

SENATE BILL NO. 535—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 26, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing certain educational programs for pupils in public schools. (BDR 34-581)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions relating to alternative programs for pupils at risk of dropping out of school, programs of distance education and independent study and certain other educational programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the boards of trustees of school districts to operate an alternative program for the education of pupils at risk of dropping out of high school, subject to the approval of the State Board of Education. (NRS 388.537) **Section 4** of this bill authorizes school districts to operate an alternative program for all grade levels of pupils who are at risk of dropping out of school, subject to the approval of the Superintendent of Public Instruction.

Existing law provides that if a pupil enrolls in a program of distance education, the board of trustees of the school district in which the pupil resides or the governing body of the charter school in which the pupil attends school must enter into an agreement with the provider of the distance education. (NRS 388.854, 388.858) If an agreement is not filed with the Superintendent of Public Instruction for a pupil, the provider of the distance education is not eligible to receive the state apportionment of money for that pupil. (NRS 387.123, 387.124) **Sections 8 and 9** of this bill revise the contents of the agreement and eliminate the requirement that the agreement be filed with the Superintendent. **Sections 2 and 3** of this bill eliminate the restriction on the eligibility of a provider of the distance education to receive payment for a pupil if an agreement is not filed with the Superintendent.

Existing law provides that a pupil may enroll in a program of independent study if the school district in which the pupil is enrolled offers the program and if the



pupil is enrolled in high school or is suspended or expelled from a public school. (NRS 389.155) **Section 11** of this bill expands the eligibility for independent study to include all pupils who are enrolled in public schools, pupils who are enrolled in an alternative program and pupils who are enrolled in a program designed to meet the requirements for an adult standard diploma.

Existing law provides that if a pupil enrolled in high school successfully completes a college course, the pupil must be granted credit toward graduation from high school. (NRS 389.160) **Section 12** of this bill provides that if a pupil enrolled in a program designed to meet the requirements for an adult standard diploma successfully completes a college course, the pupil must be granted credit towards that diploma.

Section 15 of this bill eliminates the requirement that a provider of a program of distance education submit to the Department of Education and the Legislative Bureau of Educational Accountability and Program Evaluation an annual report of the program. (NRS 388.870)

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

Section 1. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of ~~high school;~~ *school pursuant to NRS 388.537;* or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education



described in subsection 1 on the examinations administered pursuant to NRS 389.015 and 389.550 will be reported.

Sec. 2. NRS 387.123 is hereby amended to read as follows:

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

(a) Pupils in the kindergarten department.

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

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

(d) Pupils who reside in the county and are enrolled part time in a program of distance education ~~[if an agreement is filed with the Superintendent of Public Instruction]~~ *provided* pursuant to NRS ~~[388.854 or 388.858, as applicable.]~~ *388.820 to 388.874, inclusive.*

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

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

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



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

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

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

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

➤ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. NRS 387.124 is hereby amended to read as follows:

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

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. ~~If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board~~



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~~of trustees or governing body that provides the program of distance education.]~~

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program . ~~[if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable.]~~ The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter



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1 school may receive all four apportionments in advance in its first
2 year of operation.

3 6. The Superintendent of Public Instruction shall apportion, on
4 or before August 1 of each year, the money designated as the
5 "Nutrition State Match" pursuant to NRS 387.105 to those school
6 districts that participate in the National School Lunch Program, 42
7 U.S.C. §§ 1751 et seq. The apportionment to a school district must
8 be directly related to the district's reimbursements for the Program
9 as compared with the total amount of reimbursements for all school
10 districts in this State that participate in the Program.

11 7. If the State Controller finds that such an action is needed to
12 maintain the balance in the State General Fund at a level sufficient
13 to pay the other appropriations from it, he may pay out the
14 apportionments monthly, each approximately one-twelfth of the
15 yearly apportionment less any amount set aside as a reserve. If such
16 action is needed, the State Controller shall submit a report to the
17 Department of Administration and the Fiscal Analysis Division of
18 the Legislative Counsel Bureau documenting reasons for the action.

19 **Sec. 4.** NRS 388.537 is hereby amended to read as follows:

20 388.537 1. The board of trustees of a school district may,
21 subject to the approval of the ~~{State Board,}~~ *Superintendent of*
22 *Public Instruction*, operate an alternative program for the education
23 of pupils at risk of dropping out of ~~{high}~~ school, including pupils
24 who ~~are~~:

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

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

30 ~~—(c) Are chronically absent from high school; or~~

31 ~~—(d) Require instruction on a more personal basis than that~~
32 ~~regularly provided in high school.] are enrolled in kindergarten or~~
33 *grades 1 to 12, inclusive.*

34 2. *The board of trustees of a school district may submit to the*
35 *Department, in the form prescribed by the Department, a plan to*
36 *operate an alternative program.*

37 3. *The Superintendent of Public Instruction shall review each*
38 *plan to operate an alternative program submitted to the*
39 *Department and approve or deny the plan. Approval by*
40 *the Superintendent constitutes approval of each component of the*
41 *plan for the alternative program.*

42 4. *If a plan for an alternative program is denied by the*
43 *Superintendent of Public Instruction, the board of trustees of a*
44 *school district may appeal the decision of the Superintendent to*



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1 *the State Board. The State Board may approve or deny the plan*
2 *for the alternative program upon appeal.*

3 5. An alternative program may include:

4 (a) A shorter school day ~~[, and]~~ *or* an opportunity for pupils to
5 attend a longer school day ~~[,]~~ than that regularly provided in ~~[high~~
6 ~~school.]~~ *the school district. The alternative program must provide*
7 *for a number of minutes of instruction that is equal to or greater*
8 *than that which would be provided under a program consisting of*
9 *180 school days.*

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

12 (c) A comprehensive curriculum that includes elective classes of
13 instruction and career and technical education.

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

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

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

18 (2) The requirements for ~~[a high school diploma for adults.]~~
19 *an adult standard diploma.*

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

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

23 (h) The ~~[temporary]~~ placement of pupils for independent study ~~[,~~
24 ~~if there are extenuating circumstances which prevent those pupils~~
25 ~~from attending the alternative program on a daily basis.~~
26 ~~—3.]~~ *pursuant to NRS 389.155, if the board of trustees of the*
27 *school district determines that the pupil would benefit from such*
28 *placement.*

29 6. The board of trustees of a school district may operate an
30 alternative program pursuant to this section through a program of
31 distance education pursuant to NRS 388.820 to 388.874, inclusive.

32 **Sec. 5.** NRS 388.826 is hereby amended to read as follows:

33 388.826 “Distance education” means instruction which is
34 delivered by means of video, computer, television,
35 ~~[correspondence,]~~ or the Internet or other electronic means of
36 communication, or any combination thereof, in such a manner that
37 the person supervising or providing the instruction and the pupil
38 receiving the instruction are separated geographically for a majority
39 of the time during which the instruction is delivered.

40 **Sec. 6.** NRS 388.829 is hereby amended to read as follows:

41 388.829 “Program of distance education” means a program
42 comprised of one or more courses of distance education that is
43 designed for pupils who ~~[,~~

44 ~~—1. Are participating in a program for pupils who are at risk of~~
45 ~~dropping out of high school pursuant to NRS 388.537.~~



~~2. Are participating in a program of independent study pursuant to NRS 389.155.~~

~~3. Are enrolled in a public school that does not offer advanced or specialized courses.~~

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

~~5. Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.~~

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

~~7. Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.~~

~~8. Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.]~~ *meet the criteria for enrollment in a program of distance education prescribed in NRS 388.850.*

Sec. 7. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of ~~[high]~~ school pursuant to NRS 388.537;

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

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

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

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

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

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the ~~[circumstances warrant enrollment for the pupil;]~~ *pupil will benefit from the program;* or



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(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the ~~circumstances warrant enrollment for the pupil.~~ *pupil will benefit from the program.*

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to ~~62F.140,~~ *62F.150*, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

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



enrolls in a program of distance education. ~~[The written agreement must:~~

~~—(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;~~

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

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

~~—(d) Include any other information required by the State Board by regulation.~~

~~3.—On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.]~~

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter



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1 school in which he is enrolled provides the program of distance
2 education.

3 2. Before a pupil who is enrolled in a charter school may enroll
4 part time in a program of distance education that is provided by a
5 school district or another charter school, the pupil must obtain the
6 written permission of the governing body of the charter school in
7 which the pupil is enrolled.

8 3. If the governing body of a charter school grants permission
9 pursuant to subsection 2, the governing body shall enter into a
10 written agreement with the board of trustees or governing body, as
11 applicable, that provides the program of distance education. A
12 separate agreement must be prepared for each year that a pupil
13 enrolls in a program of distance education. ~~[The written agreement~~
14 ~~must:~~

15 ~~—(a) Contain a statement prepared by the governing body of the~~
16 ~~charter school in which the pupil is enrolled indicating that the~~
17 ~~governing body understands that the Superintendent of Public~~
18 ~~Instruction will make appropriate adjustments in the apportionments~~
19 ~~to the charter school pursuant to NRS 387.124 to account for the~~
20 ~~pupil's enrollment in the program of distance education;~~

21 ~~—(b) Contain a statement prepared by the governing body of the~~
22 ~~charter school in which the pupil is enrolled and the board of~~
23 ~~trustees or governing body that provides the program of distance~~
24 ~~education setting forth the percentage of the total time services will~~
25 ~~be provided to the pupil through the program of distance education~~
26 ~~per school day in proportion to the total time services are provided~~
27 ~~during a school day to pupils who are counted pursuant to~~
28 ~~subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233~~
29 ~~for the school district in which the pupil resides;~~

30 ~~—(c) Be signed by the governing body of the charter school in~~
31 ~~which the pupil is enrolled and the board of trustees or governing~~
32 ~~body that provides the program of distance education; and~~

33 ~~—(d) Include any other information required by the State Board by~~
34 ~~regulation.~~

35 ~~—4. On or before the last day of the first school month of each~~
36 ~~school year or March 1 of each school year, as applicable for the~~
37 ~~semester of enrollment, a written agreement must be filed with the~~
38 ~~Superintendent of Public Instruction for each pupil who is enrolled~~
39 ~~in a charter school and who is enrolled part time in a program of~~
40 ~~distance education provided by a school district or another charter~~
41 ~~school. If an agreement is not filed for such a pupil, the~~
42 ~~Superintendent of Public Instruction shall not apportion money for~~
43 ~~that pupil to the governing body of the charter school in which the~~
44 ~~pupil is enrolled, or the board of trustees or governing body that~~
45 ~~provides the program of distance education.]~~



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Sec. 10. NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that ~~[, for]~~ :

(a) *For* each course offered through the program, a teacher:

~~[(a)]~~ (1) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; ~~[and]~~

~~[(b)]~~ (2) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress ~~[-]~~ ; *and*

(3) *Enters into a written agreement with the pupil and his parent or legal guardian outlining the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed; or*

(b) *The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.*

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he provides instruction at a community college or university.

Sec. 11. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil ~~[enrolled full]~~ :

(a) *Enrolled full* time in ~~[high school or a pupil who]~~ *public school;*

(b) *Enrolled in an alternative program pursuant to NRS 388.537;*

(c) *Enrolled in a program designed to meet the requirements for an adult standard diploma; or*

(d) *Except as otherwise provided in subsection 4, who* has been suspended or expelled from a public school ,

➤ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.



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2. The regulations must : ~~require that:~~

(a) *Require that:*

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

~~[(b)] [The]~~

(2) *For each course in which the pupil is enrolled, the* pupil and *the* teacher *of the course* meet or otherwise communicate with each other at least once each week ~~[during]~~ *for the duration of* the course to discuss the pupil's progress ~~[-]~~ ; or

(b) *Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.*

3. ~~[Except as otherwise provided in this subsection, the]~~ *The* board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by *the* pupils ~~[-]~~:

~~—(a) Enrolled full time in high schools in its district. A board of trustees that chooses to allow such study may provide that:~~

~~—(1) The pupils participating in the independent study be given instruction individually or in a group.~~

~~—(2) The independent study be offered during the regular school day.~~

~~—(b) Who have been suspended or expelled from a public school.]~~ *described in subsection 1.*

4. A program of independent study offered pursuant to this ~~[paragraph]~~ *section* must not allow a pupil *who has been suspended or expelled from a public school* to attend that public school during the period of his suspension or expulsion.

Sec. 12. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school ~~[-]~~ *or a pupil enrolled in a program designed to meet the requirements for an adult standard diploma*, who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from *the* high school or the charter school in which the pupil is enrolled ~~[-]~~ *or the credits required for receipt of an adult standard diploma, as applicable.*

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for



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1 academic credit, and the amount of credit allowed for the
2 completion of those courses.

3 **Sec. 13.** NRS 392.466 is hereby amended to read as follows:

4 392.466 1. Except as otherwise provided in this section, any
5 pupil who commits a battery which results in the bodily injury of an
6 employee of the school or who sells or distributes any controlled
7 substance while on the premises of any public school, at an activity
8 sponsored by a public school or on any school bus must, for the first
9 occurrence, be suspended or expelled from that school, although he
10 may be placed in another kind of school, for at least a period equal
11 to one semester for that school. For a second occurrence, the pupil
12 must be permanently expelled from that school and:

13 (a) Receive equivalent instruction authorized by the State Board
14 pursuant to subsection 1 of NRS 392.070; or

15 (b) Enroll in a program of independent study provided pursuant
16 to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 *for pupils who*
17 *have been suspended or expelled from public school* or a program
18 of distance education provided pursuant to NRS 388.820 to 388.874,
19 inclusive, if he qualifies for enrollment and is accepted for
20 enrollment in accordance with the *requirements of the* applicable
21 ~~requirements~~ *program.*

22 2. Except as otherwise provided in this section, any pupil who
23 is found in possession of a firearm or a dangerous weapon while on
24 the premises of any public school, at an activity sponsored by a
25 public school or on any school bus must, for the first occurrence, be
26 expelled from the school for a period of not less than 1 year,
27 although he may be placed in another kind of school for a period not
28 to exceed the period of the expulsion. For a second occurrence, the
29 pupil must be permanently expelled from the school and:

30 (a) Receive equivalent instruction authorized by the State Board
31 pursuant to subsection 1 of NRS 392.070; or

32 (b) Enroll in a program of independent study provided pursuant
33 to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 *for pupils who*
34 *have been suspended or expelled from public school* or a program
35 of distance education provided pursuant to NRS 388.820 to 388.874,
36 inclusive, if he qualifies for enrollment and is accepted for
37 enrollment in accordance with the *requirements of the* applicable
38 ~~requirements~~ *program.*

39 ➤ The superintendent of schools of a school district may, for good
40 cause shown in a particular case in that school district, allow a
41 modification to the expulsion requirement of this subsection if such
42 modification is set forth in writing.

43 3. Except as otherwise provided in this section, if a pupil is
44 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
45 the pupil must be suspended or expelled from the school for a period



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1 equal to at least one semester for that school. For the period of his
2 suspension or expulsion, the pupil must:

3 (a) Receive equivalent instruction authorized by the State Board
4 pursuant to subsection 1 of NRS 392.070; or

5 (b) Enroll in a program of independent study provided pursuant
6 to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 *for pupils who*
7 *have been suspended or expelled from public school* or a program
8 of distance education provided pursuant to NRS 388.820 to 388.874,
9 inclusive, if he qualifies for enrollment and is accepted for
10 enrollment in accordance with the *requirements of the* applicable
11 ~~requirements~~ *program*.

12 4. This section does not prohibit a pupil from having in his
13 possession a knife or firearm with the approval of the principal of
14 the school. A principal may grant such approval only in accordance
15 with the policies or regulations adopted by the board of trustees of
16 the school district.

17 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
18 been found to have possessed a firearm in violation of subsection 2,
19 may be suspended from school or permanently expelled from school
20 pursuant to this section only after the board of trustees of the school
21 district has reviewed the circumstances and approved this action in
22 accordance with the procedural policy adopted by the board for such
23 issues.

24 6. A pupil who is participating in a program of special
25 education pursuant to NRS 388.520, other than a pupil who is gifted
26 and talented, may, in accordance with the procedural policy adopted
27 by the board of trustees of the school district for such matters, be:

28 (a) Suspended from school pursuant to this section for not more
29 than 10 days. Such a suspension may be imposed pursuant to
30 this paragraph for each occurrence of conduct proscribed by
31 subsection 1.

32 (b) Suspended from school for more than 10 days or
33 permanently expelled from school pursuant to this section only after
34 the board of trustees of the school district has reviewed the
35 circumstances and determined that the action is in compliance with
36 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
37 et seq.

38 7. As used in this section:

39 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
40 subsection 1 of NRS 200.481.

41 (b) "Dangerous weapon" includes, without limitation, a
42 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
43 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
44 NRS 202.350, a butterfly knife or any other knife described in NRS
45 202.350, or any other object which is used, or threatened to be used,



1 in such a manner and under such circumstances as to pose a threat
2 of, or cause, bodily injury to a person.

3 (c) "Firearm" includes, without limitation, any pistol, revolver,
4 shotgun, explosive substance or device, and any other item included
5 within the definition of a "firearm" in 18 U.S.C. § 921, as that
6 section existed on July 1, 1995.

7 8. The provisions of this section do not prohibit a pupil who is
8 suspended or expelled from enrolling in a charter school that is
9 designed exclusively for the enrollment of pupils with disciplinary
10 problems if he is accepted for enrollment by the charter school
11 pursuant to NRS 386.580. Upon request, the governing body of a
12 charter school must be provided with access to the records of the
13 pupil relating to his suspension or expulsion in accordance with
14 applicable federal and state law before the governing body makes a
15 decision concerning the enrollment of the pupil.

16 **Sec. 14.** NRS 392.4675 is hereby amended to read as follows:

17 392.4675 1. Except as otherwise provided in this section, a
18 pupil who is suspended or expelled from:

19 (a) Any public school in this State pursuant to NRS 392.466; or

20 (b) Any school outside of this State for the commission of any
21 act which, if committed within this State, would be a ground for
22 suspension or expulsion from public school pursuant to
23 NRS 392.466,

24 ➔ is ineligible to attend any public school in this State during the
25 period of that suspension or expulsion.

26 2. A school district or a charter school, if the charter school
27 offers the applicable program, may allow a pupil who is ineligible to
28 attend a public school pursuant to this section to enroll in:

29 (a) An alternative program for the education of pupils at risk of
30 dropping out of ~~[high school;]~~ *school provided pursuant to*
31 *NRS 388.537;*

32 (b) A program of independent study provided pursuant to
33 ~~[paragraph (b) of subsection 3 of NRS 389.155, if he qualifies for~~
34 ~~enrollment and is accepted for enrollment in accordance with the~~
35 ~~applicable requirements;]~~ *NRS 389.155 for pupils who have been*
36 *suspended or expelled from public school;*

37 (c) A program of distance education provided pursuant to NRS
38 388.820 to 388.874, inclusive ; ~~[, if he qualifies for enrollment and~~
39 ~~is accepted for enrollment in accordance with the applicable~~
40 ~~requirements;]~~ or

41 (d) Any program of instruction offered pursuant to the
42 provisions of NRS 388.550 ~~[,]~~,

43 ➔ *if he qualifies for enrollment and is accepted for enrollment in*
44 *accordance with the requirements of the applicable program.* A
45 school district or charter school may conduct an investigation of the



1 background of any such pupil to determine if the educational needs
2 of the pupil may be satisfied without undue disruption to the
3 program. If an investigation is conducted, the board of trustees of
4 the school district or the governing body of the charter school shall,
5 based on the results of the investigation, determine if the pupil will
6 be allowed to enroll in such a program.

7 3. The provisions of subsections 1 and 2 do not prohibit a pupil
8 from enrolling in a charter school that is designed exclusively for
9 the enrollment of pupils with disciplinary problems if he is accepted
10 for enrollment by the charter school pursuant to NRS 386.580. Upon
11 request, the governing body of a charter school must be provided
12 with access to the records of the pupil relating to his suspension or
13 expulsion in accordance with applicable federal and state law before
14 the governing body makes a decision concerning the enrollment of
15 the pupil.

16 **Sec. 15.** NRS 388.870 is hereby repealed.

17 **Sec. 16.** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

388.870 Contents and submission of annual report by provider of distance education program. On or before November 1 of each year, the board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall submit to the Department and to the Legislative Bureau of Educational Accountability and Program Evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:

1. A description of the manner in which the program was carried out;
2. The expenditures made for the program;
3. The number of pupils who were enrolled full time in the program and the number of pupils who were enrolled part time in the program;
4. If available, a description of the reasons why pupils enrolled in the program;
5. The number of pupils who dropped out of the program, if any;
6. A description of any disciplinary measures taken against pupils who were enrolled in the program; and



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

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