

SENATE BILL NO. 108—COMMITTEE ON FINANCE

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 13, 2001

Referred to Committee on Finance

SUMMARY—Authorizes school districts and charter schools to provide programs of distance education. (BDR 34-834)

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; 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; requiring the department of education to prepare a list of approved courses of distance education; providing for the submission of applications to the department of education to include a course of distance education on the list prepared by the department; providing for the submission of applications to the department of education by boards of trustees of schools districts, governing bodies of charter schools and consortiums thereof to provide programs of distance education; requiring the state board of education to adopt regulations prescribing the requirements of 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.** Chapter 386 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:  
3         1. *Except as otherwise provided in subsection 2, a charter school*  
4         *shall not operate through a facility located in a school district other than*  
5         *the school district in which the charter school is located.*  
6         2. *A charter school that provides a program of distance education*  
7         *pursuant to sections 11 to 25, inclusive, of this act, may operate through*  
8         *a satellite facility located in a school district other than the school district*  
9         *in which the charter school is located to provide services and instruction*  
10        *to pupils who are enrolled in the program of distance education.*



- 1     **Sec. 2.** NRS 386.550 is hereby amended to read as follows:  
2     386.550 A charter school shall:
- 3     1. Comply with all laws and regulations relating to discrimination and  
4     civil rights.
  - 5     2. Remain nonsectarian, including, without limitation, in its  
6     educational programs, policies for admission and employment practices.
  - 7     3. Refrain from charging tuition or fees, levying taxes or issuing  
8     bonds.
  - 9     4. Comply with any plan for desegregation ordered by a court that is in  
10    effect in the school district in which the charter school is located.
  - 11    5. Comply with the provisions of chapter 241 of NRS.
  - 12    6. Except as otherwise provided in this subsection ~~+~~ *and subsection 3*  
13    *of NRS 388.090*, schedule and provide annually at least as many days of  
14    instruction as are required of other public schools located in the same  
15    school district as the charter school is located. The governing body of a  
16    charter school may submit a written request to the superintendent of public  
17    instruction for a waiver from providing the days of instruction required by  
18    this subsection ~~+~~ *if the waiver will not apply to a program of distance*  
19    *education provided pursuant to sections 11 to 25, inclusive, of this act.*  
20    The superintendent of public instruction may grant such a request if the  
21    governing body demonstrates to the satisfaction of the superintendent that:  
22    (a) Extenuating circumstances exist to justify the waiver; and  
23    (b) The charter school will provide at least as many hours or minutes of  
24    instruction as would be provided under a program consisting of 180 days.
  - 25    7. Cooperate with the board of trustees of the school district in the  
26    administration of the achievement and proficiency examinations  
27    administered pursuant to NRS 389.015 and the examinations required  
28    pursuant to NRS 389.550 to the pupils who are enrolled in the charter  
29    school.
  - 30    8. Comply with applicable statutes and regulations governing the  
31    achievement and proficiency of pupils in this state.
  - 32    9. Provide instruction in the core academic subjects set forth in  
33    subsection 1 of NRS 389.018, as applicable for the grade levels of pupils  
34    who are enrolled in the charter school, and provide at least the courses of  
35    instruction that are required of pupils by statute or regulation for promotion  
36    to the next grade or graduation from a public high school and require the  
37    pupils who are enrolled in the charter school to take those courses of study.  
38    This subsection does not preclude a charter school from offering, or  
39    requiring the pupils who are enrolled in the charter school to take, other  
40    courses of study that are required by statute or regulation.
  - 41    10. Refrain from using public money to purchase real property or  
42    buildings without the approval of the sponsor.
  - 43    11. Hold harmless, indemnify and defend the sponsor of the charter  
44    school against any claim or liability arising from an act or omission by the  
45    governing body of the charter school or an employee or officer of the  
46    charter school. An action at law may not be maintained against the sponsor  
47    of a charter school for any cause of action for which the charter school has  
48    obtained liability insurance.



1 12. Provide written notice to the parents or legal guardians of pupils in  
2 grades 9 to 12, inclusive, who are enrolled in the charter school of whether  
3 the charter school is accredited by the Commission on Schools of the  
4 Northwest Association of Schools and Colleges.

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

9 *14. If the charter school provides a program of distance education*  
10 *pursuant to sections 11 to 25, inclusive, of this act, comply with all*  
11 *statutes and regulations that are applicable to a program of distance*  
12 *education for purposes of the operation of the program, regardless of*  
13 *whether those statutes and regulations impose additional requirements*  
14 *upon the charter school.*

15 **Sec. 3.** NRS 386.560 is hereby amended to read as follows:

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

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

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

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

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

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

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



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1 *education provided by the board of trustees of a school district or a*  
2 *consortium pursuant to section 22 of this act.*

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

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

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

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

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

24 **Sec. 4.** NRS 386.570 is hereby amended to read as follows:

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

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

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



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1 school in its first year of operation be paid to the charter school 30 days  
2 before the apportionments are otherwise required to be made.

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

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

13 **Sec. 5.** NRS 387.123 is hereby amended to read as follows:

14 387.123 1. The count of pupils for apportionment purposes includes  
15 all pupils who are enrolled in programs of instruction of the school district ,  
16 *including, without limitation, a program of distance education provided*  
17 *by the school district*, or pupils who reside in the county in which the  
18 school district is located and are enrolled in any charter school , *including,*  
19 *without limitation, a program of distance education provided by a charter*  
20 *school*, for:

21 (a) Pupils in the kindergarten department.

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

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

26 (d) *Pupils not included under paragraph (a) or (b) who reside in the*  
27 *county and are enrolled full time in a program of distance education*  
28 *provided by another school district or a consortium if an agreement is*  
29 *filed with the superintendent of public instruction pursuant to section 21*  
30 *of this act.*

31 (e) *Pupils not included under paragraphs (a) or (b) who reside in the*  
32 *county and are enrolled part time in a program of distance education if*  
33 *an agreement is filed with the superintendent of public instruction*  
34 *pursuant to section 21 or 22 of this act, as applicable.*

35 (f) Children detained in detention homes, alternative programs and  
36 juvenile forestry camps receiving instruction pursuant to the provisions of  
37 NRS 388.550, 388.560 and 388.570.

38 ~~(e)~~ (g) Pupils who are enrolled in classes pursuant to subsection 4 of  
39 NRS 386.560.

40 ~~(f)~~ (h) Pupils who are enrolled in classes pursuant to subsection 3 *or 5*  
41 *of NRS 392.070.*

42 ~~(e)~~ (i) Part-time pupils enrolled in classes and taking courses  
43 necessary to receive a high school diploma, excluding those pupils who are  
44 included in paragraphs (e) ~~and (f)~~, (g) and (h).

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

48 (a) Shall divide the school year into 10 school months, each containing  
49 20 or fewer school days.



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

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

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

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

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

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

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

25 4. ~~1A~~ *The provisions of subsection 3 do not apply to a charter school*  
26 ~~*is not required to comply with the pupil teacher ratio prescribed by the*~~  
27 ~~*state board pursuant to subsection 3-1 or a program of distance education*~~  
28 ~~*provided pursuant to sections 11 to 25, inclusive, of this act.*~~

29 **Sec. 6.** NRS 387.1233 is hereby amended to read as follows:

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

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

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

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

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

46 *(1) Full time or part time in a program of distance education*  
47 *provided by the school district on the last day of the first school month of*  
48 *the school district for the school year.*



1       (ii) Full time in a program of distance education provided by  
2 another school district or a consortium, if an agreement is filed with the  
3 superintendent of public instruction pursuant to section 21 of this act, on  
4 the last day of the first school month of the school district for the school  
5 year.

6       (iii) In a public school of the school district and are  
7 concurrently enrolled part time in a program of distance education  
8 provided by another school district, a charter school or a consortium, if  
9 an agreement is filed with the superintendent of public instruction  
10 pursuant to section 21 of this act, on the last day of the first school  
11 month of the school district for the school year.

12       (iv) In a charter school located within the school district and are  
13 concurrently enrolled part time in a program of distance education  
14 provided by a school district, another charter school or a consortium, if  
15 an agreement is filed with the superintendent of public instruction  
16 pursuant to section 22 of this act, on the last day of the first school  
17 month of the school district for the school year.

18       (4) The count of pupils not included under subparagraph (1), ~~for~~ (2)  
19 or (3) who are receiving special education pursuant to the provisions of  
20 NRS 388.440 to 388.520, inclusive, on the last day of the first school  
21 month of the school district for the school year, excluding the count of  
22 pupils who have not attained the age of 5 years and who are receiving  
23 special education pursuant to subsection 1 of NRS 388.490 on that day.

24       ~~(4)~~ (5) Six-tenths the count of pupils who have not attained the age  
25 of 5 years and who are receiving special education pursuant to subsection 1  
26 of NRS 388.490 on the last day of the first school month of the school  
27 district for the school year.

28       ~~(5)~~ (6) The count of children detained in detention homes,  
29 alternative programs and juvenile forestry camps receiving instruction  
30 pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the  
31 last day of the first school month of the school district for the school year.

32       ~~(6)~~ (7) The count of pupils who are enrolled in classes for at least  
33 one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 or 5  
34 of NRS 392.070, expressed as a percentage of the total time services are  
35 provided to those pupils per school day in proportion to the total time  
36 services are provided during a school day to pupils who are counted  
37 pursuant to subparagraph (2).

38       (b) Multiplying the number of special education program units  
39 maintained and operated by the amount per program established for that  
40 school year.

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

42       2. If the enrollment of pupils in a school district or a charter school  
43 that is located within the school district on the last day of the first school  
44 month of the school district for the school year is less than the enrollment  
45 of pupils in the same school district or charter school on the last day of the  
46 first school month of the school district for the immediately preceding  
47 school year, the larger number must be used for purposes of apportioning  
48 money from the state distributive school account to that school district or  
49 charter school pursuant to NRS 387.124.





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

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

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

14 **Sec. 7.** NRS 387.124 is hereby amended to read as follows:

15 387.124 Except as otherwise provided in *this section and* NRS  
16 387.528:

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

43 2. *In addition to the apportionments made pursuant to this section,*  
44 *an apportionment must be made to a school district or a consortium that*  
45 *provides a program of distance education for each pupil enrolled full*  
46 *time in the program if an agreement is filed for that pupil pursuant to*  
47 *section 21 of this act. The amount of the apportionment must be equal to*  
48 *the per pupil amount which would have been received by the school*  
49 *district in which the pupil resides pursuant to subsection 1 or the actual*



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1 *cost to provide the program of distance education to the pupil, as set*  
2 *forth in the written agreement pursuant to paragraph (b) of subsection 2*  
3 *of section 21 of this act, whichever is less. If the amount of the*  
4 *apportionment made pursuant to this subsection for a pupil who is*  
5 *enrolled full time in a program of distance education is less than the*  
6 *amount per pupil which would have been received by the school district*  
7 *in which the pupil resides, the remainder must be paid directly to the*  
8 *school district in which the pupil resides.*

9 3. *In addition to the apportionments made pursuant to this section,*  
10 *an apportionment must be made to a school district, charter school or*  
11 *consortium that provides a program of distance education for each pupil*  
12 *who is enrolled part time in the program if an agreement is filed for that*  
13 *pupil pursuant to section 21 or 22 of this act, as applicable. The amount*  
14 *of the apportionment must be equal to the percentage of the total time*  
15 *services are provided to the pupil through the program of distance*  
16 *education per school day in proportion to the total time services are*  
17 *provided during a school day to pupils who are counted pursuant to*  
18 *subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for*  
19 *the school district in which the pupil resides.*

20 4. *In addition to the apportionments made pursuant to this section,*  
21 *an apportionment must be made to a school district, charter school or*  
22 *consortium that provides a program of distance education for each child*  
23 *who is enrolled in a private school or receives instruction at home who*  
24 *participates in a class offered through a program of distance education*  
25 *pursuant to subsection 5 of NRS 392.070. The amount of the*  
26 *apportionment must be equal to the percentage of the total time services*  
27 *are provided to the pupil through the program of distance education per*  
28 *school day in proportion to the total time services are provided during a*  
29 *school day to pupils who are counted pursuant to subparagraph (2) of*  
30 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*  
31 *which the pupil resides.*

32 5. The governing body of a charter school may submit a written  
33 request to the superintendent of public instruction to receive, in the first  
34 year of operation of the charter school, an apportionment 30 days before  
35 the apportionment is required to be made pursuant to subsection 1. Upon  
36 receipt of such a request, the superintendent of public instruction may  
37 make the apportionment 30 days before the apportionment is required to be  
38 made. A charter school may receive all four apportionments in advance in  
39 its first year of operation.

40 ~~13-1~~ 6. If the state controller finds that such an action is needed to  
41 maintain the balance in the state general fund at a level sufficient to pay the  
42 other appropriations from it, he may pay out the apportionments monthly,  
43 each approximately one-twelfth of the yearly apportionment less any  
44 amount set aside as a reserve. If such action is needed, the state controller  
45 shall submit a report to the department of administration and the fiscal  
46 analysis division of the legislative counsel bureau documenting reasons for  
47 the action.



1     **Sec. 8.** NRS 387.1243 is hereby amended to read as follows:  
2     387.1243 1. The first apportionment based on an estimated number  
3     of pupils and special education program units and succeeding  
4     apportionments are subject to adjustment from time to time as the need  
5     therefor may appear.  
6     2. The apportionments to a school district may be adjusted during a  
7     fiscal year by the department of education, upon approval by the board of  
8     examiners and the interim finance committee, if the department of taxation  
9     and the county assessor in the county in which the school district is located  
10    certify to the department of education that the school district will not  
11    receive the tax levied pursuant to subsection 1 of NRS 387.195 on property  
12    of the Federal Government located within the county if:  
13    (a) The leasehold interest, possessory interest, beneficial interest or  
14    beneficial use of the property is subject to taxation pursuant to NRS  
15    361.157 and 361.159 and one or more lessees or users of the property are  
16    delinquent in paying the tax; and  
17    (b) The total amount of tax owed but not paid for the fiscal year by any  
18    such lessees and users is at least 5 percent of the proceeds that the school  
19    district would have received from the tax levied pursuant to subsection 1 of  
20    NRS 387.195.  
21    If a lessee or user pays the tax owed after the school district's  
22    apportionment has been increased in accordance with the provisions of this  
23    subsection to compensate for the tax owed, the school district shall repay to  
24    the distributive school account in the state general fund an amount equal to  
25    the tax received from the lessee or user for the year in which the school  
26    district received an increased apportionment, not to exceed the increase in  
27    apportionments made to the school district pursuant to this subsection.  
28    3. On or before August 1 of each year, the board of trustees of a school  
29    district shall provide to the department, in a format prescribed by the  
30    department, the count of pupils calculated pursuant to subparagraph ~~(6)~~  
31    (7) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at  
32    least one semester during the immediately preceding school year. The  
33    count of pupils submitted to the department must be included in the final  
34    adjustment computed pursuant to subsection 4.  
35    4. A final adjustment for each school district and charter school must  
36    be computed as soon as practicable following the close of the school year,  
37    but not later than August 25. The final computation must be based upon the  
38    actual counts of pupils required to be made for the computation of basic  
39    support and the limits upon the support of special education programs,  
40    except that for any year when the total enrollment of pupils and children in  
41    a school district or a charter school located within the school district  
42    described in paragraphs (a) ~~1, (b), (c) and (d)~~ to (f), inclusive, of  
43    subsection 1 of NRS 387.123 is greater on the last day of any school month  
44    of the school district after the second school month of the school district  
45    and the increase in enrollment shows at least:  
46    (a) A 3-percent gain, basic support as computed from first month  
47    enrollment for the school district or charter school must be increased by 2  
48    percent.



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

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

12 **Sec. 9.** NRS 387.185 is hereby amended to read as follows:

13 387.185 1. Except as otherwise provided in subsection 2 and NRS  
14 387.528, all school money due each county school district must be paid  
15 over by the state treasurer to the county treasurer on August 1, November  
16 1, February 1 and May 1 of each year or as soon thereafter as the county  
17 treasurer may apply for it, upon the warrant of the state controller drawn in  
18 conformity with the apportionment of the superintendent of public  
19 instruction as provided in NRS 387.124.

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

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

31 4. Except as otherwise provided in this subsection, all school money  
32 due each charter school must be paid over by the state treasurer to the  
33 governing body of the charter school on August 1, November 1, February 1  
34 and May 1 of each year or as soon thereafter as the governing body may  
35 apply for it, upon the warrant of the state controller drawn in conformity  
36 with the apportionment of the superintendent of public instruction as  
37 provided in NRS 387.124. If the superintendent of public instruction has  
38 approved, pursuant to subsection ~~4~~ 5 of NRS 387.124, a request for  
39 payment of an apportionment 30 days before the apportionment is  
40 otherwise required to be made, the money due to the charter school must be  
41 paid by the state treasurer to the governing body of the charter school on  
42 July 1, October 1, January 1 or April 1, as applicable.

43 **Sec. 10.** Chapter 388 of NRS is hereby amended by adding thereto the  
44 provisions set forth as sections 11 to 25, inclusive, of this act.

45 **Sec. 11.** *As used in sections 11 to 25, inclusive, of this act, unless the*  
46 *context otherwise requires, the words and terms defined in sections 12 to*  
47 *15, inclusive, of this act have the meanings ascribed to them in those*  
48 *sections.*



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1     **Sec. 12.** *“Consortium” means a consortium of two or more entities*  
2 *that is formed pursuant to section 17 of this act.*

3     **Sec. 13.** *“Course of distance education” means a course of study*  
4 *that uses distance education as its primary mechanism for delivery of*  
5 *instruction.*

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

13     **Sec. 15.** *“Program of distance education” means a program*  
14 *comprised of one or more courses of distance education that is approved*  
15 *by the department pursuant to section 18 of this act.*

16     **Sec. 16.** 1. *The department shall prepare and publish a list of*  
17 *courses of distance education that satisfy the requirements of sections 11*  
18 *to 25, inclusive, of this act, and all other applicable statutes and*  
19 *regulations. If an application to provide a program of distance education*  
20 *is approved by the department pursuant to section 18 of this act, the*  
21 *department shall automatically include on the list each course of study*  
22 *included within that program if the course of study has not been*  
23 *approved by the department before submission of the application to*  
24 *provide the program.*

25     2. *A person or entity that has developed a course of distance*  
26 *education, including, without limitation, a vendor of a course of distance*  
27 *education, the University and Community College System of Nevada or*  
28 *other postsecondary educational institution, a board of trustees of a*  
29 *school district or a governing body of a charter school, may submit an*  
30 *application for inclusion of the course on the list prepared by the*  
31 *department. The department may approve an application if the*  
32 *application satisfies the requirements of sections 11 to 25, inclusive, of*  
33 *this act, and all other applicable statutes and regulations. The*  
34 *department shall provide written notice to the applicant of its approval or*  
35 *denial of the application. The department shall not unreasonably*  
36 *withhold its approval of an application if the application satisfies the*  
37 *requirements of sections 11 to 25, inclusive, of this act.*

38     3. *If the department denies an application, the department shall*  
39 *include in the written notice the reasons for the denial and the*  
40 *deficiencies of the application. The applicant must be granted 30 days*  
41 *after receipt of the written notice to correct any deficiencies identified in*  
42 *the written notice and resubmit the application. The department may*  
43 *approve an application that has been resubmitted pursuant to this*  
44 *subsection if the application satisfies the requirements of sections 11 to*  
45 *25, inclusive, of this act and all other applicable statutes and regulations.*  
46 *The department shall not unreasonably withhold its approval of an*  
47 *application that has been resubmitted pursuant to this subsection if the*  
48 *applicant corrected the deficiencies identified in written notice and if the*



1 application otherwise satisfies the requirements of sections 11 to 25,  
2 inclusive, of this act.

3 **Sec. 17.** *A consortium to provide a program of distance education*  
4 *may be formed by written agreement in accordance with the regulations*  
5 *adopted by the state board pursuant to paragraph (d) of subsection 1 of*  
6 *section 25 of this act. A consortium may be comprised of a combination*  
7 *of the board of trustees of one or more school districts whose boundaries*  
8 *may be contiguous or noncontiguous or the governing body of one or*  
9 *more charter schools, or any combination thereof. If such a consortium*  
10 *is formed, the consortium may submit an application to the department to*  
11 *provide a program of distance education pursuant to section 18 of this*  
12 *act.*

13 **Sec. 18.** *1. The board of trustees of a school district, the governing*  
14 *body of a charter school or a consortium may submit an application to*  
15 *the department to provide a program of distance education.*

16 *2. An applicant to provide a program of distance education may seek*  
17 *approval to provide a program that is comprised of one or more courses*  
18 *of distance education included on the list of courses approved by the*  
19 *department pursuant to section 16 of this act or a program that is*  
20 *comprised of one or more courses of distance education that have not*  
21 *been reviewed by the department before submission of the application.*

22 *3. An application to provide a program of distance education must*  
23 *include:*

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

25 *(b) Except as otherwise provided in this paragraph, proof satisfactory*  
26 *to the department that the program satisfies all applicable statutes and*  
27 *regulations. The proof required by this paragraph shall be deemed*  
28 *satisfied if the program is comprised only of courses of distance*  
29 *education approved by the department pursuant to section 16 of this act*  
30 *before submission of the application.*

31 *(c) If the applicant is a consortium, a copy of the written agreement to*  
32 *form the consortium required by section 17 of this act.*

33 *(d) If the applicant is the board of trustees of a school district and the*  
34 *program will be offered for enrollment of pupils on a full-time basis, a*  
35 *written description of the manner in which the board of trustees will*  
36 *determine the affiliation of a pupil with a public school of the school*  
37 *district for purposes of section 23 of this act. The affiliation of a pupil*  
38 *with a public school for purposes of section 23 of this act may be*  
39 *determined in accordance with, without limitation, applicable zones*  
40 *established by the board of trustees pursuant to NRS 388.040, the grade*  
41 *level of pupils who are enrolled in the program or the level of*  
42 *participation of a particular public school of the school district in the*  
43 *operation of the program of distance education.*

44 *(e) If the applicant is a consortium that includes the board of trustees*  
45 *of a school district and the program will be offered for enrollment of*  
46 *pupils on a full-time basis, a written description of the manner in which*  
47 *the board of trustees of each school district that participates in the*  
48 *consortium will determine the affiliation of a pupil with a public school*  
49 *of the school district for purposes of section 23 of this act. The affiliation*



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1 of a pupil with a public school for purposes of section 23 of this act may  
2 be determined in accordance with, without limitation, applicable zones  
3 established by the board of trustees pursuant to NRS 388.040, the grade  
4 level of pupils who are enrolled in the program or the level of  
5 participation of a particular public school of the school district in the  
6 operation of the program of distance education.

7 4. The department may approve an application submitted pursuant to  
8 this section if the application satisfies the requirements of sections 11 to  
9 25, inclusive, of this act and all other applicable statutes and regulations.  
10 The department shall provide written notice to the applicant of its  
11 approval or denial of the application. The department shall not  
12 unreasonably withhold its approval of an application if the application  
13 satisfies the requirements of sections 11 to 25, inclusive, of this act and  
14 all other applicable statutes and regulations.

15 5. If the department denies an application, the department shall  
16 include in the written notice the reasons for the denial and the  
17 deficiencies of the application. The applicant must be granted 30 days  
18 after receipt of the written notice to correct any deficiencies identified in  
19 the written notice and resubmit the application. The department may  
20 approve an application that has been resubmitted pursuant to this  
21 subsection if the application satisfies the requirements of sections 11 to  
22 25, inclusive, of this act and all other applicable statutes and regulations.  
23 The department shall not unreasonably withhold its approval of an  
24 application that has been resubmitted pursuant to this subsection if the  
25 applicant corrected the deficiencies identified in the written notice and if  
26 the application otherwise satisfies the requirements of sections 11 to 25,  
27 inclusive, of this act and all other applicable statutes and regulations.

28 **Sec. 19.** A program of distance education may include, without  
29 limitation, an opportunity for pupils to participate in the program:

30 1. For a shorter school day or a longer school day than that  
31 regularly provided for in the school district or charter school, as  
32 applicable; and

33 2. During any part of the calendar year.

34 **Sec. 20.** 1. The board of trustees of a school district, the governing  
35 body of a charter school or a consortium that provides a program of  
36 distance education may operate a satellite facility in any school district to  
37 provide services and instruction to pupils who are enrolled in the  
38 program. Before commencing operation of such a satellite facility, the  
39 board of trustees, governing body or consortium, as applicable, shall  
40 notify the board of trustees of the school district in which the satellite  
41 facility will be located of the intended commencement of operations.

42 2. The board of trustees of a school district, the governing body of a  
43 charter school or a consortium that provides a program of distance  
44 education may contract with the board of trustees of a school district to  
45 provide a satellite facility for the operation of the program or to perform  
46 any service relating to the operation of the program.

47 **Sec. 21.** 1. Except as otherwise provided in this subsection, before  
48 a pupil may enroll full time or part time in a program of distance  
49 education that is provided by a consortium or a school district other than



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1 *the school district in which the pupil resides, the pupil must obtain the*  
2 *written permission of the board of trustees of the school district in which*  
3 *the pupil resides. Before a pupil who is enrolled in a public school of a*  
4 *school district may enroll part time in a program of distance education*  
5 *that is provided by a charter school, the pupil must obtain the written*  
6 *permission of the board of trustees of the school district in which the*  
7 *pupil resides. A pupil who enrolls full time in a program of distance*  
8 *education that is provided by a charter school, including, without*  
9 *limitation, a charter school that participates in a consortium, is not*  
10 *required to obtain the approval of the board of trustees of the school*  
11 *district in which the pupil resides.*

12 *2. If the board of trustees of a school district grants permission*  
13 *pursuant to subsection 1, the board of trustees shall enter into a written*  
14 *agreement with the board of trustees, governing body or consortium, as*  
15 *applicable, that provides the program of distance education. A separate*  
16 *agreement must be prepared for each year that a pupil enrolls in a*  
17 *program of distance education. The written agreement must:*

18 *(a) Contain a statement prepared by the board of trustees of the school*  
19 *district in which the pupil resides indicating that the board of trustees*  
20 *understands that the superintendent of public instruction will make*  
21 *appropriate adjustments in the apportionments to the school district*  
22 *pursuant to NRS 387.124 to account for the pupil's enrollment in the*  
23 *program of distance education;*

24 *(b) If the pupil plans to enroll full time in the program of distance*  
25 *education, contain a statement of costs prepared by the board of trustees*  
26 *or the consortium that provides the program of distance education setting*  
27 *forth the actual cost to the board of trustees or the consortium to provide*  
28 *the program of distance education to the pupil;*

29 *(c) If the pupil plans to enroll part time in the program of distance*  
30 *education, contain a statement prepared by the board of trustees of the*  
31 *school district in which the pupil resides and the board of trustees,*  
32 *governing body or consortium that provides the program of distance*  
33 *education setting forth the percentage of the total time services will be*  
34 *provided to the pupil through the program of distance education per*  
35 *school day in proportion to the total time services are provided during a*  
36 *school day to pupils who are counted pursuant to subparagraph (2) of*  
37 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*  
38 *which the pupil resides;*

39 *(d) If the pupil plans to enroll full time in a program of distance*  
40 *education provided by a consortium and the school district in which the*  
41 *pupil resides does not participate in that consortium, contain a statement*  
42 *prepared by the members of that consortium designating the public*  
43 *school of a school district that participates in the consortium to which the*  
44 *pupil is declared affiliated for purposes of section 23 of this act;*

45 *(e) Be signed by the board of trustees of the school district in which*  
46 *the pupil resides and the board of trustees, governing body or consortium*  
47 *that provides the program of distance education; and*

48 *(f) Include any other information required by the state board by*  
49 *regulation.*



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1     3. On or before September 1 of each year, a written agreement must  
2 be filed with the superintendent of public instruction for each pupil who  
3 is enrolled full time or part time in a program of distance education  
4 provided by a consortium or a school district other than the school  
5 district in which the pupil resides. On or before September 1 of each  
6 year, a written agreement must be filed with the superintendent of public  
7 instruction for each pupil who is enrolled in a public school of the school  
8 district and who is enrolled part time in a program of distance education  
9 provided by a charter school. If an agreement is not filed for a pupil who  
10 is enrolled in a program of distance education as required by this section,  
11 the superintendent of public instruction shall not apportion money for  
12 that pupil to the board of trustees of the school district in which the pupil  
13 resides, or the board of trustees, governing body or consortium that  
14 provides the program of distance education.

15     **Sec. 22.** 1. If a pupil is enrolled in a charter school, he may enroll  
16 full time in a program of distance education only if the charter school in  
17 which he is enrolled provides the program of distance education or  
18 participates in a consortium that provides the program of distance  
19 education.

20     2. Before a pupil who is enrolled in a charter school may enroll part  
21 time in a program of distance education that is provided by a school  
22 district, another charter school or a consortium, the pupil must obtain  
23 the written permission of the governing body of the charter school in  
24 which the pupil is enrolled.

25     3. If the governing body of a charter school grants permission  
26 pursuant to subsection 2, the governing body shall enter into a written  
27 agreement with the board of trustees, governing body or consortium, as  
28 applicable, that provides the program of distance education. A separate  
29 agreement must be prepared for each year that a pupil enrolls in a  
30 program of distance education. The written agreement must:

31     (a) Contain a statement prepared by the governing body of the charter  
32 school in which the pupil is enrolled indicating that the governing body  
33 understands that the superintendent of public instruction will make  
34 appropriate adjustments in the apportionments to the charter school  
35 pursuant to NRS 387.124 to account for the pupil's enrollment in the  
36 program of distance education;

37     (b) Contain a statement prepared by the governing body of the charter  
38 school in which the pupil is enrolled and the board of trustees, governing  
39 body or consortium that provides the program of distance education  
40 setting forth the percentage of the total time services will be provided to  
41 the pupil through the program of distance education per school day in  
42 proportion to the total time services are provided during a school day to  
43 pupils who are counted pursuant to subparagraph (2) of paragraph (a) of  
44 subsection 1 of NRS 387.1233 for the school district in which the pupil  
45 resides;

46     (c) Be signed by the governing body of the charter in which the pupil  
47 is enrolled and the board of trustees, governing body or consortium that  
48 provides the program of distance education; and



1 (d) Include any other information required by the state board by  
2 regulation.

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

12 **Sec. 23.** 1. If a pupil is enrolled full time in a program of distance  
13 education provided by the board of trustees of a school district, the board  
14 of trustees shall declare for each such pupil the public school within that  
15 school district to which the pupil is affiliated. Upon the declared  
16 affiliation, the pupil shall be deemed enrolled in that public school for  
17 purposes of all the applicable requirements, statutes, regulations, rules  
18 and policies of that public school and school district, including, without  
19 limitation:

20 (a) Graduation requirements;

21 (b) Accountability of public schools, as set forth in NRS 385.3455 to  
22 385.391, inclusive;

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

25 (d) Discipline of pupils.

26 2. If a pupil is enrolled full time in a program of distance education  
27 provided by a consortium and the board of trustees of the school district  
28 in which the pupil resides participates in the consortium, the board of  
29 trustees of the school district in which the pupil resides shall declare for  
30 each such pupil the public school within that school district to which the  
31 pupil is affiliated. Upon the declared affiliation, the pupil shall be  
32 deemed enrolled in that public school for purposes of all the applicable  
33 requirements, statutes, regulations, rules and policies of that public  
34 school and school district, including, without limitation:

35 (a) Graduation requirements;

36 (b) Accountability of public schools, as set forth in NRS 385.3455 to  
37 385.391, inclusive;

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

40 (d) Discipline of pupils.

41 3. If a pupil is enrolled full time in a program of distance education  
42 provided by a consortium and the board of trustees of the school district  
43 in which the pupil resides does not participate in the consortium, the  
44 pupil shall be declared affiliated with and deemed enrolled in a public  
45 school of a school district that participates in the consortium, as  
46 designated in the written agreement pursuant to paragraph (d) of  
47 subsection 2 of section 21 of this act. All the applicable requirements,  
48 statutes, regulations, rules and policies of that public school and school  
49 district apply to such a pupil, including, without limitation:



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- 1 (a) *Graduation requirements;*
- 2 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*
- 3 *385.391, inclusive;*
- 4 (c) *Provisions governing the attendance and truancy of pupils, as set*
- 5 *forth in NRS 392.040 to 392.220, inclusive; and*
- 6 (d) *Discipline of pupils.*

7 4. *A pupil who is enrolled full time in a program of distance*  
8 *education provided by a charter school, including without limitation, a*  
9 *charter school that participates in a consortium, shall be deemed enrolled*  
10 *in the charter school. All the applicable requirements, statutes,*  
11 *regulations, rules and policies of that charter school apply to such a*  
12 *pupil, including, without limitation:*

- 13 (a) *Graduation requirements;*
- 14 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*
- 15 *385.391, inclusive;*
- 16 (c) *Provisions governing the attendance and truancy of pupils, as set*
- 17 *forth in NRS 392.040 to 392.220, inclusive; and*
- 18 (d) *Discipline of pupils.*

19 5. *Except for a pupil who is enrolled part time in a program of*  
20 *distance education pursuant to NRS 392.070, if a pupil is enrolled part*  
21 *time in a program of distance education, all the applicable requirements,*  
22 *statutes, regulations, rules and policies of the public school of the school*  
23 *district in which the pupil is otherwise enrolled or the charter school in*  
24 *which the pupil is otherwise enrolled apply to such a pupil, including,*  
25 *without limitation:*

- 26 (a) *Graduation requirements;*
- 27 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*
- 28 *385.391, inclusive;*
- 29 (c) *Provisions governing the attendance and truancy of pupils, as set*
- 30 *forth in NRS 392.040 to 392.220, inclusive; and*
- 31 (d) *Discipline of pupils.*

32 **Sec. 24.** *On or before November 1 of each year, the board of trustees*  
33 *of a school district, the governing body of a charter school or a*  
34 *consortium that provides a program of distance education shall submit to*  
35 *the department and to the legislative bureau of educational*  
36 *accountability and program evaluation a written report that contains a*  
37 *summary of the program for the immediately preceding school year*  
38 *which includes, without limitation:*

- 39 1. *A description of the manner in which the program was carried*
- 40 *out;*
- 41 2. *The expenditures made for the program;*
- 42 3. *The number of pupils who were enrolled full time in the program*
- 43 *and the number of pupils who were enrolled part time in the program;*
- 44 4. *If available, a description of the reasons why pupils enrolled in the*
- 45 *program;*
- 46 5. *The number of pupils who dropped out of the program, if any;*
- 47 6. *A description of any disciplinary measures taken against pupils*
- 48 *who were enrolled in the program; and*



1     7. *An analysis of the academic achievement and performance of the*  
2 *pupils who were enrolled in the program before and after the pupils*  
3 *participated in the program.*

4     **Sec. 25. 1.** *The state board shall adopt regulations that prescribe:*

5     (a) *The process for submission of an application by a person or entity*  
6 *for inclusion of a course of distance education on the list prepared by the*  
7 *department pursuant to section 16 of this act and the contents of the*  
8 *application;*

9     (b) *The process for submission of an application by the board of*  
10 *trustees of a school district, the governing body of a charter school or a*  
11 *consortium to provide a program of distance education and the contents*  
12 *of the application;*

13     (c) *The criteria and type of investigation that must be applied by the*  
14 *department in determining whether to approve an application:*

15         (1) *For inclusion of a course of distance education on the list*  
16 *prepared by the department pursuant to section 16 of this act; and*

17         (2) *To provide a program of distance education;*

18     (d) *The requirements for a written agreement of a consortium formed*  
19 *pursuant to section 17 of this act;*

20     (e) *The process for accepting pupils for enrollment in a program of*  
21 *distance education;*

22     (f) *The instruction required of a program of distance education,*  
23 *including, without limitation, a requirement that the program:*

24         (1) *If applicable to the type of program offered, provides courses of*  
25 *study that satisfy the standards of content and performance established*  
26 *by the council to establish academic standards for public schools*  
27 *pursuant to NRS 389.520; and*

28         (2) *Meets or exceeds all other academic requirements identified by*  
29 *the state board;*

30     (g) *The qualifications required of persons who provide instruction in*  
31 *a program of distance education;*

32     (h) *A method for reporting to the department the number of pupils*  
33 *who are enrolled in a program of distance education and the attendance*  
34 *of those pupils;*

35     (i) *The requirements for communication between a teacher who*  
36 *supervises or provides instruction to a pupil who is enrolled in a program*  
37 *of distance education;*

38     (j) *The requirements for assessing the achievement of pupils who are*  
39 *enrolled in a program of distance education, which must include, without*  
40 *limitation, the administration of the achievement and proficiency*  
41 *examinations required pursuant to NRS 389.015 and 389.550;*

42     (k) *A written description of the process pursuant to which the*  
43 *department may revoke its approval for the operation of a program of*  
44 *distance education; and*

45     (l) *A method for ensuring the accountability of each program of*  
46 *distance education that is consistent with section 24 of this act.*

47     2. *The state board may adopt regulations as it determines are*  
48 *necessary to carry out the provisions of sections 11 to 25, inclusive, of*  
49 *this act.*



1     **Sec. 26.** NRS 388.090 is hereby amended to read as follows:  
2     388.090 1. Except as otherwise permitted pursuant to this section,  
3     boards of trustees of school districts shall schedule and provide a minimum  
4     of 180 days of free school in the districts under their charge.  
5     2. The superintendent of public instruction may, upon application by a  
6     board of trustees, authorize a reduction of not more than 15 school days in  
7     a particular district to establish or maintain a 12-month school program or a  
8     program involving alternative scheduling, if the board of trustees  
9     demonstrates that the proposed schedule for the program provides for a  
10    greater number of minutes of instruction than would be provided under a  
11    program consisting of 180 school days. Before authorizing a reduction in  
12    the number of required school days pursuant to this subsection, the  
13    superintendent of public instruction must find that the proposed schedule  
14    will be used to alleviate problems associated with a growth in enrollment  
15    or overcrowding, or to establish and maintain a program of alternative  
16    schooling.  
17    3. *The superintendent of public instruction may, upon application by*  
18    *the board of trustees of a school district, the governing body of a charter*  
19    *school or a consortium that provides a program of distance education*  
20    *pursuant to sections 11 to 25, inclusive, of this act, authorize a reduction*  
21    *of not more than 15 school days to establish or maintain a 12-month*  
22    *school program or a program involving alternative scheduling, if the*  
23    *board of trustees, governing body or consortium, as applicable,*  
24    *demonstrates that the proposed schedule for the program of distance*  
25    *education provides for a greater number of minutes of instruction than*  
26    *would be provided under a program consisting of 180 school days.*  
27    *Before authorizing a reduction in the number of required school days*  
28    *pursuant to this subsection, the superintendent of public instruction must*  
29    *find that the proposed schedule will be used to establish and maintain a*  
30    *program of distance education approved by the department pursuant to*  
31    *section 18 of this act.*  
32    4. 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    ~~14.1~~ 5. 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    ~~15.1~~ 6. If more than 3 days of free school are lost because a natural  
42    disaster, inclement weather or an accident necessitates the closing of a  
43    majority of the facilities within a school district, the superintendent of  
44    public 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    ~~16.1~~ 7. The state board ~~of education~~ shall adopt regulations providing  
49    procedures for changing schedules of instruction to be used if a natural



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

3 **Sec. 27.** NRS 388.700 is hereby amended to read as follows:

4 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,  
5 after the last day of the first month of the school year, the ratio in each  
6 school district of pupils per class in kindergarten and grades 1, 2 and 3 per  
7 licensed teacher designated to teach those classes full time must not exceed  
8 15 to 1 in classes where core curriculum is taught. In determining this ratio,  
9 all licensed educational personnel who teach kindergarten or grade 1, 2 or  
10 3 must be counted except teachers of art, music, physical education or  
11 special education, counselors, librarians, administrators, deans and  
12 specialists.

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

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

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

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

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

29 5. The department shall, on or before November 15 of each year,  
30 report to the chief of the budget division of the department of  
31 administration and the fiscal analysis division of the legislative counsel  
32 bureau:

33 (a) The number of teachers employed;

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

36 (c) The number of pupils enrolled; and

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

42 6. The provisions of this section do not apply to a charter school ~~or~~ *or*  
43 *to a program of distance education provided pursuant to sections 11 to*  
44 *25, inclusive, of this act.*

45 **Sec. 28.** NRS 389.155 is hereby amended to read as follows:

46 389.155 1. The state board shall, by regulation, establish a program  
47 pursuant to which a pupil enrolled full time in high school may complete  
48 any required or elective course by independent study outside of the normal  
49 classroom setting.





1 2. The regulations must require that:  
2 (a) The teacher of the course assign to the pupil the work assignments  
3 necessary to complete the course; and

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

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

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

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

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

15 (a) *Program of distance education provided pursuant to sections 11 to*  
16 *25, inclusive, of this act; or*

17 (b) *Pupil who is enrolled in a program of distance education provided*  
18 *pursuant to sections 11 to 25, inclusive, of this act.*

19 **Sec. 29.** NRS 392.010 is hereby amended to read as follows:

20 392.010 Except as to the attendance of a pupil pursuant to NRS  
21 392.015 *or sections 11 to 25, inclusive, of this act*, or a pupil who is  
22 ineligible for attendance pursuant to NRS 392.4675 and except as  
23 otherwise provided in NRS 392.264 and 392.268:

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

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

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

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

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

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

45 3. In addition to the provisions for the payment of tuition and  
46 transportation costs for pupils admitted to an adjoining school district as  
47 provided in subsection 2, the agreement may contain provisions for the  
48 payment of reasonable amounts of money to defray the cost of operation,





1 maintenance and depreciation of capital improvements which can be  
2 allocated to such pupils.

3 **Sec. 30.** NRS 392.035 is hereby amended to read as follows:

4 392.035 1. In determining the mobility of pupils in a school, for any  
5 purpose, the department shall divide the sum of the following numbers by  
6 the cumulative enrollment in the school:

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

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

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

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

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

22 **Sec. 31.** NRS 392.070 is hereby amended to read as follows:

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

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

33 (a) Only if a child would otherwise be eligible for participation in  
34 programs of special education and related services pursuant to NRS  
35 388.440 to 388.520, inclusive;

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

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

44 3. Except as otherwise provided in subsection 2 for programs of  
45 special education and related services ~~1~~ **and subsection 5 for programs of**  
46 **distance education**, upon the request of a parent or legal guardian of a  
47 child who is enrolled in a private school or who receives instruction at  
48 home, the board of trustees of the school district in which the child resides  
49 shall authorize the child to participate in a class that is not available to the



1 child at the private school or home school or participate in an  
2 extracurricular activity, excluding sports, at a public school within the  
3 school district if:

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

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

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

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

21 5. *The board of trustees of a school district, the governing body of a*  
22 *charter school or a consortium that provides a program of distance*  
23 *education pursuant to sections 11 to 25, inclusive, of this act shall, upon*  
24 *the request of a parent or legal guardian of a child who is enrolled in a*  
25 *private school or who receives instruction at home, authorize the child to*  
26 *participate in a class offered through the program of distance education*  
27 *that is not available to the child at the private school or home school or*  
28 *participate in an extracurricular activity offered through the program of*  
29 *distance education if:*

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

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

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

41 6. *If the board of trustees of a school district other than the school*  
42 *district in which a child resides authorizes the child to participate in a*  
43 *class or extracurricular activity pursuant to subsection 5, or if the*  
44 *governing body of a charter school or a consortium authorizes a child to*  
45 *participate in a class or extracurricular activity pursuant to subsection 5,*  
46 *the board of trustees, governing body or consortium, as applicable, shall*  
47 *provide written notice of the authorization to the board of trustees of the*  
48 *school district in which the child resides. Upon receipt of the written*  
49 *notice, the board of trustees of the school district in which the child*



\* S B 1 0 8 \*

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



1 ~~16-1~~ 10. The department may adopt such regulations as are necessary  
2 for the boards of trustees of school districts to provide the programs of  
3 special education and related services required by subsection 2.

4 ~~17-1~~ 11. As used in this section, “related services” has the meaning  
5 ascribed to it in 20 U.S.C. § 1401(22).

6 **Sec. 32.** 1. On or before December 1, 2001, the state board of  
7 education shall submit a draft of the regulations required by section 25 of  
8 this act to the legislative committee on education for the review and  
9 comment of the committee.

10 2. On or before February 1, 2002, the legislative committee on  
11 education shall review the draft regulations and provide comment to the  
12 state board of education.

13 3. On or before April 1, 2002, the state board of education shall adopt  
14 final regulations required by section 25 of this act.

15 **Sec. 33.** The department of education shall accept applications to  
16 provide programs of distance education in accordance with section 18 of  
17 this act for programs that will commence operation with the 2002-2003  
18 school year. If any deadlines contained within the regulations adopted by  
19 the state board of education pursuant to section 25 of this act prohibit a  
20 school district, charter school or consortium from submitting an application  
21 for the 2002-2003 school year, the department of education shall grant a  
22 shorter period of time for a school district, charter school or consortium to  
23 submit an application for the 2002-2003 school year notwithstanding the  
24 provisions of those regulations.

25 **Sec. 34.** 1. This section and sections 25, 32 and 33 of this act  
26 become effective upon passage and approval.

27 2. Sections 1 to 24 inclusive, and 26 to 31, inclusive, of this act  
28 become effective on July 1, 2002.

