

SENATE BILL NO. 399—SENATOR CARE

MARCH 19, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing education. (BDR 34-859)

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

~

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 charter schools; authorizing boards of trustees of school districts and governing bodies of charter schools to provide programs of distance education for certain pupils; requiring the state board of education to adopt regulations prescribing the requirements of programs of distance education; revising provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; making certain provisions related to collective bargaining applicable to charter schools and their employees; repealing the prospective removal of the limit on the number of charter schools that may be formed; providing a penalty; 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. *Unless otherwise authorized by specific statute, it is unlawful for a*
4 *member of the board of trustees of a school district or an employee of a*
5 *school district to solicit or accept any gift or payment of money on his*
6 *own behalf or on behalf of the school district or for any other purpose*
7 *from a member of a committee to form a charter school, the governing*
8 *body of a charter school, or any officer or employee of a charter school.*
9 2. *This section does not prohibit the payment of a salary or other*
10 *compensation or income to a member of the board of trustees or an*
11 *employee of a school district for services provided in accordance with a*
12 *contract made pursuant to NRS 386.560.*
13 3. *A person who violates subsection 1 shall be punished for a*
14 *misdemeanor.*



1 **Sec. 2.** NRS 386.520 is hereby amended to read as follows:
2 386.520 1. A committee to form a charter school must consist of at
3 least ~~three~~ *seven persons, at least three of whom must be* teachers, as
4 defined in ~~NRS 391.311, alone or in combination with:~~
5 ~~— (a) Ten or more members~~ *subsection 4. In addition to the teachers*
6 *who serve, the committee may consist of:*
7 *(a) Members* of the general public;
8 (b) Representatives of an organization devoted to service to the general
9 public;
10 (c) Representatives of a private business; or
11 (d) Representatives of a college or university within the University and
12 Community College System of Nevada.
13 *A majority of the persons described in paragraphs (a) to (d), inclusive,*
14 *who serve on the committee must be residents of this state at the time that*
15 *the application to form the charter school is submitted to the department.*
16 2. Before a committee to form a charter school may submit an
17 application to the board of trustees of a school district, it must submit the
18 application to the department. The application must include all information
19 prescribed by the department by regulation and:
20 (a) A written description of how the charter school will carry out the
21 provisions of NRS 386.500 to 386.610, inclusive ~~H~~ *, and section 1 of this*
22 *act.*
23 (b) A written description of the mission and goals for the charter school.
24 A charter school must have as its stated purpose at least one of the
25 following goals:
26 (1) Improving the opportunities for pupils to learn;
27 (2) Encouraging the use of effective methods of teaching;
28 (3) Providing an accurate measurement of the educational
29 achievement of pupils;
30 (4) Establishing accountability of public schools;
31 (5) Providing a method for public schools to measure achievement
32 based upon the performance of the schools; or
33 (6) Creating new professional opportunities for teachers.
34 (c) The projected enrollment of pupils in the charter school.
35 (d) The proposed dates of enrollment for the charter school.
36 (e) The proposed system of governance for the charter school,
37 including, without limitation, the number of persons who will govern, the
38 method of selecting the persons who will govern and the term of office for
39 each person. *The system of governance must comply with NRS 386.549.*
40 (f) The method by which disputes will be resolved between the
41 governing body of the charter school and the sponsor of the charter school.
42 (g) The proposed curriculum for the charter school.
43 (h) The textbooks that will be used at the charter school.
44 (i) The qualifications of the persons who will provide instruction at the
45 charter school.
46 (j) Except as otherwise required by NRS 386.595, the process by which
47 the governing body of the charter school will negotiate employment
48 contracts with the employees of the charter school.



1 (k) A financial plan for the operation of the charter school. The plan
2 must include, without limitation, procedures for the audit of the programs
3 and finances of the charter school and guidelines for determining the
4 financial liability if the charter school is unsuccessful.

5 (l) A statement of whether the charter school will provide for the
6 transportation of pupils to and from the charter school. If the charter school
7 will provide transportation, the application must include the proposed plan
8 for the transportation of pupils. If the charter school will not provide
9 transportation, the application must include a statement that the charter
10 school will work with the parents and guardians of pupils enrolled in the
11 charter school to develop a plan for transportation to ensure that pupils
12 have access to transportation to and from the charter school.

13 (m) The procedure for the evaluation of teachers of the charter school, if
14 different from the procedure prescribed in NRS 391.3125. If the procedure
15 is different from the procedure prescribed in NRS 391.3125, the procedure
16 for the evaluation of teachers of the charter school must provide the same
17 level of protection and otherwise comply with the standards for evaluation
18 set forth in NRS 391.3125.

19 (n) The time by which certain academic or educational results will be
20 achieved.

21 3. The department shall review an application to form a charter school
22 to determine whether it is complete. The department shall provide written
23 notice to the applicant of its approval or denial of the application. If the
24 department denies an application, the department shall include in the
25 written notice the reason for the denial and the deficiencies in the
26 application. The applicant must be granted 30 days after receipt of the
27 written notice to correct any deficiencies identified in the written notice
28 and resubmit the application.

29 4. *As used in subsection 1, "teacher" means a person who:*

30 (a) *Holds a current license to teach issued pursuant to chapter 391 of*
31 *NRS;*

32 (b) *Is currently employed by a school district in this state; and*

33 (c) *Has been employed for at least 3 years immediately preceding the*
34 *date on which the application is submitted in a position pursuant to*
35 *which he devotes the majority of his time rendering direct educational*
36 *service to pupils enrolled in the school district.*

37 *The term does not include a person who is employed as a substitute*
38 *teacher.*

39 **Sec. 3.** NRS 386.549 is hereby amended to read as follows:

40 386.549 1. The *initial membership of the* governing body of a
41 charter school ~~shall~~ *must* consist of *all the members of the committee*
42 *that submitted the application to form the charter school, whose terms*
43 *must be for a period of at least 1 year. After the initial membership, the*
44 *governing body of a charter school must consist of* at least ~~three~~ *seven*
45 *persons, at least three of whom must be* teachers, as defined in ~~NRS~~
46 ~~391.311,~~ *subsection 3,* and may consist of, without limitation, parents and
47 representatives of nonprofit organizations and businesses. *Each teacher*
48 *who serves on the governing body must be employed to provide*
49 *instruction at the charter school. If the teacher ceases to be employed in*



1 *that capacity at the charter school, his term on the governing body*
2 *automatically expires.*

3 2. The governing body of a charter school is a public body. It is hereby
4 given such reasonable and necessary powers, not conflicting with the
5 constitution and the laws of the State of Nevada, as may be requisite to
6 attain the ends for which the charter school is established and to promote
7 the welfare of pupils who are enrolled in the charter school.

8 3. *As used in this section, "teacher" means a person who:*

9 (a) *Holds a current license to teach issued pursuant to chapter 391 of*
10 *NRS;*

11 (b) *Was employed by a school district in this state on the date on*
12 *which the application to form the charter school was submitted; and*

13 (c) *Was employed by a school district in this state for at least 3 years*
14 *immediately preceding the date on which the application to form a*
15 *charter school was submitted in a position pursuant to which he devoted*
16 *the majority of his time rendering direct educational service to pupils*
17 *enrolled in the school district.*

18 *The term does not include a person who is employed as a substitute*
19 *teacher.*

20 **Sec. 4.** NRS 386.550 is hereby amended to read as follows:

21 386.550 1. A charter school shall:

22 ~~1-1~~ (a) Comply with all laws and regulations relating to discrimination
23 and civil rights.

24 ~~1-2~~ (b) Remain nonsectarian, including, without limitation, in its
25 educational programs, policies for admission and employment practices.

26 ~~1-3~~ (c) Refrain from charging tuition or fees, levying taxes or issuing
27 bonds.

28 ~~1-4~~ (d) Comply with any plan for desegregation ordered by a court that
29 is in effect in the school district in which the charter school is located.

30 ~~1-5~~ (e) Comply with the provisions of chapter 241 of NRS.

31 ~~1-6~~ (f) Except as otherwise provided in this ~~subsection,~~ *paragraph,*
32 schedule and provide annually at least as many days of instruction as are
33 required of other public schools located in the same school district as the
34 charter school is located. The governing body of a charter school may
35 submit a written request to the superintendent of public instruction for a
36 waiver from providing the days of instruction required by this ~~subsection,~~
37 *paragraph.* The superintendent of public instruction may grant such a
38 request if the governing body demonstrates to the satisfaction of the
39 superintendent that:

40 ~~1-(a)~~ (1) Extenuating circumstances exist to justify the waiver; and

41 ~~1-(b)~~ (2) The charter school will provide at least as many hours or
42 minutes of instruction as would be provided under a program consisting of
43 180 days.

44 ~~1-7~~ (g) Cooperate with the board of trustees of the school district in the
45 administration of the achievement and proficiency examinations
46 administered pursuant to NRS 389.015 and the examinations required
47 pursuant to NRS 389.550 to the pupils who are enrolled in the charter
48 school.



* S B 3 9 9 *

1 ~~18-1~~ (h) Comply with applicable statutes and regulations governing the
2 achievement and proficiency of pupils in this state.
3 ~~19-1~~ (i) Provide instruction in the core academic subjects set forth in
4 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils
5 who are enrolled in the charter school, and provide at least the courses of
6 instruction that are required of pupils by statute or regulation for promotion
7 to the next grade or graduation from a public high school and require the
8 pupils who are enrolled in the charter school to take those courses of study.
9 This ~~subsection~~ paragraph does not preclude a charter school from
10 offering, or requiring the pupils who are enrolled in the charter school to
11 take, other courses of study that are required by statute or regulation.
12 ~~110-1~~ (j) Refrain from using public money to purchase real property or
13 buildings without the approval of the sponsor.
14 ~~111-1~~ (k) Hold harmless, indemnify and defend the sponsor of the
15 charter school against any claim or liability arising from an act or omission
16 by the governing body of the charter school or an employee or officer of
17 the charter school. An action at law may not be maintained against the
18 sponsor of a charter school for any cause of action for which the charter
19 school has obtained liability insurance.
20 ~~112-1~~ (l) Provide written notice to the parents or legal guardians of
21 pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of
22 whether the charter school is accredited by the Commission on Schools of
23 the Northwest Association of Schools and Colleges.
24 ~~113-1~~ (m) Adopt a final budget in accordance with the regulations
25 adopted by the department. A charter school is not required to adopt a final
26 budget pursuant to NRS 354.598 or otherwise comply with the provisions
27 of chapter 354 of NRS.
28 (n) *If the charter school provides a program of distance education*
29 *pursuant to sections 16 to 24, inclusive, of this act, comply with all*
30 *statutes and regulations that are applicable to a program of distance*
31 *education for purposes of the operation of the program, regardless of*
32 *whether those statutes and regulations impose additional requirements*
33 *upon the charter school.*
34 2. *A charter school shall not provide instruction, including, without*
35 *limitation, instruction provided through a program of distance education,*
36 *to children who are exempt from compulsory attendance and receiving*
37 *equivalent instruction authorized by the state board pursuant to*
38 *subsection 1 of NRS 392.070. As used in this subsection, "distance*
39 *education" has the meaning ascribed to it in section 17 of this act.*
40 **Sec. 5.** NRS 386.560 is hereby amended to read as follows:
41 386.560 1. The governing body of a charter school may contract with
42 the board of trustees of the school district in which the charter school is
43 located or the University and Community College System of Nevada for
44 the provision of facilities to operate the charter school or to perform any
45 service relating to the operation of the charter school, including, without
46 limitation, transportation and the provision of health services for the pupils
47 who are enrolled in the charter school.
48 2. A charter school may use any public facility located within the
49 school district in which the charter school is located. A charter school may



1 use school buildings owned by the school district only upon approval of the
2 board of trustees of the school district and during times that are not regular
3 school hours.

4 3. The board of trustees of a school district may donate surplus
5 personal property of the school district to a charter school that is located
6 within the school district.

7 4. ~~Upon~~ *Except as otherwise provided in this subsection, upon* the
8 request of a parent or legal guardian of a pupil who is enrolled in a charter
9 school, the board of trustees of the school district in which the charter
10 school is located shall authorize the pupil to participate in a class that is not
11 available to the pupil at the charter school or participate in an
12 extracurricular activity, excluding sports, at a public school within the
13 school district if:

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

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

19 If the board of trustees of a school district authorizes a pupil to participate
20 in a class or extracurricular activity, excluding sports, pursuant to this
21 subsection, the board of trustees is not required to provide transportation
22 for the pupil to attend the class or activity. *The provisions of this*
23 *subsection do not apply to a pupil who is enrolled in a charter school and*
24 *who desires to participate on a part-time basis in a program of distance*
25 *education provided by the board of trustees of a school district pursuant*
26 *to section 22 of this act.*

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

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

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

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

40 6. The board of trustees of a school district may revoke its approval for
41 a pupil to participate in a class, extracurricular activity or sports at a public
42 school pursuant to subsections 4 and 5 if the board of trustees or the public
43 school determines that the pupil has failed to comply with applicable
44 statutes, or applicable rules and regulations of the board of trustees, the
45 public school or an association for interscholastic activities. If the board of
46 trustees so revokes its approval, neither the board of trustees nor the public
47 school are liable for any damages relating to the denial of services to the
48 pupil.



Sec. 6. NRS 386.570 is hereby amended to read as follows:

1 386.570 1. Each pupil who is enrolled in a charter school, including,
2 without limitation, a pupil who is enrolled in a program of special
3 education in a charter school, must be included in the count of pupils in the
4 school district for the purposes of apportionments and allowances from the
5 state distributive school account pursuant to NRS 387.121 to 387.126,
6 inclusive, unless the pupil is exempt from compulsory attendance pursuant
7 to NRS 392.070. A charter school is entitled to receive its proportionate
8 share of any other money available from federal, state or local sources that
9 the school or the pupils who are enrolled in the school are eligible to
10 receive.

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

14 3. To determine the amount of money for distribution to a charter
15 school in its first year of operation, the count of pupils who are enrolled in
16 the charter school must initially be determined 30 days before the
17 beginning of the school year of the school district, based on the number of
18 pupils whose applications for enrollment have been approved by the
19 charter school. The count of pupils who are enrolled in the charter school
20 must be revised on the last day of the first school month of the school
21 district in which the charter school is located for the school year, based on
22 the actual number of pupils who are enrolled in the charter school.
23 Pursuant to subsection ~~4~~ 4 of NRS 387.124, the governing body of a
24 charter school may request that the apportionments made to the charter
25 school in its first year of operation be paid to the charter school 30 days
26 before the apportionments are otherwise required to be made.

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

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

37 **Sec. 7.** NRS 386.590 is hereby amended to read as follows:

38 386.590 1. Except as otherwise provided in this subsection, at least
39 70 percent of the teachers who provide instruction at a charter school must
40 be licensed teachers. If a charter school is a vocational school, the charter
41 school shall, to the extent practicable, ensure that at least 70 percent of the
42 teachers who provide instruction at the school are licensed teachers, but in
43 no event may more than 50 percent of the teachers who provide instruction
44 at the school be unlicensed teachers.

45 2. A governing body of a charter school shall employ:

46 (a) If the charter school offers instruction in kindergarten or grade 1, 2,
47 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those
48 grades.
49



1 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or
2 12, a licensed teacher to teach pupils who are enrolled in those grades for
3 the following courses of study:

- 4 (1) English, including reading, composition and writing;
5 (2) Mathematics;
6 (3) Science; and
7 (4) Social studies, which includes only the subjects of history,
8 geography, economics and government.

9 (c) In addition to the requirements of paragraphs (a) and (b):

10 (1) If a charter school specializes in arts and humanities, physical
11 education or health education, a licensed teacher to teach those courses of
12 study.

13 (2) If a charter school specializes in the construction industry or other
14 building industry, licensed teachers to teach courses of study relating to the
15 industry if those teachers are employed full time.

16 (3) If a charter school specializes in the construction industry or other
17 building industry and the school offers courses of study in computer
18 education, technology or business, licensed teachers to teach those courses
19 of study if those teachers are employed full time.

20 *It is unlawful for the governing body of a charter school to employ any*
21 *teacher pursuant to this subsection who is not legally qualified to teach*
22 *all the grades that the teacher is engaged to teach.*

23 3. A charter school may employ a person who is not licensed pursuant
24 to the provisions of chapter 391 of NRS to teach a course of study for
25 which a licensed teacher is not required pursuant to subsection 2 if the
26 person has:

27 (a) A degree, a license or a certificate in the field for which he is
28 employed to teach at the charter school; and

29 (b) At least 2 years of experience in that field.

30 4. A charter school may employ such administrators for the school as
31 it deems necessary. A person employed as an administrator must possess:

32 (a) A master's degree in school administration, public administration or
33 business administration; or

34 (b) If the person has at least 5 years of experience in administration, a
35 baccalaureate degree.

36 5. A charter school shall not employ a person pursuant to this section if
37 his license to teach or provide other educational services has been revoked
38 or suspended in this state or another state.

39 *6. On or before November 15 of each year, a charter school shall*
40 *submit to the department, in a form prescribed by the superintendent of*
41 *public instruction, the following information for each licensed employee*
42 *who is employed by the governing body on October 1 of that year:*

43 *(a) The amount of salary of the employee; and*

44 *(b) The designated assignment, as that term is defined by the*
45 *department, of the employee.*

46 **Sec. 8.** NRS 386.595 is hereby amended to read as follows:

47 386.595 1. Except as otherwise provided in this subsection and
48 subsections 2, 3 and ~~3-1~~ 4, the provisions of the collective bargaining
49 agreement entered into by the board of trustees of the school district in



* S B 3 9 9 *

1 which the charter school is located apply to the terms and conditions of
2 employment of employees of the charter school. ~~If a written charter is~~
3 ~~renewed, the employees of the charter school may, at the time of renewal,~~
4 ~~apply for recognition as a bargaining unit pursuant to NRS 288.160.~~ *An*
5 *employee of a charter school is not a member of the same bargaining*
6 *unit as an employee of the school district and is not entitled to*
7 *representation by the employee organization that is a party to the*
8 *collective bargaining agreement of the school district. However, during*
9 *the time that the collective bargaining agreement of the school district*
10 *remains applicable to the employees of the charter school, the employee*
11 *organization that is a party to the agreement may, but is not required to,*
12 *represent an employee of the charter school in a grievance proceeding or*
13 *other dispute arising out of the agreement.*

14 2. A charter school is exempt from the specific provisions of the
15 collective bargaining agreement *of the school district* that controls the:

16 (a) Periods of preparation time for teachers, provided that the charter
17 school allows at least the same amount of time for preparation as the
18 school district;

19 (b) Times of day that a teacher may work;

20 (c) Number of hours that a teacher may work in 1 day;

21 (d) Number of hours and days that a teacher may work in 1 week; and

22 (e) Number of hours and days that a teacher may work in 1
23 year.

24 If a teacher works more than the number of hours or days prescribed in the
25 collective bargaining agreement, the teacher must be compensated for the
26 additional hours or days in an amount calculated by prorating the salary for
27 the teacher that is set forth in the collective bargaining agreement.

28 3. A teacher or a governing body of a charter school may request that
29 the ~~board of trustees of the school district and other persons~~ *parties* who
30 entered into the collective bargaining agreement *of the school district* grant
31 a waiver from specific provisions of the ~~collective bargaining~~ agreement
32 for the teacher or governing body.

33 4. *The collective bargaining agreement of a school district in which a*
34 *charter school is located ceases to apply to the employees in any*
35 *bargaining unit recognized by the governing body of the charter school*
36 *pursuant to chapter 288 of NRS if, pursuant to that chapter, an employee*
37 *organization is recognized as the exclusive bargaining agent for those*
38 *employees and a new collective bargaining agreement is entered into*
39 *between the governing body and the employee organization. The*
40 *employee organization that is a party to the collective bargaining*
41 *agreement of the school district may seek recognition on the same basis*
42 *as any other employee organization.*

43 5. All employees of a charter school shall be deemed public
44 employees.

45 ~~5.1~~ 6. The governing body of a charter school may make all
46 employment decisions with regard to its employees pursuant to NRS
47 391.311 to 391.3197, inclusive, unless the applicable collective bargaining
48 agreement contains separate provisions relating to the discipline of licensed
49 employees of a school.



1 ~~16-1~~ 7. If the written charter of a charter school is revoked, the
2 employees of the charter school must be reassigned to employment within
3 the school district in accordance with the *applicable* collective bargaining
4 agreement.

5 ~~17-1~~ *A school district is not required to reassign an employee of a
6 charter school pursuant to this subsection if the employee:*

7 *(a) Was not granted a leave of absence by the school district to teach
8 at the charter school pursuant to subsection 8; or*

9 *(b) Was granted a leave of absence by the school district and did not
10 submit a written request to return to employment with the school district
11 in accordance with subsection 8.*

12 8. The board of trustees of a school district that is a sponsor of a
13 charter school shall grant a leave of absence, not to exceed 6 years, to any
14 employee who is employed by the board of trustees who requests such a
15 leave of absence to accept employment with the charter school. After the
16 first school year in which an employee is on a leave of absence, he may
17 return to his former teaching position with the board of trustees. After the
18 third school year, an employee who is on a leave of absence may submit a
19 written request to the board of trustees to return to a comparable teaching
20 position with the board of trustees. After the sixth school year, an
21 employee shall either submit a written request to return to a comparable
22 teaching position or resign from the position for which his leave was
23 granted. The board of trustees shall grant a written request to return to a
24 comparable position pursuant to this subsection even if the return of the
25 employee requires the board of trustees to reduce the existing work force of
26 the school district. The board of trustees may require that a request to
27 return to a teaching position submitted pursuant to this subsection be
28 submitted at least 90 days before the employee would otherwise be
29 required to report to duty.

30 ~~18-1~~ 9. An employee who is on a leave of absence from a school
31 district pursuant to this section shall contribute to and be eligible for all
32 benefits for which he would otherwise be entitled, including, without
33 limitation, participation in the public employees' retirement system and
34 accrual of time for the purposes of leave and retirement. The time during
35 which such an employee is on leave of absence and employed in a charter
36 school does not count toward the acquisition of permanent status with the
37 school district.

38 ~~19-1~~ 10. Upon the return of a teacher to employment in the school
39 district, he is entitled to the same level of retirement, salary and any other
40 benefits to which he would otherwise be entitled if he had not taken a leave
41 of absence to teach in a charter school.

42 ~~110-1~~ 11. An employee of a charter school who is not on a leave of
43 absence from a school district is eligible for all benefits for which he would
44 be eligible for employment in a public school, including, without
45 limitation, participation in the public employees' retirement system.

46 ~~111-1~~ 12. For all employees of a charter school:

47 (a) The compensation that a teacher or other school employee would
48 have received if he were employed by the school district must be used to



* S B 3 9 9 *

1 determine the appropriate levels of contribution required of the employee
2 and employer for purposes of the public employees' retirement system.

3 (b) The compensation that is paid to a teacher or other school employee
4 that exceeds the compensation that he would have received if he were
5 employed by the school district must not be included for the purposes of
6 calculating future retirement benefits of the employee.

7 ~~12.1~~ 13. If the board of trustees of a school district in which a charter
8 school is located manages a plan of group insurance for its employees, the
9 governing body of the charter school may negotiate with the board of
10 trustees to participate in the same plan of group insurance that the board of
11 trustees offers to its employees. If the employees of the charter school
12 participate in the plan of group insurance managed by the board of trustees,
13 the governing body of the charter school shall:

14 (a) Ensure that the premiums for that insurance are paid to the board of
15 trustees; and

16 (b) Provide, upon the request of the board of trustees, all information
17 that is necessary for the board of trustees to provide the group insurance to
18 the employees of the charter school.

19 **Sec. 9.** NRS 386.600 is hereby amended to read as follows:

20 386.600 1. On or before November 15 of each year, the governing
21 body of each charter school shall submit to the sponsor of the charter
22 school, the superintendent of public instruction, *the governor* and the
23 director of the legislative counsel bureau for transmission to the majority
24 leader of the senate and the speaker of the assembly a report that includes:

25 (a) A written description of the progress of the charter school in
26 achieving the mission and goals of the charter school set forth in its
27 application.

28 (b) For each licensed employee and nonlicensed teacher employed by
29 the charter school on October 1 of that year:

30 (1) The amount of salary of the employee; and

31 (2) The designated assignment, as that term is defined by the
32 department, of the employee.

33 (c) For each fund maintained by the charter school, including, without
34 limitation, the general fund of the charter school and any special revenue
35 fund which receives state money, the total number and salaries of licensed
36 and nonlicensed persons whose salaries are paid from the fund and who are
37 employed by the governing body in full-time positions or in part-time
38 positions added together to represent full-time positions. Information must
39 be provided for the current school year based upon the final budget of the
40 charter school, including any amendments and augmentations thereto, and
41 for the preceding school year. An employee must be categorized as filling
42 an instructional, administrative, instructional support or other position.

43 (d) The count of pupils who are enrolled in a charter school in:

44 (1) Kindergarten;

45 (2) Grades 1 to 12, inclusive; and

46 (3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

47 (e) The actual expenditures of the charter school in the fiscal year
48 immediately preceding the report.



* S B 3 9 9 *

1 (f) The proposed expenditures of the charter school for the current fiscal
2 year.

3 (g) The salary schedule for licensed employees and nonlicensed
4 teachers in the current school year and a statement of whether salary
5 negotiations for the current school year have been completed. If salary
6 negotiations have not been completed at the time the salary schedule is
7 submitted, the governing body shall submit a supplemental report to the
8 superintendent of public instruction upon completion of negotiations.

9 (h) The number of employees eligible for health insurance within the
10 charter school for the current and preceding fiscal years and the amount
11 paid for health insurance for each such employee during those years.

12 (i) The rates for fringe benefits, excluding health insurance, paid by the
13 charter school for its licensed employees in the preceding and current fiscal
14 years.

15 (j) The amount paid for extra duties, supervision of extracurricular
16 activities and supplemental pay, and the number of employees receiving
17 that pay in the preceding and current fiscal years.

18 2. On or before November 25 of each year, the superintendent of
19 public instruction shall submit to the *governor, the* department of
20 administration and the fiscal analysis division of the legislative counsel
21 bureau, in a format approved by the director of the department of
22 administration, a compilation of the reports made by each governing body
23 pursuant to subsection 1.

24 3. The superintendent of public instruction shall, in the compilation
25 required by subsection 2, reconcile the revenues and expenditures of the
26 charter schools with the apportionment received by those schools from the
27 state distributive school account for the preceding year.

28 **Sec. 10.** NRS 387.123 is hereby amended to read as follows:

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

36 (a) Pupils in the kindergarten department.

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

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

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

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



1 (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 ~~(f)~~ (h) Pupils who are enrolled in classes pursuant to subsection 3 of
7 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), (g) and ~~(f)~~ (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
31 techniques.
32 If the superintendent of public instruction finds that any school district is
33 maintaining one or more classes whose pupil-teacher ratio exceeds the
34 applicable maximum, and unless he finds that the board of trustees of the
35 school district has made every reasonable effort in good faith to comply
36 with the applicable standard, he shall, with the approval of the state board,
37 reduce the count of pupils for apportionment purposes by the percentage
38 which the number of pupils attending those classes is of the total number of
39 pupils in the district, and the state board may direct him to withhold the
40 quarterly apportionment entirely.
41 4. ~~[A] The provisions of subsection 3 do not apply to a~~ charter school
42 ~~[is not required to comply with the pupil teacher ratio prescribed by the~~
43 ~~state board pursuant to subsection 3.] or a program of distance education~~
44 ~~provided pursuant to sections 16 to 24, inclusive, of this act.~~
45 **Sec. 11.** NRS 387.1233 is hereby amended to read as follows:
46 387.1233 1. Except as otherwise provided in subsection 2, basic
47 support of each school district must be computed by:
48 (a) Multiplying the basic support guarantee per pupil established for that
49 school district for that school year by the sum of:



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



1 ~~(5)~~ (7) The count of children detained in detention homes,
2 alternative programs and juvenile forestry camps receiving instruction
3 pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the
4 last day of the first school month of the school district for the school year.

5 ~~(6)~~ (8) The count of pupils who are enrolled in classes for at least
6 one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of
7 NRS 392.070, expressed as a percentage of the total time services are
8 provided to those pupils per school day in proportion to the total time
9 services are provided during a school day to pupils who are counted
10 pursuant to subparagraph (2).

11 (b) Multiplying the number of special education program units
12 maintained and operated by the amount per program established for that
13 school year.

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

15 2. If the enrollment of pupils in a school district or a charter school
16 that is located within the school district on the last day of the first school
17 month of the school district for the school year is less than the enrollment
18 of pupils in the same school district or charter school on the last day of the
19 first school month of the school district for the immediately preceding
20 school year, the larger number must be used for purposes of apportioning
21 money from the state distributive school account to that school district or
22 charter school pursuant to NRS 387.124.

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

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

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

35 **Sec. 12.** NRS 387.124 is hereby amended to read as follows:

36 387.124 Except as otherwise provided in *this section and* NRS
37 387.528:

38 1. On or before August 1, November 1, February 1 and May 1 of each
39 year, the superintendent of public instruction shall ~~except as otherwise~~
40 ~~provided in subsections 2 and 3,~~ apportion the state distributive school
41 account in the state general fund among the several county school districts
42 and charter schools in amounts approximating one-fourth of their
43 respective yearly apportionments less any amount set aside as a reserve.
44 The apportionment to a school district, computed on a yearly basis, equals
45 the difference between the basic support and the local funds available
46 pursuant to NRS 387.1235, minus all the funds attributable to pupils who
47 reside in the county but attend a charter school ~~and~~ *and all the funds*
48 *attributable to pupils who reside in the county and are enrolled full time*
49 *or part time in a program of distance education provided by another*



1 *school district or a charter school.* No apportionment may be made to a
2 school district if the amount of the local funds exceeds the amount of basic
3 support. The apportionment to a charter school, computed on a yearly
4 basis, is equal to the sum of the basic support per pupil in the county in
5 which the pupil resides plus the amount of local funds available per pupil
6 pursuant to NRS 387.1235 and all other funds available for public schools
7 in the county in which the pupil resides ~~H~~ *minus all the funds attributable*
8 *to pupils who are enrolled in the charter school but are concurrently*
9 *enrolled part time in a program of distance education provided by a*
10 *school district or another charter school.* If the apportionment per pupil to
11 a charter school is more than the amount to be apportioned to the school
12 district in which a pupil who is enrolled in the charter school resides, the
13 school district in which the pupil resides shall pay the difference directly to
14 the charter school.

15 2. *In addition to the apportionments made pursuant to this section,*
16 *an apportionment must be made to a school district that provides a*
17 *program of distance education for each pupil enrolled full time in the*
18 *program who does not reside within the school district which provides the*
19 *program if an agreement is filed for that pupil pursuant to section 21 of*
20 *this act. The amount of the apportionment, computed on a yearly basis,*
21 *equals the difference between the basic support calculated pursuant to*
22 *subparagraph (3) of paragraph (a) of subsection 1 of NRS 387.1233 and*
23 *the local funds available pursuant to NRS 387.1235 to the school district*
24 *in which the pupil resides.*

25 3. *In addition to the apportionments made pursuant to this section,*
26 *an apportionment must be made to a school district or charter school that*
27 *provides a program of distance education for each pupil who is enrolled*
28 *part time in the program if an agreement is filed for that pupil pursuant*
29 *to section 21 or 22 of this act, as applicable. The amount of the*
30 *apportionment must be equal to the percentage of the total time services*
31 *are provided to the pupil through the program of distance education per*
32 *school day in proportion to the total time services are provided during a*
33 *school day to pupils who are counted pursuant to subparagraph (2) of*
34 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*
35 *which the pupil resides.*

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

44 ~~3-1~~ 5. If the state controller finds that such an action is needed to
45 maintain the balance in the state general fund at a level sufficient to pay the
46 other appropriations from it, he may pay out the apportionments monthly,
47 each approximately one-twelfth of the yearly apportionment less any
48 amount set aside as a reserve. If such action is needed, the state controller
49 shall submit a report to the department of administration and the fiscal



1 analysis division of the legislative counsel bureau documenting reasons for
2 the action.

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

4 387.1243 1. The first apportionment based on an estimated number
5 of pupils and special education program units and succeeding
6 apportionments are subject to adjustment from time to time as the need
7 therefor may appear.

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

15 (a) The leasehold interest, possessory interest, beneficial interest or
16 beneficial use of the property is subject to taxation pursuant to NRS
17 361.157 and 361.159 and one or more lessees or users of the property are
18 delinquent in paying the tax; and

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

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

31 3. On or before August 1 of each year, the board of trustees of a school
32 district shall provide to the department, in a format prescribed by the
33 department, the count of pupils calculated pursuant to subparagraph ~~[(6)]~~
34 ~~(8)~~ of paragraph (a) of subsection 1 of NRS 387.1233 who completed at
35 least one semester during the immediately preceding school year. The
36 count of pupils submitted to the department must be included in the final
37 adjustment computed pursuant to subsection 4.

38 4. A final adjustment for each school district and charter school must
39 be computed as soon as practicable following the close of the school year,
40 but not later than August 25. The final computation must be based upon the
41 actual counts of pupils required to be made for the computation of basic
42 support and the limits upon the support of special education programs,
43 except that for any year when the total enrollment of pupils and children in
44 a school district or a charter school located within the school district
45 described in paragraphs (a) ~~[(b), (c) and (d)]~~ to ~~(f)~~, *inclusive*, of subsection
46 1 of NRS 387.123 is greater on the last day of any school month of the
47 school district after the second school month of the school district and the
48 increase in enrollment shows at least:



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

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

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

15 **Sec. 14.** NRS 387.185 is hereby amended to read as follows:

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

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

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

34 4. Except as otherwise provided in this subsection, all school money
35 due each charter school must be paid over by the state treasurer to the
36 governing body of the charter school on August 1, November 1, February 1
37 and May 1 of each year or as soon thereafter as the governing body may
38 apply for it, upon the warrant of the state controller drawn in conformity
39 with the apportionment of the superintendent of public instruction as
40 provided in NRS 387.124. If the superintendent of public instruction has
41 approved, pursuant to subsection ~~12~~ 4 of NRS 387.124, a request for
42 payment of an apportionment 30 days before the apportionment is
43 otherwise required to be made, the money due to the charter school must be
44 paid by the state treasurer to the governing body of the charter school on
45 July 1, October 1, January 1 or April 1, as applicable.

46 **Sec. 15.** Chapter 388 of NRS is hereby amended by adding thereto the
47 provisions set forth as sections 16 to 24, inclusive, of this act.



* S B 3 9 9 *

1 **Sec. 16.** *As used in sections 16 to 24, inclusive, of this act, unless the*
2 *context otherwise requires, the words and terms defined in sections 17*
3 *and 18 of this act have the meanings ascribed to them in those sections.*

4 **Sec. 17.** *“Distance education” means instruction which is delivered*
5 *by means of video, computer, television, correspondence or the Internet*
6 *or other electronic means of communication, or any combination*
7 *thereof, in such a manner that the person supervising or providing the*
8 *instruction and the pupil receiving the instruction are separated*
9 *geographically for a majority of the time during which the instruction is*
10 *delivered.*

11 **Sec. 18.** *“Program of distance education” means a program which*
12 *uses distance education as its primary mechanism for delivery and is*
13 *comprised of one or more courses of study that is designed for pupils*
14 *who:*

15 1. *Are participating in a program for pupils who are at risk of*
16 *dropping out of high school pursuant to NRS 388.537.*

17 2. *Are participating in a program of independent study pursuant to*
18 *NRS 389.155.*

19 3. *Are enrolled in a public school that does not offer advanced*
20 *courses.*

21 4. *Have a physical or mental condition that would otherwise require*
22 *an excuse from compulsory attendance pursuant to NRS 392.050.*

23 5. *Would otherwise be excused from compulsory attendance*
24 *pursuant to NRS 392.080.*

25 6. *Are otherwise prohibited from attending public school pursuant to*
26 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*
27 *392.4675.*

28 **Sec. 19.** 1. *The board of trustees of a school district or the*
29 *governing body of a charter school may submit an application to the*
30 *department to provide a program of distance education.*

31 2. *An application to provide a program of distance education must*
32 *include:*

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

34 (b) *Proof satisfactory to the department that the program satisfies all*
35 *applicable statutes and regulations.*

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

47 3. *The department may approve an application submitted pursuant to*
48 *this section if the application satisfies the requirements of sections 16 to*
49 *24, inclusive, of this act and all other applicable statutes and regulations.*



* S B 3 9 9 *

1 *The department shall not unreasonably withhold its approval of an*
2 *application.*

3 **Sec. 20. 1. A pupil who:**

4 *(a) Is participating in a program for pupils at risk of dropping out of*
5 *high school pursuant to NRS 388.537;*

6 *(b) Is participating in a program of independent study pursuant to*
7 *NRS 389.155;*

8 *(c) Is enrolled in a public school that does not offer certain advanced*
9 *courses which the pupil desires to attend;*

10 *(d) Has a physical or mental condition that would otherwise require*
11 *an excuse from compulsory attendance pursuant to NRS 392.050;*

12 *(e) Would otherwise be excused from compulsory attendance pursuant*
13 *to NRS 392.080; or*

14 *(f) Is otherwise prohibited from attending public school pursuant to*
15 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*
16 *392.4675,*

17 *may enroll in a program of distance education.*

18 **2. A child who is exempt from compulsory attendance and receiving**
19 **equivalent instruction authorized by the state board pursuant to**
20 **subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise**
21 **attend a program of distance education, regardless of whether he is**
22 **otherwise eligible for enrollment pursuant to subsection 1.**

23 **3. If a pupil who is prohibited from attending public school pursuant**
24 **to NRS 392.264 enrolls in a program of distance education, the**
25 **enrollment and attendance of that pupil must comply with all**
26 **requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271,**
27 **inclusive.**

28 **4. If a pupil is eligible for enrollment in a program of distance**
29 **education pursuant to paragraph (c) of subsection 1, he may enroll in the**
30 **program of distance education only for the purpose of taking those**
31 **advanced courses that are not offered at the public school he otherwise**
32 **attends.**

33 **Sec. 21. 1. Except as otherwise provided in this subsection, before**
34 **a pupil may enroll full time or part time in a program of distance**
35 **education that is provided by a school district other than the school**
36 **district in which the pupil resides, the pupil must obtain the written**
37 **permission of the board of trustees of the school district in which the**
38 **pupil resides. Before a pupil who is enrolled in a public school of a**
39 **school district may enroll part time in a program of distance education**
40 **that is provided by a charter school, the pupil must obtain the written**
41 **permission of the board of trustees of the school district in which the**
42 **pupil resides. A pupil who enrolls full time in a program of distance**
43 **education that is provided by a charter school is not required to obtain**
44 **the approval of the board of trustees of the school district in which the**
45 **pupil resides.**

46 **2. If the board of trustees of a school district grants permission**
47 **pursuant to subsection 1, the board of trustees shall enter into a written**
48 **agreement with the board of trustees or governing body, as applicable,**
49 **that provides the program of distance education. A separate agreement**



1 *must be prepared for each year that a pupil enrolls in a program of*
2 *distance education. The written agreement must:*

3 *(a) Contain a statement prepared by the board of trustees of the school*
4 *district in which the pupil resides indicating that the board of trustees*
5 *understands that the superintendent of public instruction will make*
6 *appropriate adjustments in the apportionments to the school district*
7 *pursuant to NRS 387.124 to account for the pupil's enrollment in the*
8 *program of distance education;*

9 *(b) If the pupil plans to enroll part time in the program of distance*
10 *education, contain a statement prepared by the board of trustees of the*
11 *school district in which the pupil resides and the board of trustees or*
12 *governing body that provides the program of distance education setting*
13 *forth the percentage of the total time services will be provided to the pupil*
14 *through the program of distance education per school day in proportion*
15 *to the total time services are provided during a school day to pupils who*
16 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection*
17 *1 of NRS 387.1233 for the school district in which the pupil resides;*

18 *(c) Be signed by the board of trustees of the school district in which*
19 *the pupil resides and the board of trustees or governing body that*
20 *provides the program of distance education; and*

21 *(d) Include any other information required by the state board by*
22 *regulation.*

23 *3. On or before September 1 of each year, a written agreement must*
24 *be filed with the superintendent of public instruction for each pupil who*
25 *is enrolled full time or part time in a program of distance education*
26 *provided by a school district other than the school district in which the*
27 *pupil resides. On or before September 1 of each year, a written*
28 *agreement must be filed with the superintendent of public instruction for*
29 *each pupil who is enrolled in a public school of the school district and*
30 *who is enrolled part time in a program of distance education provided by*
31 *a charter school. If an agreement is not filed for a pupil who is enrolled*
32 *in a program of distance education as required by this section, the*
33 *superintendent of public instruction shall not apportion money for that*
34 *pupil to the board of trustees of the school district in which the pupil*
35 *resides, or the board of trustees or governing body that provides the*
36 *program of distance education.*

37 **Sec. 22. 1.** *If a pupil is enrolled in a charter school, he may enroll*
38 *full time in a program of distance education only if the charter school in*
39 *which he is enrolled provides the program of distance education.*

40 *2. Before a pupil who is enrolled in a charter school may enroll part*
41 *time in a program of distance education that is provided by a school*
42 *district or another charter school, the pupil must obtain the written*
43 *permission of the governing body of the charter school in which the pupil*
44 *is enrolled.*

45 *3. If the governing body of a charter school grants permission*
46 *pursuant to subsection 2, the governing body shall enter into a written*
47 *agreement with the board of trustees or governing body, as applicable,*
48 *that provides the program of distance education. A separate agreement*



1 *must be prepared for each year that a pupil enrolls in a program of*
2 *distance education. The written agreement must:*

3 *(a) Contain a statement prepared by the governing body of the charter*
4 *school in which the pupil is enrolled indicating that the governing body*
5 *understands that the superintendent of public instruction will make*
6 *appropriate adjustments in the apportionments to the charter school*
7 *pursuant to NRS 387.124 to account for the pupil's enrollment in the*
8 *program of distance education;*

9 *(b) Contain a statement prepared by the governing body of the charter*
10 *school in which the pupil is enrolled and the board of trustees or*
11 *governing body that provides the program of distance education setting*
12 *forth the percentage of the total time services will be provided to the pupil*
13 *through the program of distance education per school day in proportion*
14 *to the total time services are provided during a school day to pupils who*
15 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection*
16 *1 of NRS 387.1233 for the school district in which the pupil resides;*

17 *(c) Be signed by the governing body of the charter in which the pupil*
18 *is enrolled and the board of trustees or governing body that provides the*
19 *program of distance education; and*

20 *(d) Include any other information required by the state board by*
21 *regulation.*

22 *4. On or before September 1 of each year, a written agreement must*
23 *be filed with the superintendent of public instruction for each pupil who*
24 *is enrolled in a charter school and who is enrolled part time in a program*
25 *of distance education provided by a school district or another charter*
26 *school. If an agreement is not filed for such a pupil, the superintendent*
27 *of public instruction shall not apportion money for that pupil to the*
28 *governing body of the charter school in which the pupil is enrolled, or*
29 *the board of trustees or governing body that provides the program of*
30 *distance education.*

31 **Sec. 23. 1. If a pupil is enrolled full time in a program of distance**
32 **education provided by the board of trustees of a school district, the board**
33 **of trustees of the school district that provides the program shall declare**
34 **for each such pupil the public school within that school district to which**
35 **the pupil is affiliated. Upon the declared affiliation, the pupil shall be**
36 **deemed enrolled in that public school for purposes of all the applicable**
37 **requirements, statutes, regulations, rules and policies of that public**
38 **school and school district, including, without limitation:**

39 *(a) Graduation requirements;*

40 *(b) Accountability of public schools, as set forth in NRS 385.3455 to*
41 *385.391, inclusive;*

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

44 *(d) Discipline of pupils.*

45 *2. A pupil who is enrolled full time in a program of distance*
46 *education provided by a charter school shall be deemed enrolled in the*
47 *charter school. All the applicable requirements, including, without*
48 *limitation, statutes, regulations, rules and policies of that charter school*
49 *apply to such a pupil, including, without limitation:*



* S B 3 9 9 *

- 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 3. *If a pupil is enrolled part time in a program of distance education,*
8 *all the applicable requirements, statutes, regulations, rules and policies*
9 *of the public school of the school district in which the pupil is otherwise*
10 *enrolled or the charter school in which the pupil is otherwise enrolled*
11 *apply to such a pupil, including, without limitation:*

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

18 **Sec. 24. 1.** *The state board shall adopt regulations that prescribe:*
19 (a) *The process for submission of an application by the board of*
20 *trustees of a school district or the governing body of a charter school to*
21 *provide a program of distance education and the contents of the*
22 *application;*

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

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

30 (d) *A written description of the process pursuant to which the*
31 *department may revoke its approval for the operation of a program of*
32 *distance education.*

33 2. *The state board may adopt regulations as it determines are*
34 *necessary to carry out the provisions of sections 16 to 24, inclusive, of*
35 *this act.*

36 **Sec. 25.** NRS 388.090 is hereby amended to read as follows:

37 388.090 1. Except as otherwise permitted pursuant to this section,
38 boards of trustees of school districts shall schedule and provide a minimum
39 of 180 days of free school in the districts under their charge.

40 2. The superintendent of public instruction may, upon application by a
41 board of trustees, authorize a reduction of not more than 15 school days in
42 a particular district to establish or maintain a 12-month school program or a
43 program involving alternative scheduling, if the board of trustees
44 demonstrates that the proposed schedule for the program provides for a
45 greater number of minutes of instruction than would be provided under a
46 program consisting of 180 school days. Before authorizing a reduction in
47 the number of required school days pursuant to this subsection, the
48 superintendent of public instruction must find that the proposed schedule
49 will be used to alleviate problems associated with a growth in enrollment



1 or overcrowding, or to establish and maintain a program of alternative
2 schooling ~~H~~, *including, without limitation, a program of distance*
3 *education provided by the board of trustees pursuant to sections 16 to 24,*
4 *inclusive, of this act.*

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

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

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

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

25 **Sec. 26.** NRS 388.537 is hereby amended to read as follows:

26 388.537 1. The board of trustees of a school district may, subject to
27 the approval of the state board, operate an alternative program for the
28 education of pupils at risk of dropping out of high school, including pupils
29 who:

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

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

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

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

38 2. An alternative program may include:

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

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

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

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

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

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

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



* S B 3 9 9 *

- 1 (f) The provision of child care for the children of pupils.
- 2 (g) The transportation of pupils to and from classes of instruction.
- 3 (h) The temporary placement of pupils for independent study, if there
- 4 are extenuating circumstances which prevent those pupils from attending
- 5 the alternative program on a daily basis.

6 *3. The board of trustees of a school district may operate an*
7 *alternative program pursuant to this section through a program of*
8 *distance education pursuant to sections 16 to 24, inclusive, of this act.*

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

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

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

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

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

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

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

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

39 (a) The number of teachers employed;

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

42 (c) The number of pupils enrolled; and

43 (d) The number of teachers assigned to teach in the same classroom
44 with another teacher or in any other arrangement other than one teacher
45 assigned to one classroom of pupils,

46 during the current school year in kindergarten and grades 1, 2 and 3 for
47 each school district.



* S B 3 9 9 *

1 6. The provisions of this section do not apply to a charter school ~~H~~ *or*
2 *to a program of distance education provided pursuant to sections 16 to*
3 *24, inclusive, of this act.*

4 **Sec. 28.** NRS 389.017 is hereby amended to read as follows:

5 389.017 1. The state board shall prescribe regulations requiring that
6 each board of trustees of a school district and each governing body of a
7 charter school submit to the superintendent of public instruction and the
8 department, in the form and manner prescribed by the superintendent, the
9 results of achievement and proficiency examinations given in the 4th, 8th,
10 10th and 11th grades to public school pupils of the district and charter
11 schools. The state board shall not include in the regulations any provision
12 which would violate the confidentiality of the test scores of any individual
13 pupil.

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

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

19 (b) The average score, as defined by the department, of pupils who took
20 the examinations with modifications or accommodations approved by the
21 private entity that created the examination or, if the department created the
22 examination, the department, if such reporting does not violate the
23 confidentiality of the test scores of any individual pupil.

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

26 (a) Took the examinations under conditions that were not approved by
27 the private entity that created the examination or, if the department created
28 the examination, by the department;

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

30 (c) Are enrolled in an alternative program for the education of pupils at
31 risk of dropping out of high school ~~H~~ *, including, without limitation, a*
32 *program of distance education that is provided to pupils who are at risk*
33 *of dropping out of high school pursuant to sections 16 to 24, inclusive, of*
34 *this act;* or

35 (d) Are detained in a:

36 (1) Youth training center;

37 (2) Youth center;

38 (3) Juvenile forestry camp;

39 (4) Detention home;

40 (5) Youth camp;

41 (6) Juvenile correctional institution; or

42 (7) Correctional institution.

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

45 4. Not later than 10 days after the department receives the results of
46 the achievement and proficiency examinations, the department shall
47 transmit a copy of the results of the examinations administered pursuant to
48 NRS 389.015 to the legislative bureau of educational accountability and



* S B 3 9 9 *

1 program evaluation in a manner that does not violate the confidentiality of
2 the test scores of any individual pupil.

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

- 7 (a) The examination administered;
8 (b) The grade level or levels of pupils to whom the examination was
9 administered;
10 (c) The costs incurred by the school district or charter school in
11 administering each examination; and

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

14 On or before December 1 of each year, the department shall transmit to the
15 budget division of the department of administration and the fiscal analysis
16 division of the legislative counsel bureau the information submitted to the
17 department pursuant to this subsection.

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

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

29 (b) He is enrolled in a program of special education pursuant to NRS
30 388.440 to 388.520, inclusive, and his program of special education
31 specifies that he is exempt from taking the examinations.

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

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

37 (b) Reconcile the number of pupils who were required to take the
38 examinations with the number of pupils who were exempt from taking the
39 examinations or absent from school on the day that the examinations were
40 administered.

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

45 **Sec. 29.** NRS 389.560 is hereby amended to read as follows:

46 389.560 1. The state board shall adopt regulations that require the
47 board of trustees of each school district and the governing body of each
48 charter school to submit to the superintendent of public instruction, the
49 department and the council, in the form and manner prescribed by the



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

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

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

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

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

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

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

23 (c) Are enrolled in an alternative program for the education of pupils at
24 risk of dropping out of high school ~~+~~, *including, without limitation, a*
25 *program of distance education that is provided to pupils who are at risk*
26 *of dropping out of high school pursuant to sections 16 to 24, inclusive, of*
27 *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;



* S B 3 9 9 *

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. 30.** NRS 391.170 is hereby amended to read as follows:

37 391.170 1. Except as otherwise provided in subsection 2, a teacher or
38 other employee for whom a license is required is not entitled to receive any
39 portion of public money for schools as compensation for services rendered
40 unless:

41 (a) He is legally employed by the board of trustees of the school district
42 *or the governing body of the charter school* in which he is teaching or
43 performing other educational functions.

44 (b) He has a license authorizing him to teach or perform other
45 educational functions at the level and in the field for which he is employed,
46 issued in accordance with law and in full force at the time the services are
47 rendered.

48 2. The provisions of subsection 1 do not prohibit the payment of public
49 money to teachers or other employees who are employed by a charter



* S B 3 9 9 *

1 school *for a whom a license is not required* pursuant to the provisions of
2 NRS 386.590. ~~and 386.595.~~

3 **Sec. 31.** NRS 391.31965 is hereby amended to read as follows:

4 391.31965 Any postprobationary employee of a school district of
5 Nevada who is employed by another school district *or charter school* must
6 be allowed to continue as a postprobationary employee and must not be
7 required to serve the probationary period required by subsection 1 of NRS
8 391.3197.

9 **Sec. 32.** NRS 392.010 is hereby amended to read as follows:

10 392.010 Except as to the attendance of a pupil pursuant to NRS
11 392.015 *or sections 16 to 24, inclusive, of this act*, or a pupil who is
12 ineligible for attendance pursuant to NRS 392.4675 and except as
13 otherwise provided in NRS 392.264 and 392.268:

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

16 (a) Admit to the school or schools of the school district any pupil or
17 pupils living in an adjoining school district within this state or in an
18 adjoining state when the school district of residence in the adjoining state
19 adjoins the receiving Nevada school district; or

20 (b) Pay tuition for pupils residing in the school district but who attend
21 school in an adjoining school district within this state or in an adjoining
22 state when the receiving district in the adjoining state adjoins the school
23 district of Nevada residence.

24 2. With the approval of the superintendent of public instruction, the
25 board of trustees of the school district in which the pupil or pupils reside
26 and the board of trustees of the school district in which the pupil or pupils
27 attend school shall enter into an agreement providing for the payment of
28 such tuition as may be agreed upon, but transportation costs must be paid
29 by the board of trustees of the school district in which the pupil or pupils
30 reside:

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

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

35 3. In addition to the provisions for the payment of tuition and
36 transportation costs for pupils admitted to an adjoining school district as
37 provided in subsection 2, the agreement may contain provisions for the
38 payment of reasonable amounts of money to defray the cost of operation,
39 maintenance and depreciation of capital improvements which can be
40 allocated to such pupils.

41 **Sec. 33.** NRS 392.035 is hereby amended to read as follows:

42 392.035 1. In determining the mobility of pupils in a school, for any
43 purpose, the department shall divide the sum of the following numbers by
44 the cumulative enrollment in the school:

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

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



* S B 3 9 9 *

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

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

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

12 **Sec. 34.** NRS 392.070 is hereby amended to read as follows:

13 392.070 1. Attendance required by the provisions of NRS 392.040
14 must be excused when satisfactory written evidence is presented to the
15 board of trustees of the school district in which the child resides that the
16 child is receiving at home or in some other school equivalent instruction of
17 the kind and amount approved by the state board.

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

23 (a) Only if a child would otherwise be eligible for participation in
24 programs of special education and related services pursuant to NRS
25 388.440 to 388.520, inclusive;

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

30 (c) In accordance with the same requirements set forth in 20 U.S.C. §
31 1412 which relate to the participation of pupils with disabilities who are
32 enrolled in private schools within the school district voluntarily by their
33 parents or legal guardians.

34 3. Except as otherwise provided in subsection 2 for programs of
35 special education and related services ~~to~~ *and this subsection for programs*
36 *of distance education*, upon the request of a parent or legal guardian of a
37 child who is enrolled in a private school or who receives instruction at
38 home, the board of trustees of the school district in which the child resides
39 shall authorize the child to participate in a class that is not available to the
40 child at the private school or home school or participate in an
41 extracurricular activity, excluding sports, at a public school within the
42 school district if:

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

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

48 If the board of trustees of a school district authorizes a child to participate
49 in a class or extracurricular activity, excluding sports, pursuant to this



1 subsection, the board of trustees is not required to provide transportation
2 for the child to attend the class or activity. *The board of trustees of a*
3 *school district shall not authorize a child to participate in a class or*
4 *activity through a program of distance education provided by the school*
5 *district pursuant to sections 16 to 24, inclusive, of this act.*

6 4. The board of trustees of a school district may revoke its approval for
7 a pupil to participate in a class or extracurricular activity at a public school
8 pursuant to subsection 3 if the board of trustees or the public school
9 determines that the pupil has failed to comply with applicable statutes, or
10 applicable rules and regulations of the board of trustees. If the board of
11 trustees revokes its approval, neither the board of trustees nor the public
12 school are liable for any damages relating to the denial of services to the
13 pupil.

14 5. The programs of special education and related services required by
15 subsection 2 may be offered at a public school or another location that is
16 appropriate.

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

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

22 **Sec. 35.** NRS 281.210 is hereby amended to read as follows:

23 281.210 1. Except as otherwise provided in this section, it is
24 unlawful for any person acting as a school trustee, *member of the*
25 *governing body of a charter school*, state, township, municipal or county
26 officer, or as an employing authority of the University and Community
27 College System of Nevada, any school district, *charter school* or of the
28 state, any town, city or county, or for any state or local board, agency or
29 commission, elected or appointed, to employ in any capacity on behalf of
30 the State of Nevada, or any county, township, municipality, ~~for~~ school
31 district *or charter school* thereof, or the University and Community
32 College System of Nevada, any relative of such a person or of any member
33 of such a board, *governing body*, agency or commission who is within the
34 third degree of consanguinity or affinity.

35 2. This section does not apply:

36 (a) To school districts, when the teacher or other school employee is not
37 related to more than one of the trustees or person who is an employing
38 authority by consanguinity or affinity and receives a unanimous vote of all
39 members of the board of trustees and approval by the state department of
40 education.

41 (b) To school districts, when the teacher or other school employee has
42 been employed by an abolished school district or educational district,
43 which constitutes a part of the employing county school district, and the
44 county school district for 4 years or more before April 1, 1957.

45 (c) To the spouse of the warden of an institution or manager of a facility
46 of the department of prisons.

47 (d) To the spouse of the superintendent of the Caliente youth center.

48 (e) To relatives of blind officers and employees of the bureau of
49 services to the blind and visually impaired of the rehabilitation division of



1 the department of employment, training and rehabilitation when those
2 relatives are employed as automobile drivers for those officers and
3 employees.

4 (f) To relatives of a member of a town board of a town whose
5 population is less than 300.

6 3. Nothing in this section:

7 (a) Prevents any officer in this state, employed under a flat salary, from
8 employing any suitable person to assist in any such employment, when the
9 payment for the service is met out of the personal money of the officer.

10 (b) Disqualifies any widow with a dependent as an employee of any
11 officer or board in this state, or any of its counties, townships,
12 municipalities or school districts.

13 4. A person employed contrary to the provisions of this section must
14 not be compensated for the employment.

15 5. Any person violating any provisions of this section is guilty of a
16 gross misdemeanor.

17 **Sec. 36.** NRS 288.060 is hereby amended to read as follows:

18 288.060 "Local government employer" means any political
19 subdivision of this state or any public or quasi-public corporation
20 organized under the laws of this state and includes, without limitation,
21 counties, cities, unincorporated towns, *charter schools*, school districts,
22 hospital districts, irrigation districts and other special districts.

23 **Sec. 37.** Section 60 of chapter 606, Statutes of Nevada 1999, at page
24 3324, is hereby amended to read as follows:

25 Sec. 60. 1. This section and sections 56 and 57 of this act
26 become effective upon passage and approval.

27 2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24,
28 inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of
29 this act become effective on July 1, 1999.

30 3. Sections 17, 25 and 46 of this act become effective at 12:01
31 a.m. on July 1, 1999.

32 4. Section 12.5 of this act becomes effective on July 1, ~~2001-~~

33 ~~5. Section 55 of this act becomes effective on July 1, 2003.~~

34 **Sec. 38.** The amendatory provisions of section 8 of this act do not
35 affect any right to representation that an employee of a charter school
36 acquired before July 1, 2001, by virtue of his membership in an employee
37 organization

38 **Sec. 39.** 1. On or before April 1, 2002, the state board of education
39 shall adopt regulations required by section 24 of this act.

40 2. If any deadlines contained within the regulations adopted by the
41 state board of education pursuant to section 24 of this act prohibit the board
42 of trustees of a school district or governing body of a charter school from
43 submitting an application to provide a program of distance education for
44 the 2002-2003 school year, the department of education shall grant a
45 shorter period for the board of trustees or governing body to submit an
46 application for the 2002-2003 school year notwithstanding the provisions
47 of those regulations.

48 **Sec. 40.** The amendatory provisions of this act do not apply to
49 offenses committed before July 1, 2001.



1 **Sec. 41.** Section 55 of chapter 606, Statutes of Nevada 1999, at page
2 3322, is hereby repealed.

3 **Sec. 42.** 1. This section and sections 1 to 5, inclusive, 7, 8, 9, 24, 28
4 to 31, inclusive, and 35 to 41, inclusive, of this act, become effective on
5 July 1, 2001.

6 2. Sections 6, 10 to 23, inclusive, 25, 26, 27, 32, 33 and 34 of this act
7 become effective on July 1, 2002.

TEXT OF REPEALED SECTION

Section 55 of chapter 606, Statutes of Nevada 1999:

Sec. 55.NRS 386.510 is hereby repealed.

