

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 reports of accountability made by school districts and charter schools to include 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 385.351 is hereby amended to read as follows:  
2     385.351 1. On or before April 15 of each year, the board of trustees  
3 of each school district shall submit the report required pursuant to  
4 subsection 2 of NRS 385.347 to the:  
5     (a) Governor;  
6     (b) State board;  
7     (c) Department;  
8     (d) Committee; and  
9     (e) Bureau.  
10  2. On or before April 15 of each year, the board of trustees of each  
11 school district shall submit the information prepared by the board of



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1 trustees pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the  
2 commission on educational technology created pursuant to NRS 388.790.  
3 3. On or before June 15 of each year, the board of trustees of each  
4 school district shall:  
5 (a) Prepare:  
6 (1) A separate written report summarizing the effectiveness of the  
7 district's program of accountability. The report must include:  
8 (I) A review and analysis of the data upon which the report  
9 required pursuant to subsection 2 of NRS 385.347 is based and a review  
10 and analysis of any data that is more recent than the data upon which the  
11 report is based;  
12 (II) The identification of any problems or factors at individual  
13 schools that are revealed by the review and analysis;  
14 (III) *If the board of trustees provides a program of distance*  
15 *education pursuant to sections 10 to 21, inclusive, of this act, the*  
16 *identification of any problems or factors of the program that are revealed*  
17 *by the review and analysis;*  
18 (IV) A summary of the efforts that the school district has made or  
19 intends to make in response to the deficiencies or in response to the  
20 recommendations identified in the report submitted to the district pursuant  
21 to paragraph (b) of subsection 1 of NRS 385.359; and  
22 ~~(IV)~~ (V) A description of the progress that the school district has  
23 achieved, if any, as a result of the recommendations submitted pursuant to  
24 paragraph (b) of subsection 1 of NRS 385.359 in preceding years and any  
25 other analyses made in preceding years.  
26 (2) A written procedure to improve the achievement of pupils who  
27 are enrolled in schools within the district ~~+~~ *and who are enrolled in*  
28 *programs of distance education provided by the board of trustees of the*  
29 *school district, if applicable*, including, but not limited to, a description of  
30 the efforts the district has made to correct any deficiencies identified in the  
31 written report required pursuant to subparagraph (1). The written procedure  
32 must describe sources of data that will be used by the board of trustees to  
33 evaluate the effectiveness of the written procedure.  
34 (b) Submit copies of the written report and written procedure required  
35 pursuant to paragraph (a) to the:  
36 (1) Governor;  
37 (2) State board;  
38 (3) Department;  
39 (4) Committee; and  
40 (5) Bureau.  
41 4. The department shall maintain a record of the information that it  
42 receives from each school district pursuant to this section in such a manner  
43 as will allow the department to create for each school a yearly profile of  
44 information.  
45 5. The board of trustees of each school district shall ensure that a copy  
46 of the written report and written procedure required pursuant to paragraph  
47 (a) of subsection 3 is included with the final budget of the school district  
48 adopted pursuant to NRS 354.598.



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**Section 1.5.** NRS 386.550 is hereby amended to read as follows:  
386.550 A charter school shall:

1. Comply with all laws and regulations relating to discrimination and civil rights.
2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.
3. Refrain from charging tuition or fees, levying taxes or issuing bonds.
4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.
5. Comply with the provisions of chapter 241 of NRS.
6. Except as otherwise provided in this subsection, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this subsection. The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:
  - (a) Extenuating circumstances exist to justify the waiver; and
  - (b) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.
7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.
8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.
9. Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This subsection does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.
10. Refrain from using public money to purchase real property or buildings without the approval of the sponsor.
11. Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.
12. Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether



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1 the charter school is accredited by the Commission on Schools of the  
2 Northwest Association of Schools and Colleges.

3 13. Adopt a final budget in accordance with the regulations adopted by  
4 the department. A charter school is not required to adopt a final budget  
5 pursuant to NRS 354.598 or otherwise comply with the provisions of  
6 chapter 354 of NRS.

7 *14. If the charter school provides a program of distance education*  
8 *pursuant to sections 10 to 21, inclusive, of this act, comply with all*  
9 *statutes and regulations that are applicable to a program of distance*  
10 *education for purposes of the operation of the program, regardless of*  
11 *whether those statutes and regulations impose additional requirements*  
12 *upon the charter school.*

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

14 386.560 1. The governing body of a charter school may contract with  
15 the board of trustees of the school district in which the charter school is  
16 located or the University and Community College System of Nevada for  
17 the provision of facilities to operate the charter school or to perform any  
18 service relating to the operation of the charter school, including, without  
19 limitation, transportation and the provision of health services for the pupils  
20 who are enrolled in the charter school.

21 2. A charter school may use any public facility located within the  
22 school district in which the charter school is located. A charter school may  
23 use school buildings owned by the school district only upon approval of the  
24 board of trustees of the school district and during times that are not regular  
25 school hours.

26 3. The board of trustees of a school district may donate surplus  
27 personal property of the school district to a charter school that is located  
28 within the school district.

29 4. ~~Upon~~ *Except as otherwise provided in this subsection, upon* the  
30 request of a parent or legal guardian of a pupil who is enrolled in a charter  
31 school, the board of trustees of the school district in which the charter  
32 school is located shall authorize the pupil to participate in a class that is not  
33 available to the pupil at the charter school or participate in an  
34 extracurricular activity, excluding sports, at a public school within the  
35 school district if:

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

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

41 If the board of trustees of a school district authorizes a pupil to participate  
42 in a class or extracurricular activity, excluding sports, pursuant to this  
43 subsection, the board of trustees is not required to provide transportation  
44 for the pupil to attend the class or activity. *The provisions of this*  
45 *subsection do not apply to a pupil who is enrolled in a charter school and*  
46 *who desires to participate on a part-time basis in a program of distance*  
47 *education provided by the board of trustees of a school district pursuant*  
48 *to sections 10 to 21, inclusive, of this act.*



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

7 (a) Space is available for the pupil to participate; and  
8 (b) The parent or legal guardian demonstrates to the satisfaction of the  
9 board of trustees that the pupil is qualified to participate.  
10 If the board of trustees of a school district authorizes a pupil to participate  
11 in sports pursuant to this subsection, the board of trustees is not required to  
12 provide transportation for the pupil to participate.

13 6. The board of trustees of a school district may revoke its approval for  
14 a pupil to participate in a class, extracurricular activity or sports at a public  
15 school pursuant to subsections 4 and 5 if the board of trustees or the public  
16 school determines that the pupil has failed to comply with applicable  
17 statutes, or applicable rules and regulations of the board of trustees, the  
18 public school or an association for interscholastic activities. If the board of  
19 trustees so revokes its approval, neither the board of trustees nor the public  
20 school are liable for any damages relating to the denial of services to the  
21 pupil.

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

23 386.570 1. Each pupil who is enrolled in a charter school, including,  
24 without limitation, a pupil who is enrolled in a program of special  
25 education in a charter school, must be included in the count of pupils in the  
26 school district for the purposes of apportionments and allowances from the  
27 state distributive school account pursuant to NRS 387.121 to 387.126,  
28 inclusive, unless the pupil is exempt from compulsory attendance pursuant  
29 to NRS 392.070. A charter school is entitled to receive its proportionate  
30 share of any other money available from federal, state or local sources that  
31 the school or the pupils who are enrolled in the school are eligible to  
32 receive.

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

36 3. To determine the amount of money for distribution to a charter  
37 school in its first year of operation, the count of pupils who are enrolled in  
38 the charter school must initially be determined 30 days before the  
39 beginning of the school year of the school district, based on the number of  
40 pupils whose applications for enrollment have been approved by the  
41 charter school. The count of pupils who are enrolled in the charter school  
42 must be revised on the last day of the first school month of the school  
43 district in which the charter school is located for the school year, based on  
44 the actual number of pupils who are enrolled in the charter school.  
45 Pursuant to subsection ~~4~~ 5 of NRS 387.124, the governing body of a  
46 charter school may request that the apportionments made to the charter  
47 school in its first year of operation be paid to the charter school 30 days  
48 before the apportionments are otherwise required to be made.



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

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

11 **Sec. 3.5.** NRS 386.605 is hereby amended to read as follows:

12 386.605 1. On or before April 15 of each year, the governing body of  
13 each charter school shall submit the information concerning the charter  
14 school that is contained in the report required pursuant to subsection 2 of  
15 NRS 385.347 to the:

16 (a) Governor;  
17 (b) State board;  
18 (c) Department;  
19 (d) Legislative committee on education created pursuant to NRS  
20 218.5352; and

21 (e) Legislative bureau of educational accountability and program  
22 evaluation created pursuant to NRS 218.5356.

23 2. On or before April 15 of each year, the governing body of each  
24 charter school shall submit the information prepared by the governing body  
25 that is contained in the report pursuant to paragraph (t) of subsection 2 of  
26 NRS 385.347 to the commission on educational technology created  
27 pursuant to NRS 388.790.

28 3. On or before June 15 of each year, the governing body of each  
29 charter school shall:

30 (a) Prepare:

31 (1) A separate written report summarizing the effectiveness of the  
32 charter school's program of accountability. The report must include:

33 (I) A review and analysis of the data upon which the report  
34 required pursuant to subsection 2 of NRS 385.347 is based and a review  
35 and analysis of any data that is more recent than the data upon which the  
36 report is based; ~~and~~

37 (II) The identification of any problems or factors at the charter  
38 school that are revealed by the review and analysis ~~and~~; and

39 *(III) If the governing body provides a program of distance*  
40 *education pursuant to sections 10 to 21, inclusive, of this act, the*  
41 *identification of any problems or factors of the program that are revealed*  
42 *by the review and analysis.*

43 (2) A written procedure to improve the achievement of pupils who  
44 are enrolled in the charter school ~~and~~ *and pupils who are enrolled in*  
45 *programs of distance education provided by the governing body, if*  
46 *applicable*, including, but not limited to, a description of the efforts the  
47 governing body has made to correct any deficiencies identified in the  
48 written report required pursuant to subparagraph (1). The written procedure



1 must describe sources of data that will be used by the governing body to  
2 evaluate the effectiveness of the written procedure.

3 (b) Submit copies of the written report and written procedure required  
4 pursuant to paragraph (a) to the:

- 5 (1) Governor;
- 6 (2) State board;
- 7 (3) Department;
- 8 (4) Legislative committee on education created pursuant to NRS  
9 218.5352; and
- 10 (5) Legislative bureau of educational accountability and program  
11 evaluation created pursuant to NRS 218.5356.

12 4. The department shall maintain a record of the information that it  
13 receives from each charter school pursuant to this section in such a manner  
14 as will allow the department to create for each charter school a yearly  
15 profile of information.

16 5. The governing body of each charter school shall ensure that a copy  
17 of the written report and written procedure required pursuant to paragraph  
18 (a) of subsection 3 is included with the final budget of the charter school  
19 adopted by the governing body of the charter school pursuant to the  
20 regulations of the department.

21 6. The legislative bureau of educational accountability and program  
22 evaluation created pursuant to NRS 218.5356 may authorize a person or  
23 entity with whom it contracts pursuant to NRS 385.359 to review and  
24 analyze information submitted by charter schools pursuant to this section,  
25 consult with the governing bodies of charter schools and submit written  
26 reports concerning charter schools pursuant to NRS 385.359.

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

28 387.123 1. The count of pupils for apportionment purposes includes  
29 all pupils who are enrolled in programs of instruction of the school district ,  
30 *including, without limitation, a program of distance education provided*  
31 *by the school district*, or pupils who reside in the county in which the  
32 school district is located and are enrolled in any charter school , *including,*  
33 *without limitation, a program of distance education provided by a charter*  
34 *school*, for:

- 35 (a) Pupils in the kindergarten department.
- 36 (b) Pupils in grades 1 to 12, inclusive.
- 37 (c) Pupils not included under paragraph (a) or (b) who are receiving  
38 special education pursuant to the provisions of NRS 388.440 to 388.520,  
39 inclusive.
- 40 (d) *Pupils not included under paragraph (a) or (b) who reside in the*  
41 *county and are enrolled full time in a program of distance education*  
42 *provided by another school district if an agreement is filed with the*  
43 *superintendent of public instruction pursuant to section 18 of this act.*
- 44 (e) *Pupils not included under paragraph (a) or (b) who reside in the*  
45 *county and are enrolled part time in a program of distance education if*  
46 *an agreement is filed with the superintendent of public instruction*  
47 *pursuant to section 18 or 19 of this act, as applicable.*



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1     ~~(f)~~ *(f)* Children detained in detention homes, alternative programs and  
2 juvenile forestry camps receiving instruction pursuant to the provisions of  
3 NRS 388.550, 388.560 and 388.570.  
4     ~~(e)~~ *(g)* Pupils who are enrolled in classes pursuant to subsection 4 of  
5 NRS 386.560.  
6     ~~(h)~~ *(h)* Pupils who are enrolled in classes pursuant to subsection 3 *or 5*  
7 of NRS 392.070.  
8     ~~(e)~~ *(i)* Part-time pupils enrolled in classes and taking courses  
9 necessary to receive a high school diploma, excluding those pupils who are  
10 included in paragraphs (e) ~~and (f)~~, *(g) and (h)*.  
11     2. The state board shall establish uniform regulations for counting  
12 enrollment and calculating the average daily attendance of pupils. In  
13 establishing such regulations for the public schools, the state board:  
14     (a) Shall divide the school year into 10 school months, each containing  
15 20 or fewer school days.  
16     (b) May divide the pupils in grades 1 to 12, inclusive, into categories  
17 composed respectively of those enrolled in elementary schools and those  
18 enrolled in secondary schools.  
19     (c) Shall prohibit the counting of any pupil specified in subsection 1  
20 more than once.  
21     3. Except as otherwise provided in subsection 4 and NRS 388.700, the  
22 state board shall establish by regulation the maximum pupil-teacher ratio in  
23 each grade, and for each subject matter wherever different subjects are  
24 taught in separate classes, for each school district of this state which is  
25 consistent with:  
26     (a) The maintenance of an acceptable standard of instruction;  
27     (b) The conditions prevailing in the school district with respect to the  
28 number and distribution of pupils in each grade; and  
29     (c) Methods of instruction used, which may include educational  
30 television, team teaching or new teaching systems or techniques.  
31 If the superintendent of public instruction finds that any school district is  
32 maintaining one or more classes whose pupil-teacher ratio exceeds the  
33 applicable maximum, and unless he finds that the board of trustees of the  
34 school district has made every reasonable effort in good faith to comply  
35 with the applicable standard, he shall, with the approval of the state board,  
36 reduce the count of pupils for apportionment purposes by the percentage  
37 which the number of pupils attending those classes is of the total number of  
38 pupils in the district, and the state board may direct him to withhold the  
39 quarterly apportionment entirely.  
40     4. ~~[(A)]~~ *The provisions of subsection 3 do not apply to a* charter school  
41 ~~[is not required to comply with the pupil teacher ratio prescribed by the~~  
42 ~~state board pursuant to subsection 3.]~~ *or a program of distance education*  
43 *provided pursuant to sections 10 to 21, inclusive, of this act.*  
44     **Sec. 5.** NRS 387.1233 is hereby amended to read as follows:  
45     387.1233 1. Except as otherwise provided in subsection 2, basic  
46 support of each school district must be computed by:  
47     (a) Multiplying the basic support guarantee per pupil established for that  
48 school district for that school year by the sum of:



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- 1 (1) Six-tenths the count of pupils enrolled in the kindergarten  
2 department on the last day of the first school month of the school district  
3 for the school year, including, without limitation, the count of pupils who  
4 reside in the county and are enrolled in any charter school on the last day  
5 of the first school month of the school district for the school year.
- 6 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the  
7 last day of the first school month of the school district for the school year,  
8 including, without limitation, the count of pupils who reside in the county  
9 and are enrolled in any charter school on the last day of the first school  
10 month of the school district for the school year.
- 11 (3) *The count of pupils not included under subparagraph (1) or (2)*  
12 *who reside in the county and are enrolled:*
- 13 (I) *Full time or part time in a program of distance education*  
14 *provided by the school district on the last day of the first school month of*  
15 *the school district for the school year.*
- 16 (II) *Full time in a program of distance education provided by*  
17 *another school district if an agreement is filed with the superintendent of*  
18 *public instruction pursuant to section 18 of this act, on the last day of the*  
19 *first school month of the school district for the school year.*
- 20 (III) *In a public school of the school district and are*  
21 *concurrently enrolled part time in a program of distance education*  
22 *provided by another school district or a charter school if an agreement is*  
23 *filed with the superintendent of public instruction pursuant to section 18*  
24 *of this act, on the last day of the first school month of the school district*  
25 *for the school year.*
- 26 (IV) *In a charter school located within the school district and are*  
27 *concurrently enrolled part time in a program of distance education*  
28 *provided by a school district or another charter school if an agreement is*  
29 *filed with the superintendent of public instruction pursuant to section 19*  
30 *of this act, on the last day of the first school month of the school district*  
31 *for the school year.*
- 32 (4) The count of pupils not included under subparagraph (1), ~~for~~ (2)  
33 or (3) who are receiving special education pursuant to the provisions of  
34 NRS 388.440 to 388.520, inclusive, on the last day of the first school  
35 month of the school district for the school year, excluding the count of  
36 pupils who have not attained the age of 5 years and who are receiving  
37 special education pursuant to subsection 1 of NRS 388.490 on that day.
- 38 ~~(4)~~ (5) Six-tenths the count of pupils who have not attained the age  
39 of 5 years and who are receiving special education pursuant to subsection 1  
40 of NRS 388.490 on the last day of the first school month of the school  
41 district for the school year.
- 42 ~~(5)~~ (6) The count of children detained in detention homes,  
43 alternative programs and juvenile forestry camps receiving instruction  
44 pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the  
45 last day of the first school month of the school district for the school year.
- 46 ~~(6)~~ (7) The count of pupils who are enrolled in classes for at least  
47 one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 or 5  
48 of NRS 392.070, expressed as a percentage of the total time services are  
49 provided to those pupils per school day in proportion to the total time



1 services are provided during a school day to pupils who are counted  
2 pursuant to subparagraph (2).

3 (b) Multiplying the number of special education program units  
4 maintained and operated by the amount per program established for that  
5 school year.

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

7 2. If the enrollment of pupils in a school district or a charter school  
8 that is located within the school district on the last day of the first school  
9 month of the school district for the school year is less than the enrollment  
10 of pupils in the same school district or charter school on the last day of the  
11 first school month of the school district for the immediately preceding  
12 school year, the larger number must be used for purposes of apportioning  
13 money from the state distributive school account to that school district or  
14 charter school pursuant to NRS 387.124.

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

18 4. Pupils who are incarcerated in a facility or institution operated by  
19 the department of prisons must not be counted for the purpose of  
20 computing basic support pursuant to this section. The average daily  
21 attendance for such pupils must be reported to the department . ~~to~~  
22 ~~education.~~

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

28 **Sec. 6.** NRS 387.124 is hereby amended to read as follows:

29 387.124 Except as otherwise provided in *this section and* NRS  
30 387.528:

31 1. On or before August 1, November 1, February 1 and May 1 of each  
32 year, the superintendent of public instruction shall ~~except as otherwise~~  
33 ~~provided in subsections 2 and 3,~~ apportion the state distributive school  
34 account in the state general fund among the several county school districts  
35 and charter schools in amounts approximating one-fourth of their  
36 respective yearly apportionments less any amount set aside as a reserve.  
37 The apportionment to a school district, computed on a yearly basis, equals  
38 the difference between the basic support and the local funds available  
39 pursuant to NRS 387.1235, minus all the funds attributable to pupils who  
40 reside in the county but attend a charter school ~~and~~ *and all the funds*  
41 *attributable to pupils who reside in the county and are enrolled full time*  
42 *or part time in a program of distance education provided by another*  
43 *school district or a charter school.* No apportionment may be made to a  
44 school district if the amount of the local funds exceeds the amount of basic  
45 support. The apportionment to a charter school, computed on a yearly  
46 basis, is equal to the sum of the basic support per pupil in the county in  
47 which the pupil resides plus the amount of local funds available per pupil  
48 pursuant to NRS 387.1235 and all other funds available for public schools  
49 in the county in which the pupil resides ~~minus~~ *minus all the funds attributable*



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- 1 *to pupils who are enrolled in the charter school but are concurrently*  
2 *enrolled part time in a program of distance education provided by a*  
3 *school district or another charter school. If the apportionment per pupil to*  
4 *a charter school is more than the amount to be apportioned to the school*  
5 *district in which a pupil who is enrolled in the charter school resides, the*  
6 *school district in which the pupil resides shall pay the difference directly to*  
7 *the charter school.*
- 8 2. *In addition to the apportionments made pursuant to this section,*  
9 *an apportionment must be made to a school district that provides a*  
10 *program of distance education for each pupil enrolled full time in the*  
11 *program who does not reside within the school district that provides the*  
12 *program if an agreement is filed for that pupil pursuant to section 18 of*  
13 *this act. The amount of the apportionment must be equal to the amount*  
14 *per pupil which would have been received pursuant to subsection 1 by:*  
15 *(a) The school district in which the pupil resides; or*  
16 *(b) The school district that provides the program of distance education*  
17 *if the pupil resided within that school district,*  
18 *whichever is less. If the amount of the apportionment made pursuant to*  
19 *this subsection for a pupil who is enrolled full time in a program of*  
20 *distance education is less than the amount per pupil which would have*  
21 *been received by the school district in which the pupil resides, the*  
22 *remainder must be paid directly to the school district in which the pupil*  
23 *resides.*
- 24 3. *In addition to the apportionments made pursuant to this section,*  
25 *an apportionment must be made to a school district or charter school that*  
26 *provides a program of distance education for each pupil who is enrolled*  
27 *part time in the program if an agreement is filed for that pupil pursuant*  
28 *to section 18 or 19 of this act, as applicable. The amount of the*  
29 *apportionment must be equal to the percentage of the total time services*  
30 *are provided to the pupil through the program of distance education per*  
31 *school day in proportion to the total time services are provided during a*  
32 *school day to pupils who are counted pursuant to subparagraph (2) of*  
33 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*  
34 *which the pupil resides.*
- 35 4. *In addition to the apportionments made pursuant to this section,*  
36 *an apportionment must be made to a school district or charter school that*  
37 *provides a program of distance education for each child who is enrolled*  
38 *in a private school or receives instruction at home who participates in a*  
39 *class offered through a program of distance education pursuant to*  
40 *subsection 5 of NRS 392.070. The amount of the apportionment must be*  
41 *equal to the percentage of the total time services are provided to the pupil*  
42 *through the program of distance education per school day in proportion*  
43 *to the total time services are provided during a school day to pupils who*  
44 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection*  
45 *1 of NRS 387.1233 for the school district in which the pupil resides.*
- 46 5. The governing body of a charter school may submit a written  
47 request to the superintendent of public instruction to receive, in the first  
48 year of operation of the charter school, an apportionment 30 days before  
49 the apportionment is required to be made pursuant to subsection 1. Upon



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1 receipt of such a request, the superintendent of public instruction may  
2 make the apportionment 30 days before the apportionment is required to be  
3 made. A charter school may receive all four apportionments in advance in  
4 its first year of operation.

5 ~~3-1~~ 6. If the state controller finds that such an action is needed to  
6 maintain the balance in the state general fund at a level sufficient to pay the  
7 other appropriations from it, he may pay out the apportionments monthly,  
8 each approximately one-twelfth of the yearly apportionment less any  
9 amount set aside as a reserve. If such action is needed, the state controller  
10 shall submit a report to the department of administration and the fiscal  
11 analysis division of the legislative counsel bureau documenting reasons for  
12 the action.

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

14 387.1243 1. The first apportionment based on an estimated number  
15 of pupils and special education program units and succeeding  
16 apportionments are subject to adjustment from time to time as the need  
17 therefor may appear.

18 2. The apportionments to a school district may be adjusted during a  
19 fiscal year by the department of education, upon approval by the board of  
20 examiners and the interim finance committee, if the department of taxation  
21 and the county assessor in the county in which the school district is located  
22 certify to the department of education that the school district will not  
23 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property  
24 of the Federal Government located within the county if:

25 (a) The leasehold interest, possessory interest, beneficial interest or  
26 beneficial use of the property is subject to taxation pursuant to NRS  
27 361.157 and 361.159 and one or more lessees or users of the property are  
28 delinquent in paying the tax; and

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

33 If a lessee or user pays the tax owed after the school district's  
34 apportionment has been increased in accordance with the provisions of this  
35 subsection to compensate for the tax owed, the school district shall repay to  
36 the distributive school account in the state general fund an amount equal to  
37 the tax received from the lessee or user for the year in which the school  
38 district received an increased apportionment, not to exceed the increase in  
39 apportionments made to the school district pursuant to this subsection.

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

47 4. A final adjustment for each school district and charter school must  
48 be computed as soon as practicable following the close of the school year,  
49 but not later than August 25. The final computation must be based upon the



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1 actual counts of pupils required to be made for the computation of basic  
2 support and the limits upon the support of special education programs,  
3 except that for any year when the total enrollment of pupils and children in  
4 a school district or a charter school located within the school district  
5 described in paragraphs (a) ~~1, (b), (c) and (d)~~ **to (f), inclusive**, of  
6 subsection 1 of NRS 387.123 is greater on the last day of any school month  
7 of the school district after the second school month of the school district  
8 and the increase in enrollment shows at least:

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

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

15 5. If the final computation of apportionment for any school district or  
16 charter school exceeds the actual amount paid to the school district or  
17 charter school during the school year, the additional amount due must be  
18 paid before September 1. If the final computation of apportionment for any  
19 school district or charter school is less than the actual amount paid to the  
20 school district or charter school during the school year, the difference must  
21 be repaid to the state distributive school account in the state general fund  
22 by the school district or charter school before September 25.

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

24 387.185 1. Except as otherwise provided in subsection 2 and NRS  
25 387.528, all school money due each county school district must be paid  
26 over by the state treasurer to the county treasurer on August 1,  
27 November 1, February 1 and May 1 of each year or as soon thereafter as  
28 the county treasurer may apply for it, upon the warrant of the state  
29 controller drawn in conformity with the apportionment of the  
30 superintendent of public instruction as provided in NRS 387.124.

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

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

42 4. Except as otherwise provided in this subsection, all school money  
43 due each charter school must be paid over by the state treasurer to the  
44 governing body of the charter school on August 1, November 1, February 1  
45 and May 1 of each year or as soon thereafter as the governing body may  
46 apply for it, upon the warrant of the state controller drawn in conformity  
47 with the apportionment of the superintendent of public instruction as  
48 provided in NRS 387.124. If the superintendent of public instruction has  
49 approved, pursuant to subsection ~~4~~ **5** of NRS 387.124, a request for



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1 payment of an apportionment 30 days before the apportionment is  
2 otherwise required to be made, the money due to the charter school must be  
3 paid by the state treasurer to the governing body of the charter school on  
4 July 1, October 1, January 1 or April 1, as applicable.

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

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

10 **Sec. 11.** *“Distance education” means instruction which is delivered*  
11 *by means of video, computer, television, correspondence or the Internet*  
12 *or other electronic means of communication, or any combination*  
13 *thereof, in such a manner that the person supervising or providing the*  
14 *instruction and the pupil receiving the instruction are separated*  
15 *geographically for a majority of the time during which the instruction is*  
16 *delivered.*

17 **Sec. 12.** *“Program of distance education” means a program*  
18 *comprised of one or more courses of study that is designed for pupils who*  
19 *are at risk of dropping out of high school and uses distance education as*  
20 *its primary mechanism for delivery.*

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

24 2. *An application to provide a program of distance education must*  
25 *include:*

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

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

29 3. *The state board shall approve an application submitted pursuant*  
30 *to this section if the application satisfies the requirements of sections 10*  
31 *to 21, inclusive, of this act, and all other applicable statutes and*  
32 *regulations. The state board shall provide written notice to the applicant*  
33 *of its approval or denial of the application.*

34 4. *If the state board denies an application, the state board shall*  
35 *include in the written notice the reasons for the denial and the*  
36 *deficiencies of the application. The applicant must be granted 30 days*  
37 *after receipt of the written notice to correct any deficiencies identified in*  
38 *the written notice and resubmit the application. The state board shall*  
39 *approve an application that has been resubmitted pursuant to this*  
40 *subsection if the application satisfies the requirements of sections 10 to*  
41 *21, inclusive, of this act, and all other applicable statutes and*  
42 *regulations.*

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

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



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- 1     2. *Is deficient in the amount of academic credit necessary to*  
2 *graduate with pupils his same age;*  
3     3. *Is chronically absent from high school; or*  
4     4. *Requires instruction on a more personal basis than that regularly*  
5 *provided in high school.*  
6     **Sec. 15.** *A program of distance education may include, without*  
7 *limitation:*  
8         1. *An opportunity for pupils to participate in the program:*  
9             (a) *For a shorter school day or a longer school day than that regularly*  
10 *provided for in high school; and*  
11             (b) *During any part of the calendar year;*  
12         2. *An opportunity for pupils to satisfy either:*  
13             (a) *The requirements for a regular high school diploma; or*  
14             (b) *The requirements for a high school diploma for adults; and*  
15         3. *Instruction that is provided to pupils individually or in a group.*  
16     **Sec. 16.** *The board of trustees of a school district or the governing*  
17 *body of a charter school that provides a program of distance education*  
18 *shall ensure that each teacher of a course offered through the program:*  
19         1. *Provides the work assignments to each pupil enrolled in the course*  
20 *that are necessary for the pupil to complete the course; and*  
21         2. *Meets or otherwise communicates with the pupil at least once each*  
22 *week during the course to discuss the pupil's progress.*  
23     **Sec. 17.** 1. *The attendance of a pupil who is enrolled in a course*  
24 *through a program of distance education must be recorded based upon*  
25 *the actual amount of time that the pupil spends for the course while*  
26 *engaged in any of the following activities:*  
27         (a) *Logged onto a computer;*  
28         (b) *Communicating with the teacher of the course;*  
29         (c) *Viewing materials such as videos that are required for the course;*  
30 *or*  
31         (d) *Working on lessons assigned for the course by the teacher.*  
32     2. *A pupil who is enrolled in a course through a program of distance*  
33 *education must be awarded credit for the course based upon:*  
34         (a) *The completion of the required number of hours for the course, as*  
35 *recorded pursuant to subsection 1;*  
36         (b) *Work assignments that are graded by a licensed teacher; and*  
37         (c) *Scores received on a mid-term examination and a final*  
38 *examination that is administered to the pupil under the direct supervision*  
39 *of an employee of the school district or charter school that provides the*  
40 *program of distance education.*  
41     3. *Neither the board of trustees of a school district nor the governing*  
42 *body of a charter school that provides a program of distance education*  
43 *may award a high school diploma to a pupil enrolled in the program*  
44 *unless the pupil has passed the high school proficiency examination.*  
45     **Sec. 17.5.** 1. *The board of trustees of a school district that provides*  
46 *a program of distance education shall, upon the request of a parent or*  
47 *legal guardian of a pupil who is enrolled in a charter school, authorize*  
48 *the pupil to participate in a class offered through the program of distance*  
49 *education that is not available to the child at the charter school or*



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1 *participate in an extracurricular activity offered through the program of*  
2 *distance education if:*

3 *(a) The governing body of the charter school has granted permission*  
4 *pursuant to section 19 of this act;*

5 *(b) Space for the pupil in the class or extracurricular activity is*  
6 *available; and*

7 *(c) The parent or legal guardian demonstrates to the satisfaction of*  
8 *the board of trustees that the pupil is qualified to participate in the class*  
9 *or extracurricular activity.*

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

14 *2. The board of trustees of a school district may revoke its approval*  
15 *for a pupil to participate in a class or extracurricular activity pursuant to*  
16 *subsection 1 if the board of trustees determines that the pupil has failed*  
17 *to comply with applicable statutes, or applicable rules and regulations of*  
18 *the board of trustees. If the board of trustees so revokes its approval,*  
19 *neither the board of trustees nor the program of distance education is*  
20 *liable for any damages relating to the denial of services to the pupil.*

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

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

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

46 *(b) If the pupil plans to enroll part time in the program of distance*  
47 *education, contain a statement prepared by the board of trustees of the*  
48 *school district in which the pupil resides and the board of trustees or*  
49 *governing body that provides the program of distance education setting*



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1 forth the percentage of the total time services will be provided to the pupil  
2 through the program of distance education per school day in proportion  
3 to the total time services are provided during a school day to pupils who  
4 are counted pursuant to subparagraph (2) of paragraph (a) of subsection  
5 1 of NRS 387.1233 for the school district in which the pupil resides;

6 (c) Be signed by the board of trustees of the school district in which  
7 the pupil resides and the board of trustees or governing body that  
8 provides the program of distance education; and

9 (d) Include any other information required by the state board by  
10 regulation.

11 3. On or before September 1 of each year, a written agreement must  
12 be filed with the superintendent of public instruction for each pupil who  
13 is enrolled full time or part time in a program of distance education  
14 provided by a school district other than the school district in which the  
15 pupil resides. On or before September 1 of each year, a written  
16 agreement must be filed with the superintendent of public instruction for  
17 each pupil who is enrolled in a public school of the school district and  
18 who is enrolled part time in a program of distance education provided by  
19 a charter school. If an agreement is not filed for a pupil who is enrolled  
20 in a program of distance education as required by this section, the  
21 superintendent of public instruction shall not apportion money for that  
22 pupil to the board of trustees of the school district in which the pupil  
23 resides, or the board of trustees or governing body that provides the  
24 program of distance education.

25 **Sec. 19. 1.** If a pupil is enrolled in a charter school, he may enroll  
26 full time in a program of distance education only if the charter school in  
27 which he is enrolled provides the program of distance education.

28 2. Before a pupil who is enrolled in a charter school may enroll part  
29 time in a program of distance education that is provided by a school  
30 district or another charter school, the pupil must obtain the written  
31 permission of the governing body of the charter school in which the pupil  
32 is enrolled.

33 3. If the governing body of a charter school grants permission  
34 pursuant to subsection 2, the governing body shall enter into a written  
35 agreement with the board of trustees or governing body, as applicable,  
36 that provides the program of distance education. A separate agreement  
37 must be prepared for each year that a pupil enrolls in a program of  
38 distance education. The written agreement must:

39 (a) Contain a statement prepared by the governing body of the charter  
40 school in which the pupil is enrolled indicating that the governing body  
41 understands that the superintendent of public instruction will make  
42 appropriate adjustments in the apportionments to the charter school  
43 pursuant to NRS 387.124 to account for the pupil's enrollment in the  
44 program of distance education;

45 (b) Contain a statement prepared by the governing body of the charter  
46 school in which the pupil is enrolled and the board of trustees or  
47 governing body that provides the program of distance education setting  
48 forth the percentage of the total time services will be provided to the pupil  
49 through the program of distance education per school day in proportion



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

4 (c) Be signed by the governing body of the charter in which the pupil  
5 is enrolled and the board of trustees or governing body that provides the  
6 program of distance education; and

7 (d) Include any other information required by the state board by  
8 regulation.

9 4. On or before September 1 of each year, a written agreement must  
10 be filed with the superintendent of public instruction for each pupil who  
11 is enrolled in a charter school and who is enrolled part time in a program  
12 of distance education provided by a school district or another charter  
13 school. If an agreement is not filed for such a pupil, the superintendent  
14 of public instruction shall not apportion money for that pupil to the  
15 governing body of the charter school in which the pupil is enrolled, or  
16 the board of trustees or governing body that provides the program of  
17 distance education.

18 **Sec. 20. 1.** If a pupil is enrolled full time in a program of distance  
19 education provided by the board of trustees of a school district, the pupil  
20 shall be deemed enrolled in that school district for purposes of all the  
21 applicable requirements, statutes, regulations, rules and policies of the  
22 school district, including, without limitation:

23 (a) Graduation requirements;

24 (b) Accountability of public schools, as set forth in NRS 385.3455 to  
25 385.391, inclusive;

26 (c) Provisions governing the attendance and truancy of pupils, as set  
27 forth in NRS 392.040 to 392.220, inclusive; and

28 (d) Discipline of pupils.

29 2. A pupil who is enrolled full time in a program of distance  
30 education provided by a charter school shall be deemed enrolled in the  
31 charter school. All the applicable requirements, statutes, regulations,  
32 rules and policies of that charter school apply to such a pupil, including,  
33 without limitation:

34 (a) Graduation requirements;

35 (b) Accountability of public schools, as set forth in NRS 385.3455 to  
36 385.391, inclusive;

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

39 (d) Discipline of pupils.

40 3. Except for a pupil who is enrolled part time in a program of  
41 distance education pursuant to NRS 392.070, if a pupil is enrolled part  
42 time in a program of distance education, all the applicable requirements,  
43 statutes, regulations, rules and policies of the public school of the school  
44 district in which the pupil is otherwise enrolled or the charter school in  
45 which the pupil is otherwise enrolled apply to such a pupil, including,  
46 without limitation:

47 (a) Graduation requirements;

48 (b) Accountability of public schools, as set forth in NRS 385.3455 to  
49 385.391, inclusive;



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

3 (d) Discipline of pupils.

4 **Sec. 20.5.** 1. If the board of trustees of a school district provides a  
5 program of distance education, the board of trustees shall:

6 (a) Ensure that the persons who operate the program on a day-to-day  
7 basis comply with and carry out all applicable requirements, statutes,  
8 regulations, rules and policies of the school district, including, without  
9 limitation:

10 (1) Graduation requirements;

11 (2) Accountability of public schools, as set forth in NRS 385.3455 to  
12 385.391, inclusive;

13 (3) Provisions governing the attendance and truancy of pupils, as  
14 set forth in NRS 392.040 to 392.220, inclusive; and

15 (4) Discipline of pupils.

16 (b) Prepare a separate written report that contains the information  
17 required by subsection 2 of NRS 385.347, as applicable to the pupils who  
18 are enrolled in the program of distance education, and include the  
19 separate written report with the report that is made pursuant to NRS  
20 385.347.

21 2. If the governing body of a charter school provides a program of  
22 distance education, the governing body shall:

23 (a) For each pupil who is enrolled in the program, provide written  
24 notice to the board of trustees of the school district in which the pupil  
25 resides of the type of educational services that will be provided to the  
26 pupil through the program. The written notice must be provided to the  
27 board of trustees before the pupil receives educational services through  
28 the program of distance education.

29 (b) Ensure that the persons who operate the program on a day-to-day  
30 basis comply with and carry out all applicable requirements, statutes,  
31 regulations, rules and policies of the charter school, including, without  
32 limitation:

33 (1) Graduation requirements;

34 (2) Accountability of public schools, as set forth in NRS 385.3455 to  
35 385.391, inclusive;

36 (3) Provisions governing the attendance and truancy of pupils, as  
37 set forth in NRS 392.040 to 392.220, inclusive; and

38 (4) Discipline of pupils.

39 (c) Prepare a separate written report that contains the information  
40 required by subsection 2 of NRS 385.347, as applicable to the pupils who  
41 are enrolled in the program of distance education, and submit the  
42 separate written report to the board of trustees of the school district in  
43 which the charter school is located for inclusion with the report made by  
44 the school district pursuant to NRS 385.347.

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

46 (a) The process for submission of an application by the board of  
47 trustees of a school district or the governing body of a charter school to  
48 provide a program of distance education and the contents of the  
49 application;



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1 (b) A method for reporting to the department the number of pupils  
2 who are enrolled in a program of distance education and the attendance  
3 of those pupils;

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

8 (d) A written description of the process pursuant to which the state  
9 board may revoke its approval for the operation of a program of distance  
10 education.

11 2. The state board may adopt regulations as it determines are  
12 necessary to carry out the provisions of sections 10 to 21, inclusive, of  
13 this act.

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

15 388.090 1. Except as otherwise permitted pursuant to this section,  
16 boards of trustees of school districts shall schedule and provide a minimum  
17 of 180 days of free school in the districts under their charge.

18 2. The superintendent of public instruction may, upon application by a  
19 board of trustees, authorize a reduction of not more than 15 school days in  
20 a particular district to establish or maintain a 12-month school program or a  
21 program involving alternative scheduling, if the board of trustees  
22 demonstrates that the proposed schedule for the program provides for a  
23 greater number of minutes of instruction than would be provided under a  
24 program consisting of 180 school days. Before authorizing a reduction in  
25 the number of required school days pursuant to this subsection, the  
26 superintendent of public instruction must find that the proposed schedule  
27 will be used to alleviate problems associated with a growth in enrollment  
28 or overcrowding, or to establish and maintain a program of alternative  
29 schooling ~~H~~ , including, without limitation, a program of distance  
30 education provided by the board of trustees pursuant to sections 10 to 21  
31 inclusive, of this act.

32 3. The superintendent of public instruction may, upon application by a  
33 board of trustees, authorize the addition of minutes of instruction to any  
34 scheduled day of free school if days of free school are lost because of any  
35 interscholastic activity. Not more than 5 days of free school so lost may be  
36 rescheduled in this manner.

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

41 5. If more than 3 days of free school are lost because a natural disaster,  
42 inclement weather or an accident necessitates the closing of a majority of  
43 the facilities within a school district, the superintendent of public  
44 instruction, upon application by the school district, may permit the  
45 additional days lost to be counted as school days in session. The  
46 application must be submitted in the manner prescribed by the  
47 superintendent of public instruction.

48 6. The state board ~~of education~~ shall adopt regulations providing  
49 procedures for changing schedules of instruction to be used if a natural



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1 disaster, inclement weather or an accident necessitates the closing of a  
2 particular school within a school district.

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

4 388.537 1. The board of trustees of a school district may, subject to  
5 the approval of the state board, operate an alternative program for the  
6 education of pupils at risk of dropping out of high school, including pupils  
7 who:

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

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

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

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

16 2. An alternative program may include:

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

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

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

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

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

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

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

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

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

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

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

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

40 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,  
41 after the last day of the first month of the school year, the ratio in each  
42 school district of pupils per class in kindergarten and grades 1, 2 and 3 per  
43 licensed teacher designated to teach those classes full time must not exceed  
44 15 to 1 in classes where core curriculum is taught. In determining this ratio,  
45 all licensed educational personnel who teach kindergarten or grade 1, 2 or  
46 3 must be counted except teachers of art, music, physical education or  
47 special education, counselors, librarians, administrators, deans and  
48 specialists.



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

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

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

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

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

17 5. The department shall, on or before November 15 of each year,  
18 report to the chief of the budget division of the department of  
19 administration and the fiscal analysis division of the legislative counsel  
20 bureau:

21 (a) The number of teachers employed;

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

24 (c) The number of pupils enrolled; and

25 (d) The number of teachers assigned to teach in the same classroom  
26 with another teacher or in any other arrangement other than one teacher  
27 assigned to one classroom of pupils,  
28 during the current school year in kindergarten and grades 1, 2 and 3 for  
29 each school district.

30 6. The provisions of this section do not apply to a charter school ~~or~~ *or*  
31 *to a program of distance education provided pursuant to sections 10 to*  
32 *21, inclusive, of this act.*

33 **Sec. 25.** NRS 389.017 is hereby amended to read as follows:

34 389.017 1. The state board shall prescribe regulations requiring that  
35 each board of trustees of a school district and each governing body of a  
36 charter school submit to the superintendent of public instruction and the  
37 department, in the form and manner prescribed by the superintendent, the  
38 results of achievement and proficiency examinations given in the 4th, 8th,  
39 10th and 11th grades to public school pupils of the district and charter  
40 schools. The state board shall not include in the regulations any provision  
41 which would violate the confidentiality of the test scores of any individual  
42 pupil.

43 2. The results of examinations must be reported for each school,  
44 including, without limitation, each charter school, school district and this  
45 state as follows:

46 (a) The average score, as defined by the department, of pupils who took  
47 the examinations under regular testing conditions; and

48 (b) The average score, as defined by the department, of pupils who took  
49 the examinations with modifications or accommodations approved by the



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1 private entity that created the examination or, if the department created the  
2 examination, the department, if such reporting does not violate the  
3 confidentiality of the test scores of any individual pupil.

4 3. The department shall adopt regulations prescribing the requirements  
5 for reporting the scores of pupils who:

6 (a) Took the examinations under conditions that were not approved by  
7 the private entity that created the examination or, if the department created  
8 the examination, by the department;

9 (b) Are enrolled in special schools for children with disabilities;

10 (c) Are enrolled in an alternative program for the education of pupils at  
11 risk of dropping out of high school ~~†~~, *including, without limitation, a*  
12 *program of distance education that is provided pursuant to sections 10 to*  
13 *21, inclusive, of this act;* or

14 (d) Are detained in a:

15 (1) Youth training center;

16 (2) Youth center;

17 (3) Juvenile forestry camp;

18 (4) Detention home;

19 (5) Youth camp;

20 (6) Juvenile correctional institution; or

21 (7) Correctional institution.

22 The scores reported pursuant to this subsection must not be included in the  
23 average scores reported pursuant to subsection 2.

24 4. Not later than 10 days after the department receives the results of  
25 the achievement and proficiency examinations, the department shall  
26 transmit a copy of the results of the examinations administered pursuant to  
27 NRS 389.015 to the legislative bureau of educational accountability and  
28 program evaluation in a manner that does not violate the confidentiality of  
29 the test scores of any individual pupil.

30 5. On or before November 1 of each year, each school district and each  
31 charter school shall report to the department the following information for  
32 each examination administered in the public schools in the school district  
33 or charter school:

34 (a) The examination administered;

35 (b) The grade level or levels of pupils to whom the examination was  
36 administered;

37 (c) The costs incurred by the school district or charter school in  
38 administering each examination; and

39 (d) The purpose, if any, for which the results of the examination are  
40 used by the school district or charter school.

41 On or before December 1 of each year, the department shall transmit to the  
42 budget division of the department of administration and the fiscal analysis  
43 division of the legislative counsel bureau the information submitted to the  
44 department pursuant to this subsection.

45 6. The superintendent of schools of each school district and the  
46 governing body of each charter school shall certify that the number of  
47 pupils who took the examinations required pursuant to NRS 389.015 is  
48 equal to the number of pupils who are enrolled in each school in the school  
49 district or in the charter school who are required to take the examinations



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1 except for those pupils who are exempt from taking the examinations. A  
2 pupil may be exempt from taking the examinations if:

3 (a) His primary language is not English and his proficiency in the  
4 English language is below the level that the state board determines is  
5 proficient, as measured by an assessment of proficiency in the English  
6 language prescribed by the state board pursuant to subsection 8; or

7 (b) He is enrolled in a program of special education pursuant to NRS  
8 388.440 to 388.520, inclusive, and his program of special education  
9 specifies that he is exempt from taking the examinations.

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

12 (a) Report the number of pupils who were not exempt from taking the  
13 examinations but were absent from school on the day that the examinations  
14 were administered; and

15 (b) Reconcile the number of pupils who were required to take the  
16 examinations with the number of pupils who were exempt from taking the  
17 examinations or absent from school on the day that the examinations were  
18 administered.

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

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

24 389.155 1. The state board shall, by regulation, establish a program  
25 pursuant to which a pupil enrolled full time in high school may complete  
26 any required or elective course by independent study outside of the normal  
27 classroom setting.

28 2. The regulations must require that:

29 (a) The teacher of the course assign to the pupil the work assignments  
30 necessary to complete the course; and

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

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

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

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

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

42 **(a) *Program of distance education provided pursuant to sections 10 to***  
43 ***21, inclusive, of this act; or***

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

46 **Sec. 26.5.** NRS 389.560 is hereby amended to read as follows:

47 389.560 1. The state board shall adopt regulations that require the  
48 board of trustees of each school district and the governing body of each  
49 charter school to submit to the superintendent of public instruction, the





1 department and the council, in the form and manner prescribed by the  
2 superintendent, the results of the examinations administered pursuant to  
3 NRS 389.550. The state board shall not include in the regulations any  
4 provision that would violate the confidentiality of the test scores of an  
5 individual pupil.

6 2. The results of the examinations must be reported for each school,  
7 including, without limitation, each charter school, school district and this  
8 state, as follows:

9 (a) The percentage of pupils who have demonstrated proficiency, as  
10 defined by the department, and took the examinations under regular testing  
11 conditions; and

12 (b) The percentage of pupils who have demonstrated proficiency, as  
13 defined by the department, and took the examinations with modifications  
14 or accommodations approved by the private entity that created the  
15 examination or, if the department created the examination, the department,  
16 if such reporting does not violate the confidentiality of the test scores of  
17 any individual pupil.

18 3. The department shall adopt regulations prescribing the requirements  
19 for reporting the results of pupils who:

20 (a) Took the examinations under conditions that were not approved by  
21 the private entity that created the examination or, if the department created  
22 the examination, by the department;

23 (b) Are enrolled in special schools for children with disabilities;

24 (c) Are enrolled in an alternative program for the education of pupils at  
25 risk of dropping out of high school ~~or~~ *including, without limitation, a*  
26 *program of distance education that is provided pursuant to sections 10 to*  
27 *21, inclusive, of this act;* or

28 (d) Are detained in a:

29 (1) Youth training center;

30 (2) Youth center;

31 (3) Juvenile forestry camp;

32 (4) Detention home;

33 (5) Youth camp;

34 (6) Juvenile correctional institution; or

35 (7) Correctional institution.

36 The results reported pursuant to this subsection must not be included in the  
37 percentage of pupils reported pursuant to subsection 2.

38 4. Not later than 10 days after the department receives the results of  
39 the examinations, the department shall transmit a copy of the results to the  
40 legislative bureau of educational accountability and program evaluation in  
41 a manner that does not violate the confidentiality of the test scores of any  
42 individual pupil.

43 5. On or before November 1 of each year, each school district and each  
44 charter school shall report to the department the following information for  
45 each examination administered in the public schools in the school district  
46 or charter school:

47 (a) The examination administered;

48 (b) The grade level or levels of pupils to whom the examination was  
49 administered;



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1 (c) The costs incurred by the school district or charter school in  
2 administering each examination; and

3 (d) The purpose, if any, for which the results of the examination are  
4 used by the school district or charter school.

5 On or before December 1 of each year, the department shall transmit to the  
6 budget division of the department of administration and the fiscal analysis  
7 division of the legislative counsel bureau the information submitted to the  
8 department pursuant to this subsection.

9 6. The superintendent of schools of each school district and the  
10 governing body of each charter school shall certify that the number of  
11 pupils who took the examinations is equal to the number of pupils who are  
12 enrolled in each school in the school district or in the charter school who  
13 are required to take the examinations, except for those pupils who are  
14 exempt from taking the examinations. A pupil may be exempt from taking  
15 the examinations if:

16 (a) His primary language is not English and his proficiency in the  
17 English language is below the level that the state board determines is  
18 proficient, as measured by an assessment of proficiency in the English  
19 language prescribed by the state board pursuant to subsection 8; or

20 (b) He is enrolled in a program of special education pursuant to NRS  
21 388.440 to 388.520, inclusive, and his program of special education  
22 specifies that he is exempt from taking the examinations.

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

25 (a) Report the number of pupils who were not exempt from taking the  
26 examinations but were absent from school on the day that the examinations  
27 were administered; and

28 (b) Reconcile the number of pupils who were required to take the  
29 examinations with the number of pupils who were exempt from taking the  
30 examinations or absent from school on the day that the examinations were  
31 administered.

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

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

37 392.010 Except as to the attendance of a pupil pursuant to NRS  
38 392.015 *or sections 10 to 21, inclusive, of this act*, or a pupil who is  
39 ineligible for attendance pursuant to NRS 392.4675 and except as  
40 otherwise provided in NRS 392.264 and 392.268:

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

43 (a) Admit to the school or schools of the school district any pupil or  
44 pupils living in an adjoining school district within this state or in an  
45 adjoining state when the school district of residence in the adjoining state  
46 adjoins the receiving Nevada school district; or

47 (b) Pay tuition for pupils residing in the school district but who attend  
48 school in an adjoining school district within this state or in an adjoining



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1 state when the receiving district in the adjoining state adjoins the school  
2 district of Nevada residence.

3 2. With the approval of the superintendent of public instruction, the  
4 board of trustees of the school district in which the pupil or pupils reside  
5 and the board of trustees of the school district in which the pupil or pupils  
6 attend school shall enter into an agreement providing for the payment of  
7 such tuition as may be agreed upon, but transportation costs must be paid  
8 by the board of trustees of the school district in which the pupil or pupils  
9 reside:

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

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

14 3. In addition to the provisions for the payment of tuition and  
15 transportation costs for pupils admitted to an adjoining school district as  
16 provided in subsection 2, the agreement may contain provisions for the  
17 payment of reasonable amounts of money to defray the cost of operation,  
18 maintenance and depreciation of capital improvements which can be  
19 allocated to such pupils.

20 **Sec. 28.** NRS 392.035 is hereby amended to read as follows:

21 392.035 1. In determining the mobility of pupils in a school, for any  
22 purpose, the department shall divide the sum of the following numbers by  
23 the cumulative enrollment in the school:

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

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

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

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

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

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

40 392.070 1. Attendance required by the provisions of NRS 392.040  
41 must be excused when satisfactory written evidence is presented to the  
42 board of trustees of the school district in which the child resides that the  
43 child is receiving at home or in some other school equivalent instruction of  
44 the kind and amount approved by the state board.

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



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1 (a) Only if a child would otherwise be eligible for participation in  
2 programs of special education and related services pursuant to NRS  
3 388.440 to 388.520, inclusive;

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

8 (c) In accordance with the same requirements set forth in 20 U.S.C. §  
9 1412 which relate to the participation of pupils with disabilities who are  
10 enrolled in private schools within the school district voluntarily by their  
11 parents or legal guardians.

12 3. Except as otherwise provided in subsection 2 for programs of  
13 special education and related services ~~H~~ *and subsection 5 for programs of*  
14 *distance education*, upon the request of a parent or legal guardian of a  
15 child who is enrolled in a private school or who receives instruction at  
16 home, the board of trustees of the school district in which the child resides  
17 shall authorize the child to participate in a class that is not available to the  
18 child at the private school or home school or participate in an  
19 extracurricular activity, excluding sports, at a public school within the  
20 school district if:

21 (a) Space for the child in the class or extracurricular activity is  
22 available; and

23 (b) The parent or legal guardian demonstrates to the satisfaction of the  
24 board of trustees that the child is qualified to participate in the class or  
25 extracurricular activity.

26 If the board of trustees of a school district authorizes a child to participate  
27 in a class or extracurricular activity, excluding sports, pursuant to this  
28 subsection, the board of trustees is not required to provide transportation  
29 for the child to attend the class or activity.

30 4. The board of trustees of a school district may revoke its approval for  
31 a pupil to participate in a class or extracurricular activity at a public school  
32 pursuant to subsection 3 if the board of trustees or the public school  
33 determines that the pupil has failed to comply with applicable statutes, or  
34 applicable rules and regulations of the board of trustees. If the board of  
35 trustees revokes its approval, neither the board of trustees nor the public  
36 school are liable for any damages relating to the denial of services to the  
37 pupil.

38 5. *The board of trustees of a school district or the governing body of*  
39 *a charter school that provides a program of distance education pursuant*  
40 *to sections 10 to 21, inclusive, of this act shall, upon the request of a*  
41 *parent or legal guardian of a child who is enrolled in a private school or*  
42 *who receives instruction at home, authorize the child to participate in a*  
43 *class offered through the program of distance education that is not*  
44 *available to the child at the private school or home school or participate*  
45 *in an extracurricular activity offered through the program of distance*  
46 *education if:*

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



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1     (b) The parent or legal guardian demonstrates to the satisfaction of  
2     the board of trustees or governing body, as applicable, that the child is  
3     qualified to participate in the class or extracurricular activity.  
4     If the board of trustees or governing body, as applicable, authorizes a  
5     child to participate in a class or extracurricular activity pursuant to this  
6     subsection, the board of trustees or governing body is not required to  
7     provide transportation for the child to participate in the class or activity.  
8     6. If the board of trustees of a school district other than the school  
9     district in which a child resides or the governing body of a charter school  
10    authorizes a child to participate in a class or extracurricular activity  
11    pursuant to subsection 5, the board of trustees or governing body, as  
12    applicable, shall provide written notice of the authorization to the board  
13    of trustees of the school district in which the child resides. Upon receipt  
14    of the written notice, the board of trustees of the school district in which  
15    the child resides shall enter into a written agreement with the board of  
16    trustees or governing body that provides the program of distance  
17    education. A separate agreement must be prepared for each year that a  
18    child participates in a class or extracurricular activity offered through a  
19    program of distance education. The written agreement must:  
20    (a) Contain a statement prepared by the board of trustees of the school  
21    district in which the child resides indicating that the board of trustees  
22    understands that the child will be included in the calculation of basic  
23    support for the school district pursuant to subparagraph (7) of paragraph  
24    (a) of subsection 1 of NRS 387.1233 and that the superintendent of  
25    public instruction will make appropriate adjustments in the  
26    apportionments to the school district pursuant to NRS 387.124 to account  
27    for the child's enrollment in the program of distance education;  
28    (b) Contain a statement prepared by the board of trustees of the school  
29    district in which the child resides and the board of trustees or governing  
30    body that provides the program of distance education setting forth the  
31    percentage of the total time services will be provided to the child through  
32    the program of distance education per school day in proportion to the  
33    total time services are provided during a school day to pupils who are  
34    counted pursuant to subparagraph (2) of paragraph (a) of subsection 1  
35    of NRS 387.1233 for the school district in which the pupil resides;  
36    (c) Be signed by the board of trustees of the school district in which  
37    the child resides and the board of trustees or governing body, as  
38    applicable, that provides the program of distance education; and  
39    (d) Include any other information required by the state board by  
40    regulation.  
41    7. On or before September 1 of each year, a written agreement must  
42    be filed with the superintendent of public instruction for each child who  
43    participates in a program of distance education pursuant to subsection 5.  
44    The superintendent of public instruction shall apportion money for that  
45    child in accordance with subsection 4 of NRS 387.124 regardless of  
46    whether an agreement has been filed as required by this section if the  
47    child was included in the count for basic support pursuant to NRS  
48    387.1233.



1     8. *The board of trustees of a school district or the governing body of*  
2 *a charter school, as applicable, may revoke its approval for a child to*  
3 *participate in a class or extracurricular activity pursuant to subsection 5*  
4 *if the board of trustees or governing body determines that the child has*  
5 *failed to comply with applicable statutes, or applicable rules and*  
6 *regulations. If the board of trustees or governing body revokes its*  
7 *approval, neither the board of trustees or governing body, as applicable,*  
8 *nor the program of distance education are liable for any damages*  
9 *relating to the denial of services to the child.*  
10    9. The programs of special education and related services required by  
11 subsection 2 may be offered at a public school or another location that is  
12 appropriate.  
13    ~~16.1~~ 10. The department may adopt such regulations as are necessary  
14 for the boards of trustees of school districts to provide the programs of  
15 special education and related services required by subsection 2.  
16    ~~17.1~~ 11. As used in this section, "related services" has the meaning  
17 ascribed to it in 20 U.S.C. § 1401(22).  
18    **Sec. 30.** On or before April 1, 2002, the state board of education shall  
19 adopt regulations required by section 21 of this act.  
20    **Sec. 31.** The state board of education shall accept applications to  
21 provide programs of distance education in accordance with section 13 of  
22 this act for programs that will commence operation with the 2002-2003  
23 school year. If any deadlines contained within the regulations adopted by  
24 the state board of education pursuant to section 21 of this act prohibit a  
25 school district or charter school from submitting an application for the  
26 2002-2003 school year, the state board of education shall grant a shorter  
27 period for a school district or charter school to submit an application for  
28 the 2002-2003 school year notwithstanding the provisions of those  
29 regulations.  
30    **Sec. 32.** 1. This section and sections 21, 30 and 31 of this act  
31 become effective upon passage and approval.  
32    2. Sections 1 to 20.5 inclusive, and 22 to 29, inclusive, of this act  
33 become effective on July 1, 2002.

