

ASSEMBLY BILL NO. 311—ASSEMBLYMEN KNECHT, HETTRICK, CHRISTENSEN, ANGLE, GRIFFIN, ANDONOV, ATKINSON, BEERS, BROWN, CARPENTER, CLABORN, CONKLIN, GEDDES, GIBBONS, GOICOECHEA, GRADY, GUSTAVSON, HARDY, MABEY, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, PARKS, SHERER AND WEBER

MARCH 13, 2003

JOINT SPONSORS: SENATORS CEGAVSKE, O'CONNELL, HARDY, TIFFANY, RAWSON, AMODEI, NOLAN, SCHNEIDER, SHAFFER AND WASHINGTON

Referred to Committee on Education

SUMMARY—Revises provisions governing homeschooled children. (BDR 34-966)

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

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

AN ACT relating to education; providing for the participation of homeschooled children in interscholastic activities and events under certain circumstances; requiring the association formed for the purposes of controlling, supervising and regulating interscholastic events to adopt regulations governing the participation of homeschooled children; requiring the association to consult with certain homeschool advisory councils concerning the adoption and revision of such regulations; and providing other matters properly relating thereto.

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



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1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:

4 1. "Charter school" means a public school that is formed
5 pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

6 2. "Department" means the Department of Education.

7 3. *"Homeschooled child" means a child who receives*
8 *instruction at home and who is exempt from compulsory*
9 *attendance pursuant to NRS 392.070.*

10 4. "Public schools" means all kindergartens and elementary
11 schools, junior high schools and middle schools, high schools,
12 charter schools and any other schools, classes and educational
13 programs which receive their support through public taxation and,
14 except for charter schools, whose textbooks and courses of study are
15 under the control of the State Board.

16 ~~[4.]~~ 5. "State Board" means the State Board of Education.

17 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 3, 4 and 5 of this act.

19 **Sec. 3. 1.** *A homeschooled child must be allowed to*
20 *participate in interscholastic activities and events in accordance*
21 *with the regulations adopted by the association pursuant to*
22 *NRS 386.430.*

23 2. *The provisions of NRS 386.420 to 386.470, inclusive, and*
24 *sections 3, 4 and 5 of this act and the regulations adopted*
25 *pursuant thereto that apply to pupils enrolled in public schools*
26 *who participate in interscholastic activities and events apply in the*
27 *same manner to homeschooled children who participate in*
28 *interscholastic activities and events, including, without limitation,*
29 *provisions governing:*

30 (a) *Eligibility and qualifications for participation;*

31 (b) *Fees for participation;*

32 (c) *Insurance;*

33 (d) *Transportation;*

34 (e) *Requirements of physical examination;*

35 (f) *Responsibilities of participants;*

36 (g) *Schedules of events;*

37 (h) *Safety and welfare of participants;*

38 (i) *Eligibility for awards, trophies and medals;*

39 (j) *Conduct of behavior and performance of participants; and*

40 (k) *Disciplinary procedures.*

41 **Sec. 4.** *No challenge may be brought by the association, a*
42 *school district, a public school or a private school, a parent or*
43 *guardian of a pupil enrolled in a public school or a private school,*
44 *a pupil enrolled in a public school or private school, or any other*
45 *entity or person, claiming that an interscholastic activity or event*



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1 *is invalid because homeschooled children are allowed to*
2 *participate in the interscholastic activity or event.*

3 **Sec. 5.** *A school district, public school or private school shall*
4 *not prescribe any regulations, rules, policies, procedures or*
5 *requirements governing the:*

6 *1. Eligibility of homeschooled children to participate in*
7 *interscholastic activities and events pursuant to NRS 386.420 to*
8 *386.470, inclusive, and sections 3, 4 and 5 of this act; or*

9 *2. Participation of homeschooled children in interscholastic*
10 *activities and events pursuant to NRS 386.420 to 386.470,*
11 *inclusive, and sections 3, 4 and 5 of this act,*
12 *that are more restrictive than the provisions governing eligibility*
13 *and participation prescribed by the association pursuant*
14 *NRS 386.430.*

15 **Sec. 6.** NRS 386.430 is hereby amended to read as follows:

16 386.430 *1. The association shall adopt rules and regulations in*
17 *the manner provided for state agencies by chapter 233B of NRS, as*
18 *may be necessary to carry out the provisions of NRS 386.420 to*
19 *386.470, inclusive ~~1~~, and sections 3, 4 and 5 of this act. The*
20 *regulations must include provisions governing the eligibility and*
21 *participation of homeschooled children in interscholastic activities*
22 *and events.*

23 *2. If the association intends to adopt, repeal or amend a*
24 *policy, rule or regulation concerning or affecting homeschooled*
25 *children, the association shall consult with the Northern Nevada*
26 *Homeschool Advisory Council and the Southern Nevada*
27 *Homeschool Advisory Council, or their successor organizations, to*
28 *provide those Councils with a reasonable opportunity to submit*
29 *data, opinions or arguments, orally or in writing, concerning the*
30 *proposal or change. The association shall consider all written and*
31 *oral submissions respecting the proposal or change before taking*
32 *final action.*

33 **Sec. 7.** NRS 386.580 is hereby amended to read as follows:

34 386.580 *1. An application for enrollment in a charter school*
35 *may be submitted to the governing body of the charter school by the*
36 *parent or legal guardian of any child who resides in this state.*
37 *Except as otherwise provided in this subsection, a charter school*
38 *shall enroll pupils who are eligible for enrollment in the order in*
39 *which the applications are received. If the board of trustees of the*
40 *school district in which the charter school is located has established*
41 *zones of attendance pursuant to NRS 388.040, the charter school*
42 *shall, if practicable, ensure that the racial composition of pupils*
43 *enrolled in the charter school does not differ by more than 10*
44 *percent from the racial composition of pupils who attend public*
45 *schools in the zone in which the charter school is located. If more*



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1 pupils who are eligible for enrollment apply for enrollment in the
2 charter school than the number of spaces which are available,
3 the charter school shall determine which applicants to enroll on the
4 basis of a lottery system.

5 2. Except as otherwise provided in subsection 6, a charter
6 school shall not accept applications for enrollment in the charter
7 school or otherwise discriminate based on the:

- 8 (a) Race;
- 9 (b) Gender;
- 10 (c) Religion;
- 11 (d) Ethnicity; or
- 12 (e) Disability,

13 of a pupil.

14 3. If the governing body of a charter school determines that the
15 charter school is unable to provide an appropriate special education
16 program and related services for a particular disability of a pupil
17 who is enrolled in the charter school, the governing body may
18 request that the board of trustees of the school district of the county
19 in which the pupil resides transfer that pupil to an appropriate
20 school.

21 4. Except as otherwise provided in this subsection, upon the
22 request of a parent or legal guardian of a child who is enrolled in a
23 public school of a school district or a private school, or ~~who~~
24 ~~receives instruction at home,~~ *a parent or legal guardian of a*
25 *homeschooled child*, the governing body of the charter school shall
26 authorize the child to participate in a class that is not otherwise
27 available to the child at his school or home school or participate in
28 an extracurricular activity at the charter school if:

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

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

34 If the governing body of a charter school authorizes a child to
35 participate in a class or extracurricular activity pursuant to this
36 subsection, the governing body is not required to provide
37 transportation for the child to attend the class or activity. A charter
38 school shall not authorize such a child to participate in a class or
39 activity through a program of distance education provided by the
40 charter school pursuant to NRS 388.820 to 388.874, inclusive.

41 5. The governing body of a charter school may revoke its
42 approval for a child to participate in a class or extracurricular
43 activity at a charter school pursuant to subsection 4 if the governing
44 body determines that the child has failed to comply with applicable
45 statutes, or applicable rules and regulations. If the governing body



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1 so revokes its approval, neither the governing body nor the charter
2 school is liable for any damages relating to the denial of services to
3 the child.

4 6. This section does not preclude the formation of a charter
5 school that is dedicated to provide educational services exclusively
6 to pupils:

7 (a) With disabilities;

8 (b) Who pose such severe disciplinary problems that they
9 warrant an educational program specifically designed to serve a
10 single gender and emphasize personal responsibility and
11 rehabilitation; or

12 (c) Who are at risk.

13 If more eligible pupils apply for enrollment in such a charter school
14 than the number of spaces which are available, the charter school
15 shall determine which applicants to enroll on the basis of a lottery
16 system.

17 **Sec. 8.** NRS 392.070 is hereby amended to read as follows:

18 392.070 1. Attendance required by the provisions of NRS
19 392.040 must be excused when satisfactory written evidence is
20 presented to the board of trustees of the school district in which the
21 child resides that the child is receiving at home or in some other
22 school equivalent instruction of the kind and amount approved by
23 the State Board.

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

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

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

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

41 3. Except as otherwise provided in subsection 2 for programs
42 of special education and related services, upon the request of a
43 parent or legal guardian of a child who is enrolled in a private
44 school or ~~{who receives instruction at home,}~~ *a parent or legal*
45 *guardian of a homeschooled child,* the board of trustees of the



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1 school district in which the child resides shall authorize the child to
2 participate in a class that is not available to the child at the private
3 school or home school or participate in an extracurricular activity,
4 excluding sports, at a public school within the school district if:

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

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

10 If the board of trustees of a school district authorizes a child to
11 participate in a class or extracurricular activity, excluding sports,
12 pursuant to this subsection, the board of trustees is not required to
13 provide transportation for the child to attend the class or activity. *A*
14 *homeschooled child must be allowed to participate in*
15 *interscholastic activities and events pursuant to NRS 386.420 to*
16 *386.470, inclusive, and sections 3, 4 and 5 of this act.*

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

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

28 6. The Department may adopt such regulations as are necessary
29 for the boards of trustees of school districts to provide the programs
30 of special education and related services required by subsection 2.

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

33 **Sec. 9.** This act becomes effective on July 1, 2003.

