~~and (f)~~ , (g) and (h).  
29 2. The state board shall establish uniform regulations for counting  
30 enrollment and calculating the average daily attendance of pupils. In  
31 establishing such regulations for the public schools, the state board:  
32 (a) Shall divide the school year into 10 school months, each containing  
33 20 or fewer school days.  
34 (b) May divide the pupils in grades 1 to 12, inclusive, into categories  
35 composed respectively of those enrolled in elementary schools and those  
36 enrolled in secondary schools.  
37 (c) Shall prohibit the counting of any pupil specified in subsection 1  
38 more than once.  
39 3. Except as otherwise provided in subsection 4 and NRS 388.700, the  
40 state board shall establish by regulation the maximum pupil-teacher ratio in  
41 each grade, and for each subject matter wherever different subjects are  
42 taught in separate classes, for each school district of this state which is  
43 consistent with:  
44 (a) The maintenance of an acceptable standard of instruction;  
45 (b) The conditions prevailing in the school district with respect to the  
46 number and distribution of pupils in each grade; and  
47 (c) Methods of instruction used, which may include educational  
48 television, team teaching or new teaching systems or techniques.



1 If the superintendent of public instruction finds that any school district is  
2 maintaining one or more classes whose pupil-teacher ratio exceeds the  
3 applicable maximum, and unless he finds that the board of trustees of the  
4 school district has made every reasonable effort in good faith to comply  
5 with the applicable standard, he shall, with the approval of the state board,  
6 reduce the count of pupils for apportionment purposes by the percentage  
7 which the number of pupils attending those classes is of the total number of  
8 pupils in the district, and the state board may direct him to withhold the  
9 quarterly apportionment entirely.

10 4. ~~1A) The provisions of subsection 3 do not apply to a~~ charter school  
11 ~~is not required to comply with the pupil teacher ratio prescribed by the~~  
12 ~~state board pursuant to subsection 3-1 or a program of distance education~~  
13 ~~provided pursuant to sections 10 to 21, inclusive, of this act.~~

14 Sec. 5. NRS 387.1233 is hereby amended to read as follows:

15 387.1233 1. Except as otherwise provided in subsection 2, basic  
16 support of each school district must be computed by:

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

19 (1) Six-tenths the count of pupils enrolled in the kindergarten  
20 department on the last day of the first school month of the school district  
21 for the school year, including, without limitation, the count of pupils who  
22 reside in the county and are enrolled in any charter school on the last day  
23 of the first school month of the school district for the school year.

24 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the  
25 last day of the first school month of the school district for the school year,  
26 including, without limitation, the count of pupils who reside in the county  
27 and are enrolled in any charter school on the last day of the first school  
28 month of the school district for the school year.

29 (3) *The count of pupils not included under subparagraph (1) or (2)*  
30 *who reside in the county and are enrolled:*

31 *(I) Full time or part time in a program of distance education*  
32 *provided by the school district on the last day of the first school month of*  
33 *the school district for the school year.*

34 *(II) Full time in a program of distance education provided by*  
35 *another school district if an agreement is filed with the superintendent of*  
36 *public instruction pursuant to section 18 of this act, on the last day of the*  
37 *first school month of the school district for the school year.*

38 *(III) In a public school of the school district and are*  
39 *concurrently enrolled part time in a program of distance education*  
40 *provided by another school district or a charter school if an agreement is*  
41 *filed with the superintendent of public instruction pursuant to section 18*  
42 *of this act, on the last day of the first school month of the school district*  
43 *for the school year.*

44 *(IV) In a charter school located within the school district and are*  
45 *concurrently enrolled part time in a program of distance education*  
46 *provided by a school district or another charter school if an agreement is*  
47 *filed with the superintendent of public instruction pursuant to section 19*  
48 *of this act, on the last day of the first school month of the school district*  
49 *for the school year.*



1       ~~(4)~~ (4) The count of pupils not included under subparagraph (1), ~~for~~ (2)  
2       or (3) who are receiving special education pursuant to the provisions of  
3       NRS 388.440 to 388.520, inclusive, on the last day of the first school  
4       month of the school district for the school year, excluding the count of  
5       pupils who have not attained the age of 5 years and who are receiving  
6       special education pursuant to subsection 1 of NRS 388.490 on that day.  
7       ~~(4)~~ (5) Six-tenths the count of pupils who have not attained the age  
8       of 5 years and who are receiving special education pursuant to subsection 1  
9       of NRS 388.490 on the last day of the first school month of the school  
10      district for the school year.  
11      ~~(5)~~ (6) The count of children detained in detention homes,  
12      alternative programs and juvenile forestry camps receiving instruction  
13      pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the  
14      last day of the first school month of the school district for the school year.  
15      ~~(6)~~ (7) The count of pupils who are enrolled in classes for at least  
16      one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 or 5  
17      of NRS 392.070, expressed as a percentage of the total time services are  
18      provided to those pupils per school day in proportion to the total time  
19      services are provided during a school day to pupils who are counted  
20      pursuant to subparagraph (2).  
21      (b) Multiplying the number of special education program units  
22      maintained and operated by the amount per program established for that  
23      school year.  
24      (c) Adding the amounts computed in paragraphs (a) and (b).  
25      2. If the enrollment of pupils in a school district or a charter school  
26      that is located within the school district on the last day of the first school  
27      month of the school district for the school year is less than the enrollment  
28      of pupils in the same school district or charter school on the last day of the  
29      first school month of the school district for the immediately preceding  
30      school year, the larger number must be used for purposes of apportioning  
31      money from the state distributive school account to that school district or  
32      charter school pursuant to NRS 387.124.  
33      3. Pupils who are excused from attendance at examinations or have  
34      completed their work in accordance with the rules of the board of trustees  
35      must be credited with attendance during that period.  
36      4. Pupils who are incarcerated in a facility or institution operated by  
37      the department of prisons must not be counted for the purpose of  
38      computing basic support pursuant to this section. The average daily  
39      attendance for such pupils must be reported to the department . ~~for~~  
40      education.  
41      5. Part-time pupils who are enrolled in courses which are approved by  
42      the department as meeting the requirements for an adult to earn a high  
43      school diploma must not be counted for the purpose of computing basic  
44      support pursuant to this section. The average daily attendance for such  
45      pupils must be reported to the department.  
46      **Sec. 6.** NRS 387.124 is hereby amended to read as follows:  
47      387.124 Except as otherwise provided in *this section and* NRS  
48      387.528:





1 1. On or before August 1, November 1, February 1 and May 1 of each  
2 year, the superintendent of public instruction shall ~~except as otherwise~~  
3 ~~provided in subsections 2 and 3,~~ apportion the state distributive school  
4 account in the state general fund among the several county school districts  
5 and charter schools in amounts approximating one-fourth of their  
6 respective yearly apportionments less any amount set aside as a reserve.  
7 The apportionment to a school district, computed on a yearly basis, equals  
8 the difference between the basic support and the local funds available  
9 pursuant to NRS 387.1235, minus all the funds attributable to pupils who  
10 reside in the county but attend a charter school ~~and all the funds~~  
11 ~~attributable to pupils who reside in the county and are enrolled full time~~  
12 ~~or part time in a program of distance education provided by another~~  
13 ~~school district or a charter school.~~ No apportionment may be made to a  
14 school district if the amount of the local funds exceeds the amount of basic  
15 support. The apportionment to a charter school, computed on a yearly  
16 basis, is equal to the sum of the basic support per pupil in the county in  
17 which the pupil resides plus the amount of local funds available per pupil  
18 pursuant to NRS 387.1235 and all other funds available for public schools  
19 in the county in which the pupil resides ~~minus all the funds attributable~~  
20 ~~to pupils who are enrolled in the charter school but are concurrently~~  
21 ~~enrolled part time in a program of distance education provided by a~~  
22 ~~school district or another charter school.~~ If the apportionment per pupil to  
23 a charter school is more than the amount to be apportioned to the school  
24 district in which a pupil who is enrolled in the charter school resides, the  
25 school district in which the pupil resides shall pay the difference directly to  
26 the charter school.

27 2. *In addition to the apportionments made pursuant to this section,*  
28 *an apportionment must be made to a school district that provides a*  
29 *program of distance education for each pupil enrolled full time in the*  
30 *program who does not reside within the school district that provides the*  
31 *program if an agreement is filed for that pupil pursuant to section 18 of*  
32 *this act. The amount of the apportionment must be equal to the amount*  
33 *per pupil which would have been received pursuant to subsection 1 by:*

34 (a) *The school district in which the pupil resides; or*  
35 (b) *The school district that provides the program of distance education*  
36 *if the pupil resided within that school district,*  
37 *whichever is less. If the amount of the apportionment made pursuant to*  
38 *this subsection for a pupil who is enrolled full time in a program of*  
39 *distance education is less than the amount per pupil which would have*  
40 *been received by the school district in which the pupil resides, the*  
41 *remainder must be paid directly to the school district in which the pupil*  
42 *resides.*

43 3. *In addition to the apportionments made pursuant to this section,*  
44 *an apportionment must be made to a school district or charter school that*  
45 *provides a program of distance education for each pupil who is enrolled*  
46 *part time in the program if an agreement is filed for that pupil pursuant*  
47 *to section 18 or 19 of this act, as applicable. The amount of the*  
48 *apportionment must be equal to the percentage of the total time services*  
49 *are provided to the pupil through the program of distance education per*





1 *school day in proportion to the total time services are provided during a*  
2 *school day to pupils who are counted pursuant to subparagraph (2) of*  
3 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*  
4 *which the pupil resides.*

5 *4. In addition to the apportionments made pursuant to this section,*  
6 *an apportionment must be made to a school district or charter school that*  
7 *provides a program of distance education for each child who is enrolled*  
8 *in a private school or receives instruction at home who participates in a*  
9 *class offered through a program of distance education pursuant to*  
10 *subsection 5 of NRS 392.070. The amount of the apportionment must be*  
11 *equal to the percentage of the total time services are provided to the pupil*  
12 *through the program of distance education per school day in proportion*  
13 *to the total time services are provided during a school day to pupils who*  
14 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection*  
15 *1 of NRS 387.1233 for the school district in which the pupil resides.*

16 *5. The governing body of a charter school may submit a written*  
17 *request to the superintendent of public instruction to receive, in the first*  
18 *year of operation of the charter school, an apportionment 30 days before*  
19 *the apportionment is required to be made pursuant to subsection 1. Upon*  
20 *receipt of such a request, the superintendent of public instruction may*  
21 *make the apportionment 30 days before the apportionment is required to be*  
22 *made. A charter school may receive all four apportionments in advance in*  
23 *its first year of operation.*

24 ~~3-1~~ *6. If the state controller finds that such an action is needed to*  
25 *maintain the balance in the state general fund at a level sufficient to pay the*  
26 *other appropriations from it, he may pay out the apportionments monthly,*  
27 *each approximately one-twelfth of the yearly apportionment less any*  
28 *amount set aside as a reserve. If such action is needed, the state controller*  
29 *shall submit a report to the department of administration and the fiscal*  
30 *analysis division of the legislative counsel bureau documenting reasons for*  
31 *the action.*

32 **Sec. 7.** NRS 387.1243 is hereby amended to read as follows:

33 387.1243 1. The first apportionment based on an estimated number  
34 of pupils and special education program units and succeeding  
35 apportionments are subject to adjustment from time to time as the need  
36 therefor may appear.

37 2. The apportionments to a school district may be adjusted during a  
38 fiscal year by the department of education, upon approval by the board of  
39 examiners and the interim finance committee, if the department of taxation  
40 and the county assessor in the county in which the school district is located  
41 certify to the department of education that the school district will not  
42 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property  
43 of the Federal Government located within the county if:

44 (a) The leasehold interest, possessory interest, beneficial interest or  
45 beneficial use of the property is subject to taxation pursuant to NRS  
46 361.157 and 361.159 and one or more lessees or users of the property are  
47 delinquent in paying the tax; and

48 (b) The total amount of tax owed but not paid for the fiscal year by any  
49 such lessees and users is at least 5 percent of the proceeds that the school



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1 district would have received from the tax levied pursuant to subsection 1 of  
2 NRS 387.195.

3 If a lessee or user pays the tax owed after the school district's  
4 apportionment has been increased in accordance with the provisions of this  
5 subsection to compensate for the tax owed, the school district shall repay to  
6 the distributive school account in the state general fund an amount equal to  
7 the tax received from the lessee or user for the year in which the school  
8 district received an increased apportionment, not to exceed the increase in  
9 apportionments made to the school district pursuant to this subsection.

10 3. On or before August 1 of each year, the board of trustees of a school  
11 district shall provide to the department, in a format prescribed by the  
12 department, the count of pupils calculated pursuant to subparagraph ~~(6)~~  
13 ~~(7)~~ of paragraph (a) of subsection 1 of NRS 387.1233 who completed at  
14 least one semester during the immediately preceding school year. The  
15 count of pupils submitted to the department must be included in the final  
16 adjustment computed pursuant to subsection 4.

17 4. A final adjustment for each school district and charter school must  
18 be computed as soon as practicable following the close of the school year,  
19 but not later than August 25. The final computation must be based upon the  
20 actual counts of pupils required to be made for the computation of basic  
21 support and the limits upon the support of special education programs,  
22 except that for any year when the total enrollment of pupils and children in  
23 a school district or a charter school located within the school district  
24 described in paragraphs (a) ~~1, (b), (c) and (d)~~ to (f), inclusive, of  
25 subsection 1 of NRS 387.123 is greater on the last day of any school month  
26 of the school district after the second school month of the school district  
27 and the increase in enrollment shows at least:

28 (a) A 3-percent gain, basic support as computed from first month  
29 enrollment for the school district or charter school must be increased by 2  
30 percent.

31 (b) A 6-percent gain, basic support as computed from first month  
32 enrollment for the school district or charter school must be increased by an  
33 additional 2 percent.

34 5. If the final computation of apportionment for any school district or  
35 charter school exceeds the actual amount paid to the school district or  
36 charter school during the school year, the additional amount due must be  
37 paid before September 1. If the final computation of apportionment for any  
38 school district or charter school is less than the actual amount paid to the  
39 school district or charter school during the school year, the difference must  
40 be repaid to the state distributive school account in the state general fund  
41 by the school district or charter school before September 25.

42 **Sec. 8.** NRS 387.185 is hereby amended to read as follows:

43 387.185 1. Except as otherwise provided in subsection 2 and NRS  
44 387.528, all school money due each county school district must be paid  
45 over by the state treasurer to the county treasurer on August 1,  
46 November 1, February 1 and May 1 of each year or as soon thereafter as  
47 the county treasurer may apply for it, upon the warrant of the state  
48 controller drawn in conformity with the apportionment of the  
49 superintendent of public instruction as provided in NRS 387.124.



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1 2. Except as otherwise provided in NRS 387.528, if the board of  
2 trustees of a school district establishes and administers a separate account  
3 pursuant to the provisions of NRS 354.603, all school money due that  
4 school district must be paid over by the state treasurer to the school district  
5 on August 1, November 1, February 1 and May 1 of each year or as soon  
6 thereafter as the school district may apply for it, upon the warrant of the  
7 state controller drawn in conformity with the apportionment of the  
8 superintendent of public instruction as provided in NRS 387.124.

9 3. No county school district may receive any portion of the public  
10 school money unless that school district has complied with the provisions  
11 of this Title and regulations adopted pursuant thereto.

12 4. Except as otherwise provided in this subsection, all school money  
13 due each charter school must be paid over by the state treasurer to the  
14 governing body of the charter school on August 1, November 1, February 1  
15 and May 1 of each year or as soon thereafter as the governing body may  
16 apply for it, upon the warrant of the state controller drawn in conformity  
17 with the apportionment of the superintendent of public instruction as  
18 provided in NRS 387.124. If the superintendent of public instruction has  
19 approved, pursuant to subsection ~~4~~ 5 of NRS 387.124, a request for  
20 payment of an apportionment 30 days before the apportionment is  
21 otherwise required to be made, the money due to the charter school must be  
22 paid by the state treasurer to the governing body of the charter school on  
23 July 1, October 1, January 1 or April 1, as applicable.

24 **Sec. 9.** Chapter 388 of NRS is hereby amended by adding thereto the  
25 provisions set forth as sections 10 to 21, inclusive, of this act.

26 **Sec. 10.** *As used in sections 10 to 21, inclusive, of this act, unless the*  
27 *context otherwise requires, the words and terms defined in sections 11*  
28 *and 12 of this act have the meanings ascribed to them in those sections.*

29 **Sec. 11.** *"Distance education" means instruction which is delivered*  
30 *by means of video, computer, television, correspondence or the Internet*  
31 *or other electronic means of communication, or any combination*  
32 *thereof, in such a manner that the person supervising or providing the*  
33 *instruction and the pupil receiving the instruction are separated*  
34 *geographically for a majority of the time during which the instruction is*  
35 *delivered.*

36 **Sec. 12.** *"Program of distance education" means a program*  
37 *comprised of one or more courses of study that is designed for pupils who*  
38 *are at risk of dropping out of high school and uses distance education as*  
39 *its primary mechanism for delivery.*

40 **Sec. 13.** 1. *The board of trustees of a school district or the*  
41 *governing body of a charter school may submit an application to the state*  
42 *board to provide a program of distance education.*

43 2. *An application to provide a program of distance education must*  
44 *include:*

45 (a) *All the information prescribed by the state board by regulation.*

46 (b) *Proof satisfactory to the state board that the program satisfies all*  
47 *applicable statutes and regulations.*

48 (c) *If the applicant is the board of trustees of a school district and the*  
49 *program will be offered for enrollment of pupils on a full-time basis, a*



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1 written description of the manner in which the board of trustees will  
2 determine the affiliation of a pupil with a public school of the school  
3 district for purposes of section 20 of this act. The affiliation of a pupil  
4 with a public school for purposes of section 20 of this act may be  
5 determined in accordance with, without limitation, applicable zones  
6 established by the board of trustees pursuant to NRS 388.040, the grade  
7 level of pupils who are enrolled in the program or the level of  
8 participation of a particular public school of the school district in the  
9 operation of the program of distance education.

10 3. The state board shall approve an application submitted pursuant  
11 to this section if the application satisfies the requirements of sections 10  
12 to 21, inclusive, of this act, and all other applicable statutes and  
13 regulations. The state board shall provide written notice to the applicant  
14 of its approval or denial of the application.

15 4. If the state board denies an application, the state board shall  
16 include in the written notice the reasons for the denial and the  
17 deficiencies of the application. The applicant must be granted 30 days  
18 after receipt of the written notice to correct any deficiencies identified in  
19 the written notice and resubmit the application. The state board shall  
20 approve an application that has been resubmitted pursuant to this  
21 subsection if the application satisfies the requirements of sections 10 to  
22 21, inclusive, of this act, and all other applicable statutes and  
23 regulations.

24 **Sec. 14.** A pupil who is at risk of dropping out of high school may  
25 enroll in a program of distance education, including, without limitation,  
26 a pupil who:

27 1. Because of extenuating circumstances, such as being pregnant, a  
28 parent, chronically ill or self-supporting, is not able to attend the classes  
29 of instruction regularly provided in high school;

30 2. Is deficient in the amount of academic credit necessary to  
31 graduate with pupils his same age;

32 3. Is chronically absent from high school; or

33 4. Requires instruction on a more personal basis than that regularly  
34 provided in high school.

35 **Sec. 15.** A program of distance education may include, without  
36 limitation:

37 1. An opportunity for pupils to participate in the program:

38 (a) For a shorter school day or a longer school day than that regularly  
39 provided for in high school; and

40 (b) During any part of the calendar year;

41 2. An opportunity for pupils to satisfy either:

42 (a) The requirements for a regular high school diploma; or

43 (b) The requirements for a high school diploma for adults; and

44 3. Instruction that is provided to pupils individually or in a group.

45 **Sec. 16.** The board of trustees of a school district or the governing  
46 body of a charter school that provides a program of distance education  
47 shall ensure that each teacher of a course offered through the program:

48 1. Provides the work assignments to each pupil enrolled in the course  
49 that are necessary for the pupil to complete the course; and



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1     2. Meets or otherwise communicates with the pupil at least once each  
2 week during the course to discuss the pupil's progress.

3     **Sec. 17.** 1. The attendance of a pupil who is enrolled in a course  
4 through a program of distance education must be recorded based upon  
5 the actual amount of time that the pupil spends for the course while  
6 engaged in any of the following activities:

- 7     (a) Logged onto a computer;
- 8     (b) Communicating with the teacher of the course;
- 9     (c) Viewing materials such as videos that are required for the course;

10 or

- 11     (d) Working on lessons assigned for the course by the teacher.

12     2. A pupil who is enrolled in a course through a program of distance  
13 education must be awarded credit for the course based upon:

14     (a) The completion of the required number of hours for the course, as  
15 recorded pursuant to subsection 1;

16     (b) Work assignments that are graded by a licensed teacher; and

17     (c) Scores received on a mid-term examination and a final  
18 examination that is administered to the pupil under the direct supervision  
19 of an employee of the school district or charter school that provides the  
20 program of distance education.

21     3. Neither the board of trustees of a school district nor the governing  
22 body of a charter school that provides a program of distance education  
23 may award a high school diploma to a pupil enrolled in the program  
24 unless the pupil has passed the high school proficiency examination.

25     **Sec. 18.** 1. Except as otherwise provided in this subsection, before  
26 a pupil may enroll full time or part time in a program of distance  
27 education that is provided by a school district other than the school  
28 district in which the pupil resides, the pupil must obtain the written  
29 permission of the board of trustees of the school district in which the  
30 pupil resides. Before a pupil who is enrolled in a public school of a  
31 school district may enroll part time in a program of distance education  
32 that is provided by a charter school, the pupil must obtain the written  
33 permission of the board of trustees of the school district in which the  
34 pupil resides. A pupil who enrolls full time in a program of distance  
35 education that is provided by a charter school is not required to obtain  
36 the approval of the board of trustees of the school district in which the  
37 pupil resides.

38     2. If the board of trustees of a school district grants permission  
39 pursuant to subsection 1, the board of trustees shall enter into a written  
40 agreement with the board of trustees or governing body, as applicable,  
41 that provides the program of distance education. A separate agreement  
42 must be prepared for each year that a pupil enrolls in a program of  
43 distance education. The written agreement must:

44     (a) Contain a statement prepared by the board of trustees of the school  
45 district in which the pupil resides indicating that the board of trustees  
46 understands that the superintendent of public instruction will make  
47 appropriate adjustments in the apportionments to the school district  
48 pursuant to NRS 387.124 to account for the pupil's enrollment in the  
49 program of distance education;



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- 1 (b) If the pupil plans to enroll part time in the program of distance  
2 education, contain a statement prepared by the board of trustees of the  
3 school district in which the pupil resides and the board of trustees or  
4 governing body that provides the program of distance education setting  
5 forth the percentage of the total time services will be provided to the pupil  
6 through the program of distance education per school day in proportion  
7 to the total time services are provided during a school day to pupils who  
8 are counted pursuant to subparagraph (2) of paragraph (a) of subsection  
9 1 of NRS 387.1233 for the school district in which the pupil resides;
- 10 (c) Be signed by the board of trustees of the school district in which  
11 the pupil resides and the board of trustees or governing body that  
12 provides the program of distance education; and
- 13 (d) Include any other information required by the state board by  
14 regulation.
- 15 3. On or before September 1 of each year, a written agreement must  
16 be filed with the superintendent of public instruction for each pupil who  
17 is enrolled full time or part time in a program of distance education  
18 provided by a school district other than the school district in which the  
19 pupil resides. On or before September 1 of each year, a written  
20 agreement must be filed with the superintendent of public instruction for  
21 each pupil who is enrolled in a public school of the school district and  
22 who is enrolled part time in a program of distance education provided by  
23 a charter school. If an agreement is not filed for a pupil who is enrolled  
24 in a program of distance education as required by this section, the  
25 superintendent of public instruction shall not apportion money for that  
26 pupil to the board of trustees of the school district in which the pupil  
27 resides, or the board of trustees or governing body that provides the  
28 program of distance education.
- 29 **Sec. 19. 1. If a pupil is enrolled in a charter school, he may enroll**  
30 **full time in a program of distance education only if the charter school in**  
31 **which he is enrolled provides the program of distance education.**
- 32 2. Before a pupil who is enrolled in a charter school may enroll part  
33 time in a program of distance education that is provided by a school  
34 district or another charter school, the pupil must obtain the written  
35 permission of the governing body of the charter school in which the pupil  
36 is enrolled.
- 37 3. If the governing body of a charter school grants permission  
38 pursuant to subsection 2, the governing body shall enter into a written  
39 agreement with the board of trustees or governing body, as applicable,  
40 that provides the program of distance education. A separate agreement  
41 must be prepared for each year that a pupil enrolls in a program of  
42 distance education. The written agreement must:
- 43 (a) Contain a statement prepared by the governing body of the charter  
44 school in which the pupil is enrolled indicating that the governing body  
45 understands that the superintendent of public instruction will make  
46 appropriate adjustments in the apportionments to the charter school  
47 pursuant to NRS 387.124 to account for the pupil's enrollment in the  
48 program of distance education;



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- 1     (b) *Contain a statement prepared by the governing body of the charter*  
2 *school in which the pupil is enrolled and the board of trustees or*  
3 *governing body that provides the program of distance education setting*  
4 *forth the percentage of the total time services will be provided to the pupil*  
5 *through the program of distance education per school day in proportion*  
6 *to the total time services are provided during a school day to pupils who*  
7 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection*  
8 *1 of NRS 387.1233 for the school district in which the pupil resides;*  
9     (c) *Be signed by the governing body of the charter in which the pupil*  
10 *is enrolled and the board of trustees or governing body that provides the*  
11 *program of distance education; and*  
12     (d) *Include any other information required by the state board by*  
13 *regulation.*  
14     4. *On or before September 1 of each year, a written agreement must*  
15 *be filed with the superintendent of public instruction for each pupil who*  
16 *is enrolled in a charter school and who is enrolled part time in a program*  
17 *of distance education provided by a school district or another charter*  
18 *school. If an agreement is not filed for such a pupil, the superintendent*  
19 *of public instruction shall not apportion money for that pupil to the*  
20 *governing body of the charter school in which the pupil is enrolled, or*  
21 *the board of trustees or governing body that provides the program of*  
22 *distance education.*  
23     **Sec. 20. 1.** *If a pupil is enrolled full time in a program of distance*  
24 *education provided by the board of trustees of a school district, the board*  
25 *of trustees shall declare for each such pupil the public school within that*  
26 *school district to which the pupil is affiliated. Upon the declared*  
27 *affiliation, the pupil shall be deemed enrolled in that public school for*  
28 *purposes of all the applicable requirements, statutes, regulations, rules*  
29 *and policies of that public school and school district, including, without*  
30 *limitation:*  
31         (a) *Graduation requirements;*  
32         (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
33 *385.391, inclusive;*  
34         (c) *Provisions governing the attendance and truancy of pupils, as set*  
35 *forth in NRS 392.040 to 392.220, inclusive; and*  
36         (d) *Discipline of pupils.*  
37     2. *A pupil who is enrolled full time in a program of distance*  
38 *education provided by a charter school shall be deemed enrolled in the*  
39 *charter school. All the applicable requirements, statutes, regulations,*  
40 *rules and policies of that charter school apply to such a pupil, including,*  
41 *without limitation:*  
42         (a) *Graduation requirements;*  
43         (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
44 *385.391, inclusive;*  
45         (c) *Provisions governing the attendance and truancy of pupils, as set*  
46 *forth in NRS 392.060 to 392.220, inclusive; and*  
47         (d) *Discipline of pupils.*  
48     3. *Except for a pupil who is enrolled part time in a program of*  
49 *distance education pursuant to NRS 392.070, if a pupil is enrolled part*



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1 *time in a program of distance education, all the applicable requirements,*  
2 *statutes, regulations, rules and policies of the public school of the school*  
3 *district in which the pupil is otherwise enrolled or the charter school in*  
4 *which the pupil is otherwise enrolled apply to such a pupil, including,*  
5 *without limitation:*

6 (a) *Graduation requirements;*

7 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
8 *385.391, inclusive;*

9 (c) *Provisions governing the attendance and truancy of pupils, as set*  
10 *forth in NRS 392.060 to 392.220, inclusive; and*

11 (d) *Discipline of pupils.*

12 **Sec. 21.** 1. *The state board shall adopt regulations that prescribe:*

13 (a) *The process for submission of an application by the board of*  
14 *trustees of a school district or the governing body of a charter school to*  
15 *provide a program of distance education and the contents of the*  
16 *application;*

17 (b) *A method for reporting to the department the number of pupils*  
18 *who are enrolled in a program of distance education and the attendance*  
19 *of those pupils;*

20 (c) *The requirements for assessing the achievement of pupils who are*  
21 *enrolled in a program of distance education, which must include, without*  
22 *limitation, the administration of the achievement and proficiency*  
23 *examinations required pursuant to NRS 389.015 and 389.550; and*

24 (d) *A written description of the process pursuant to which the state*  
25 *board may revoke its approval for the operation of a program of distance*  
26 *education.*

27 2. *The state board may adopt regulations as it determines are*  
28 *necessary to carry out the provisions of sections 10 to 21, inclusive, of*  
29 *this act.*

30 **Sec. 22.** NRS 388.090 is hereby amended to read as follows:

31 388.090 1. Except as otherwise permitted pursuant to this section,  
32 boards of trustees of school districts shall schedule and provide a minimum  
33 of 180 days of free school in the districts under their charge.

34 2. The superintendent of public instruction may, upon application by a  
35 board of trustees, authorize a reduction of not more than 15 school days in  
36 a particular district to establish or maintain a 12-month school program or a  
37 program involving alternative scheduling, if the board of trustees  
38 demonstrates that the proposed schedule for the program provides for a  
39 greater number of minutes of instruction than would be provided under a  
40 program consisting of 180 school days. Before authorizing a reduction in  
41 the number of required school days pursuant to this subsection, the  
42 superintendent of public instruction must find that the proposed schedule  
43 will be used to alleviate problems associated with a growth in enrollment  
44 or overcrowding, or to establish and maintain a program of alternative  
45 schooling **H**, *including, without limitation, a program of distance*  
46 *education provided by the board of trustees pursuant to sections 10 to 21*  
47 *inclusive, of this act.*

48 3. The superintendent of public instruction may, upon application by a  
49 board of trustees, authorize the addition of minutes of instruction to any



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1 scheduled day of free school if days of free school are lost because of any  
2 interscholastic activity. Not more than 5 days of free school so lost may be  
3 rescheduled in this manner.

4 4. Each school district shall schedule at least 3 contingent days of  
5 school in addition to the number of days required by this section, which  
6 must be used if a natural disaster, inclement weather or an accident  
7 necessitates the closing of a majority of the facilities within the district.

8 5. If more than 3 days of free school are lost because a natural disaster,  
9 inclement weather or an accident necessitates the closing of a majority of  
10 the facilities within a school district, the superintendent of public  
11 instruction, upon application by the school district, may permit the  
12 additional days lost to be counted as school days in session. The  
13 application must be submitted in the manner prescribed by the  
14 superintendent of public instruction.

15 6. The state board ~~of education~~ shall adopt regulations providing  
16 procedures for changing schedules of instruction to be used if a natural  
17 disaster, inclement weather or an accident necessitates the closing of a  
18 particular school within a school district.

19 **Sec. 23.** NRS 388.537 is hereby amended to read as follows:

20 388.537 1. The board of trustees of a school district may, subject to  
21 the approval of the state board, operate an alternative program for the  
22 education of pupils at risk of dropping out of high school, including pupils  
23 who:

24 (a) Because of extenuating circumstances, such as their being pregnant,  
25 parents, chronically ill or self-supporting, are not able to attend the classes  
26 of instruction regularly provided in high school;

27 (b) Are deficient in the amount of academic credit necessary to graduate  
28 with pupils their same age;

29 (c) Are chronically absent from high school; or

30 (d) Require instruction on a more personal basis than that regularly  
31 provided in high school.

32 2. An alternative program may include:

33 (a) A shorter school day, and an opportunity for pupils to attend a  
34 longer school day, than that regularly provided in high school.

35 (b) An opportunity for pupils to attend classes of instruction during any  
36 part of the calendar year.

37 (c) A comprehensive curriculum that includes elective classes of  
38 instruction and occupational education.

39 (d) An opportunity for pupils to obtain academic credit through  
40 experience gained at work or while engaged in other activities.

41 (e) An opportunity for pupils to satisfy either:

42 (1) The requirements for a regular high school diploma; or

43 (2) The requirements for a high school diploma for adults.

44 (f) The provision of child care for the children of pupils.

45 (g) The transportation of pupils to and from classes of instruction.

46 (h) The temporary placement of pupils for independent study, if there  
47 are extenuating circumstances which prevent those pupils from attending  
48 the alternative program on a daily basis.



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1     3. *Notwithstanding the provisions of this section to the contrary, if*  
2 *the board of trustees of a school district provides a program of distance*  
3 *education for pupils at risk of dropping out of high school pursuant to*  
4 *sections 10 to 21, inclusive, of this act, the board of trustees shall comply*  
5 *with the provisions of those sections and the regulations adopted*  
6 *pursuant thereto in its operation of the program.*

7     **Sec. 24.** NRS 388.700 is hereby amended to read as follows:

8     388.700 1. Except as otherwise provided in subsections 2, 3 and 6,  
9 after the last day of the first month of the school year, the ratio in each  
10 school district of pupils per class in kindergarten and grades 1, 2 and 3 per  
11 licensed teacher designated to teach those classes full time must not exceed  
12 15 to 1 in classes where core curriculum is taught. In determining this ratio,  
13 all licensed educational personnel who teach kindergarten or grade 1, 2 or  
14 3 must be counted except teachers of art, music, physical education or  
15 special education, counselors, librarians, administrators, deans and  
16 specialists.

17     2. A school district may, within the limits of any plan adopted pursuant  
18 to NRS 388.720, assign a pupil whose enrollment in a grade occurs after  
19 the last day of the first month of the school year to any existing class  
20 regardless of the number of pupils in the class.

21     3. The state board may grant to a school district a variance from the  
22 limitation on the number of pupils per class set forth in subsection 1 for  
23 good cause, including the lack of available financial support specifically  
24 set aside for the reduction of pupil-teacher ratios.

25     4. The state board shall, on or before February 1 of each odd-  
26 numbered year, report to the legislature on:

27     (a) Each variance granted by it during the preceding biennium,  
28 including the specific justification for the variance.

29     (b) The data reported to it by the various school districts pursuant to  
30 subsection 2 of NRS 388.710, including an explanation of that data, and  
31 the current pupil-teacher ratios per class in kindergarten and grades 1, 2  
32 and 3.

33     5. The department shall, on or before November 15 of each year,  
34 report to the chief of the budget division of the department of  
35 administration and the fiscal analysis division of the legislative counsel  
36 bureau:

37     (a) The number of teachers employed;

38     (b) The number of teachers employed in order to attain the ratio  
39 required by subsection 1;

40     (c) The number of pupils enrolled; and

41     (d) The number of teachers assigned to teach in the same classroom  
42 with another teacher or in any other arrangement other than one teacher  
43 assigned to one classroom of pupils,  
44 during the current school year in kindergarten and grades 1, 2 and 3 for  
45 each school district.

46     6. The provisions of this section do not apply to a charter school ~~or~~ *or*  
47 *to a program of distance education provided pursuant to sections 10 to*  
48 *21, inclusive, of this act.*



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1     **Sec. 25.** NRS 389.017 is hereby amended to read as follows:  
2     389.017 1. The state board shall prescribe regulations requiring that  
3     each board of trustees of a school district and each governing body of a  
4     charter school submit to the superintendent of public instruction and the  
5     department, in the form and manner prescribed by the superintendent, the  
6     results of achievement and proficiency examinations given in the 4th, 8th,  
7     10th and 11th grades to public school pupils of the district and charter  
8     schools. The state board shall not include in the regulations any provision  
9     which would violate the confidentiality of the test scores of any individual  
10    pupil.  
11    2. The results of examinations must be reported for each school,  
12    including, without limitation, each charter school, school district and this  
13    state as follows:  
14    (a) The average score, as defined by the department, of pupils who took  
15    the examinations under regular testing conditions; and  
16    (b) The average score, as defined by the department, of pupils who took  
17    the examinations with modifications or accommodations approved by the  
18    private entity that created the examination or, if the department created the  
19    examination, the department, if such reporting does not violate the  
20    confidentiality of the test scores of any individual pupil.  
21    3. The department shall adopt regulations prescribing the requirements  
22    for reporting the scores of pupils who:  
23    (a) Took the examinations under conditions that were not approved by  
24    the private entity that created the examination or, if the department created  
25    the examination, by the department;  
26    (b) Are enrolled in special schools for children with disabilities;  
27    (c) Are enrolled in an alternative program for the education of pupils at  
28    risk of dropping out of high school ~~+~~ , *including, without limitation, a*  
29    *program of distance education that is provided pursuant to sections 10 to*  
30    *21, inclusive, of this act;* or  
31    (d) Are detained in a:  
32       (1) Youth training center;  
33       (2) Youth center;  
34       (3) Juvenile forestry camp;  
35       (4) Detention home;  
36       (5) Youth camp;  
37       (6) Juvenile correctional institution; or  
38       (7) Correctional institution.  
39    The scores reported pursuant to this subsection must not be included in the  
40    average scores reported pursuant to subsection 2.  
41    4. Not later than 10 days after the department receives the results of  
42    the achievement and proficiency examinations, the department shall  
43    transmit a copy of the results of the examinations administered pursuant to  
44    NRS 389.015 to the legislative bureau of educational accountability and  
45    program evaluation in a manner that does not violate the confidentiality of  
46    the test scores of any individual pupil.  
47    5. On or before November 1 of each year, each school district and each  
48    charter school shall report to the department the following information for



1 each examination administered in the public schools in the school district  
2 or charter school:

- 3 (a) The examination administered;
- 4 (b) The grade level or levels of pupils to whom the examination was  
5 administered;
- 6 (c) The costs incurred by the school district or charter school in  
7 administering each examination; and
- 8 (d) The purpose, if any, for which the results of the examination are  
9 used by the school district or charter school.

10 On or before December 1 of each year, the department shall transmit to the  
11 budget division of the department of administration and the fiscal analysis  
12 division of the legislative counsel bureau the information submitted to the  
13 department pursuant to this subsection.

14 6. The superintendent of schools of each school district and the  
15 governing body of each charter school shall certify that the number of  
16 pupils who took the examinations required pursuant to NRS 389.015 is  
17 equal to the number of pupils who are enrolled in each school in the school  
18 district or in the charter school who are required to take the examinations  
19 except for those pupils who are exempt from taking the examinations. A  
20 pupil may be exempt from taking the examinations if:

- 21 (a) His primary language is not English and his proficiency in the  
22 English language is below the level that the state board determines is  
23 proficient, as measured by an assessment of proficiency in the English  
24 language prescribed by the state board pursuant to subsection 8; or
- 25 (b) He is enrolled in a program of special education pursuant to NRS  
26 388.440 to 388.520, inclusive, and his program of special education  
27 specifies that he is exempt from taking the examinations.

28 7. In addition to the information required by subsection 5, the  
29 superintendent of public instruction shall:

- 30 (a) Report the number of pupils who were not exempt from taking the  
31 examinations but were absent from school on the day that the examinations  
32 were administered; and
- 33 (b) Reconcile the number of pupils who were required to take the  
34 examinations with the number of pupils who were exempt from taking the  
35 examinations or absent from school on the day that the examinations were  
36 administered.

37 8. The state board shall prescribe an assessment of proficiency in the  
38 English language for pupils whose primary language is not English to  
39 determine which pupils are exempt from the examinations pursuant to  
40 paragraph (a) of subsection 6.

41 **Sec. 26.** NRS 389.155 is hereby amended to read as follows:

42 389.155 1. The state board shall, by regulation, establish a program  
43 pursuant to which a pupil enrolled full time in high school may complete  
44 any required or elective course by independent study outside of the normal  
45 classroom setting.

46 2. The regulations must require that:

- 47 (a) The teacher of the course assign to the pupil the work assignments  
48 necessary to complete the course; and



1 (b) The pupil and teacher meet or otherwise communicate with each  
2 other at least once each week during the course to discuss the pupil's  
3 progress.

4 3. The board of trustees in each school district may, in accordance with  
5 the regulations adopted pursuant to subsections 1 and 2, provide for  
6 independent study by pupils enrolled full time in high schools in its district.  
7 A board of trustees that chooses to allow such study may provide that:

8 (a) The pupils participating in the independent study be given  
9 instruction individually or in a group.

10 (b) The independent study be offered during the regular school day.

11 **4. *The provisions of this section do not apply to a:***

12 **(a) *Program of distance education provided pursuant to sections 10 to***  
13 ***21, inclusive, of this act; or***

14 **(b) *Pupil who is enrolled in a program of distance education provided***  
15 ***pursuant to sections 10 to 21, inclusive, of this act.***

16 **Sec. 27.** NRS 392.010 is hereby amended to read as follows:

17 392.010 Except as to the attendance of a pupil pursuant to NRS  
18 392.015 ***or sections 10 to 21, inclusive, of this act***, or a pupil who is  
19 ineligible for attendance pursuant to NRS 392.4675 and except as  
20 otherwise provided in NRS 392.264 and 392.268:

21 1. The board of trustees of any school district may, with the approval  
22 of the superintendent of public instruction:

23 (a) Admit to the school or schools of the school district any pupil or  
24 pupils living in an adjoining school district within this state or in an  
25 adjoining state when the school district of residence in the adjoining state  
26 adjoins the receiving Nevada school district; or

27 (b) Pay tuition for pupils residing in the school district but who attend  
28 school in an adjoining school district within this state or in an adjoining  
29 state when the receiving district in the adjoining state adjoins the school  
30 district of Nevada residence.

31 2. With the approval of the superintendent of public instruction, the  
32 board of trustees of the school district in which the pupil or pupils reside  
33 and the board of trustees of the school district in which the pupil or pupils  
34 attend school shall enter into an agreement providing for the payment of  
35 such tuition as may be agreed upon, but transportation costs must be paid  
36 by the board of trustees of the school district in which the pupil or pupils  
37 reside:

38 (a) If any are incurred in transporting a pupil or pupils to an adjoining  
39 school district within the state; and

40 (b) If any are incurred in transporting a pupil or pupils to an adjoining  
41 state, as provided by the agreement.

42 3. In addition to the provisions for the payment of tuition and  
43 transportation costs for pupils admitted to an adjoining school district as  
44 provided in subsection 2, the agreement may contain provisions for the  
45 payment of reasonable amounts of money to defray the cost of operation,  
46 maintenance and depreciation of capital improvements which can be  
47 allocated to such pupils.



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1     **Sec. 28.** NRS 392.035 is hereby amended to read as follows:  
2     392.035 1. In determining the mobility of pupils in a school, for any  
3     purpose, the department shall divide the sum of the following numbers by  
4     the cumulative enrollment in the school:

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

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

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

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

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

20    **Sec. 29.** NRS 392.070 is hereby amended to read as follows:

21    392.070 1. Attendance required by the provisions of NRS 392.040  
22    must be excused when satisfactory written evidence is presented to the  
23    board of trustees of the school district in which the child resides that the  
24    child is receiving at home or in some other school equivalent instruction of  
25    the kind and amount approved by the state board.

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

31         (a) Only if a child would otherwise be eligible for participation in  
32     programs of special education and related services pursuant to NRS  
33     388.440 to 388.520, inclusive;

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

38         (c) In accordance with the same requirements set forth in 20 U.S.C. §  
39     1412 which relate to the participation of pupils with disabilities who are  
40     enrolled in private schools within the school district voluntarily by their  
41     parents or legal guardians.

42    3. Except as otherwise provided in subsection 2 for programs of  
43    special education and related services ~~H~~ *and subsection 5 for programs of*  
44    ~~distance education~~, upon the request of a parent or legal guardian of a  
45    child who is enrolled in a private school or who receives instruction at  
46    home, the board of trustees of the school district in which the child resides  
47    shall authorize the child to participate in a class that is not available to the  
48    child at the private school or home school or participate in an





1 extracurricular activity, excluding sports, at a public school within the  
2 school 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 the  
6 board of trustees that the child is qualified to participate in the class or  
7 extracurricular activity.

8 If the board of trustees of a school district authorizes a child to participate  
9 in a class or extracurricular activity, excluding sports, 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 for  
13 a pupil to participate in a class or extracurricular activity at a public school  
14 pursuant to subsection 3 if the board of trustees or the public school  
15 determines that the pupil has failed to comply with applicable statutes, or  
16 applicable rules and regulations of the board of trustees. If the board of  
17 trustees revokes its approval, neither the board of trustees nor the public  
18 school are liable for any damages relating to the denial of services to the  
19 pupil.

20 5. *The board of trustees of a school district or the governing body of*  
21 *a charter school that provides a program of distance education pursuant*  
22 *to sections 10 to 21, inclusive, of this act shall, upon the request of a*  
23 *parent or legal guardian of a child who is enrolled in a private school or*  
24 *who receives instruction at home, authorize the child to participate in a*  
25 *class offered through the program of distance education that is not*  
26 *available to the child at the private school or home school or participate*  
27 *in an extracurricular activity offered through the program of distance*  
28 *education if:*

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

31 (b) *The parent or legal guardian demonstrates to the satisfaction of*  
32 *the board of trustees or governing body, as applicable, that the child is*  
33 *qualified to participate in the class or extracurricular activity.*

34 *If the board of trustees or governing body, as applicable, authorizes a*  
35 *child to participate in a class or extracurricular activity pursuant to this*  
36 *subsection, the board of trustees or governing body is not required to*  
37 *provide transportation for the child to participate in the class or activity.*

38 6. *If the board of trustees of a school district other than the school*  
39 *district in which a child resides or the governing body of a charter school*  
40 *authorizes a child to participate in a class or extracurricular activity*  
41 *pursuant to subsection 5, the board of trustees or governing body, as*  
42 *applicable, shall provide written notice of the authorization to the board*  
43 *of trustees of the school district in which the child resides. Upon receipt*  
44 *of the written notice, the board of trustees of the school district in which*  
45 *the child resides shall enter into a written agreement with the board of*  
46 *trustees or governing body that provides the program of distance*  
47 *education. A separate agreement must be prepared for each year that a*  
48 *child participates in a class or extracurricular activity offered through a*  
49 *program of distance education. The written agreement must:*



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- 1     (a) *Contain a statement prepared by the board of trustees of the school*  
2     *district in which the child resides indicating that the board of trustees*  
3     *understands that the child will be included in the calculation of basic*  
4     *support for the school district pursuant to subparagraph (7) of paragraph*  
5     *(a) of subsection 1 of NRS 387.1233 and that the superintendent of*  
6     *public instruction will make appropriate adjustments in the*  
7     *apportionments to the school district pursuant to NRS 387.124 to account*  
8     *for the child's enrollment in the program of distance education;*  
9     (b) *Contain a statement prepared by the board of trustees of the school*  
10    *district in which the child resides and the board of trustees or governing*  
11    *body that provides the program of distance education setting forth the*  
12    *percentage of the total time services will be provided to the child through*  
13    *the program of distance education per school day in proportion to the*  
14    *total time services are provided during a school day to pupils who are*  
15    *counted pursuant to subparagraph (2) of paragraph (a) of subsection 1*  
16    *of NRS 387.1233 for the school district in which the pupil resides;*  
17    (c) *Be signed by the board of trustees of the school district in which*  
18    *the child resides and the board of trustees or governing body, as*  
19    *applicable, that provides the program of distance education; and*  
20    (d) *Include any other information required by the state board by*  
21    *regulation.*  
22    7. *On or before September 1 of each year, a written agreement must*  
23    *be filed with the superintendent of public instruction for each child who*  
24    *participates in a program of distance education pursuant to subsection 5.*  
25    *The superintendent of public instruction shall apportion money for that*  
26    *child in accordance with subsection 4 of NRS 387.124 regardless of*  
27    *whether an agreement has been filed as required by this section if the*  
28    *child was included in the count for basic support pursuant to NRS*  
29    *387.1233.*  
30    8. *The board of trustees of a school district or the governing body of*  
31    *a charter school, as applicable, may revoke its approval for a child to*  
32    *participate in a class or extracurricular activity pursuant to subsection 5*  
33    *if the board of trustees or governing body determines that the child has*  
34    *failed to comply with applicable statutes, or applicable rules and*  
35    *regulations. If the board of trustees or governing body revokes its*  
36    *approval, neither the board of trustees or governing body, as applicable,*  
37    *nor the program of distance education are liable for any damages*  
38    *relating to the denial of services to the child.*  
39    9. *The programs of special education and related services required by*  
40    *subsection 2 may be offered at a public school or another location that is*  
41    *appropriate.*  
42    ~~16-1~~ 10. *The department may adopt such regulations as are necessary*  
43    *for the boards of trustees of school districts to provide the programs of*  
44    *special education and related services required by subsection 2.*  
45    ~~17-1~~ 11. *As used in this section, "related services" has the meaning*  
46    *ascribed to it in 20 U.S.C. § 1401(22).*  
47    **Sec. 30.** *On or before April 1, 2002, the state board of education shall*  
48    *adopt regulations required by section 21 of this act.*



1     **Sec. 31.** The state board of education shall accept applications to  
2 provide programs of distance education in accordance with section 13 of  
3 this act for programs that will commence operation with the 2002-2003  
4 school year. If any deadlines contained within the regulations adopted by  
5 the state board of education pursuant to section 21 of this act prohibit a  
6 school district or charter school from submitting an application for the  
7 2002-2003 school year, the state board of education shall grant a shorter  
8 period for a school district or charter school to submit an application for  
9 the 2002-2003 school year notwithstanding the provisions of those  
10 regulations.

11     **Sec. 32.** 1. This section and sections 21, 30 and 31 of this act  
12 become effective upon passage and approval.

13     2. Sections 1 to 20 inclusive, and 22 to 29, inclusive, of this act  
14 become effective on July 1, 2002.

