

ASSEMBLY BILL NO. 117—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing the required minimum number of school days in public schools. (BDR 34-91)

FISCAL NOTE: Effect on Local Government: No.  
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; authorizing the board of trustees of a school district and the governing body of a charter school to request a waiver from the required minimum number of school days in a school year during an economic hardship; setting forth certain provisions governing a furlough program of employees of school districts and charter schools as the program relates to the Public Employees' Retirement System; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, each school district is required to schedule and provide  
2 annually a minimum of 180 days of school in the schools of the school district and  
3 a charter school is required to schedule and provide at least as many days of  
4 instruction as are required of other public schools in the school district in which the  
5 charter school is located. (NRS 386.550, 388.090) **Section 2** of this bill authorizes  
6 the board of trustees of a school district and the governing body of a charter school  
7 to request a waiver of not more than 10 school days from the required minimum  
8 number of school days for a school year during an economic hardship to avoid the  
9 layoff of teachers and other educational personnel employed by the school district  
10 or charter school. A request for a waiver must be reviewed by the Superintendent of  
11 Public Instruction and, if approved, transmitted to the Interim Finance Committee,  
12 which makes the final determination of whether to grant a waiver. For purposes of  
13 requesting a wavier from the required minimum school days, the circumstances in  
14 which an economic hardship exists for a school district or charter school are  
15 identical to the circumstances in which an economic hardship exists under existing  
16 law for a school district or charter school to request a wavier from the required



\* A B 1 1 7 R 1 \*

17 minimum expenditures for textbooks, instructional supplies, instructional software  
18 and instructional hardware. (NRS 387.2065)

19 The 2009 Session of the Legislature enacted provisions requiring furlough  
20 leave of certain state employees and set forth provisions relating to the furlough  
21 program and the manner in which the program is carried out as it relates to the  
22 Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009,  
23 p. 2160) **Section 7** of this bill sets forth the intent of the Legislature in the  
24 establishment of a program certified by the board of trustees of a school district or  
25 the governing body of a charter school whereby employees of school districts and  
26 charter schools who are members of the Public Employees' Retirement System and  
27 who take furlough leave due to extreme fiscal need be held harmless in the  
28 accumulation of retirement service credit and reported salary. **Section 7** further sets  
29 forth provisions concerning the furlough leave as it relates to the Public  
30 Employees' Retirement System in a manner similar to the furlough program of  
31 state employees.

---

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

1 **Section 1.** NRS 386.550 is hereby amended to read as follows:  
2 386.550 1. A charter school shall:

3 (a) Comply with all laws and regulations relating to  
4 discrimination and civil rights.

5 (b) Remain nonsectarian, including, without limitation, in its  
6 educational programs, policies for admission and employment  
7 practices.

8 (c) Refrain from charging tuition or fees, levying taxes or  
9 issuing bonds.

10 (d) Comply with any plan for desegregation ordered by a court  
11 that is in effect in the school district in which the charter school is  
12 located.

13 (e) Comply with the provisions of chapter 241 of NRS.

14 (f) Except as otherwise provided in this paragraph, schedule and  
15 provide annually at least as many days of instruction as are required  
16 of other public schools located in the same school district as the  
17 charter school is located. The governing body of a charter school  
18 may submit a written request to the Superintendent of Public  
19 Instruction for a waiver from providing the days of instruction  
20 required by this paragraph. *A request for a waiver from the*  
21 *required minimum number of school days for a charter school*  
22 *that experiences an economic hardship must be submitted*  
23 *pursuant to section 2 of this act and not this paragraph.* The  
24 Superintendent of Public Instruction may grant ~~such~~ a request  
25 *submitted pursuant to this paragraph* if the governing body  
26 demonstrates to the satisfaction of the Superintendent that:

27 (1) Extenuating circumstances exist to justify the waiver; and



(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program ~~[consisting]~~ :

(I) *Consisting* of 180 *school* days ~~[ ]~~ ; or

(II) *Consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the charter school pursuant to section 2 of this act.*

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest ~~[Association of Schools and of Colleges and Universities.]~~ *Accreditation Commission.*

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt



1 a final budget pursuant to NRS 354.598 or otherwise comply with  
2 the provisions of chapter 354 of NRS.

3 (o) If the charter school provides a program of distance  
4 education pursuant to NRS 388.820 to 388.874, inclusive, comply  
5 with all statutes and regulations that are applicable to a program of  
6 distance education for purposes of the operation of the program.

7 2. A charter school shall not provide instruction through a  
8 program of distance education to children who are exempt from  
9 compulsory attendance authorized by the State Board pursuant to  
10 subsection 1 of NRS 392.070. As used in this subsection, "distance  
11 education" has the meaning ascribed to it in NRS 388.826.

12 **Sec. 2.** Chapter 388 of NRS is hereby amended by adding  
13 thereto a new section to read as follows:

14 *1. The board of trustees of a school district or the governing*  
15 *body of a charter school that experiences an economic hardship*  
16 *may submit a written request to the Superintendent of Public*  
17 *Instruction on a form prescribed by the Department for a waiver*  
18 *of not more than 10 days of the required minimum number of*  
19 *school days in a school year to avoid, during the economic*  
20 *hardship, the layoff of teachers and other educational personnel*  
21 *employed by the school district or charter school.*

22 *2. Upon receipt of a written request pursuant to subsection 1,*  
23 *the Superintendent of Public Instruction shall consider the request*  
24 *and determine whether an economic hardship exists for the school*  
25 *district or charter school and whether a waiver of the required*  
26 *number of school days is necessary to avoid, during the economic*  
27 *hardship, the layoff of teachers and other educational personnel*  
28 *employed by the school district or charter school. The*  
29 *Superintendent of Public Instruction may request additional*  
30 *information from the applicant in making the determination. If*  
31 *the Superintendent of Public Instruction determines that an*  
32 *economic hardship exists for the applicant and that a waiver of the*  
33 *required number of school days is necessary to avoid, during the*  
34 *economic hardship, the layoff of teachers and other educational*  
35 *personnel employed by the applicant, the Superintendent shall*  
36 *forward the written request to the Interim Finance Committee,*  
37 *including the basis for the Superintendent's determination and*  
38 *any recommendations for the number of school days that may be*  
39 *waived, which must not exceed 10 school days.*

40 *3. Upon receipt of a written request from the Superintendent*  
41 *of Public Instruction pursuant to subsection 2, the Interim*  
42 *Finance Committee shall consider the request and determine*  
43 *whether an economic hardship exists for the school district or*  
44 *charter school and whether a waiver of the required minimum*  
45 *number of school days is necessary to avoid, during the economic*



1 *hardship, the layoff of teachers and other educational personnel*  
2 *employed by the school district or charter school. The Interim*  
3 *Finance Committee may request additional information from the*  
4 *applicant in making the determination. If the Interim Finance*  
5 *Committee grants a waiver, the Committee shall by resolution set*  
6 *forth:*

7 (a) *The grounds for its determination; and*

8 (b) *The number of school days that may be waived for the*  
9 *school year by the school district or charter school, which must*  
10 *not exceed 10 school days.*

11 4. *If the Interim Finance Committee grants a waiver*  
12 *pursuant to subsection 3 and subsequently the economic hardship*  
13 *to the school district or charter school is mitigated because the*  
14 *actual revenue attributable to the school district or charter school*  
15 *exceeds projections or the actual expenses incurred by the*  
16 *school district or charter school are less than anticipated, the*  
17 *school district or charter school must add accordingly school days*  
18 *to the school year for which the wavier was granted.*


19 5. *For purposes of this section, an economic hardship exists*  
20 *for a school district or charter school if:*

21 (a) *Projections of revenue do not meet or exceed the revenue*  
22 *anticipated at the time the basic support guarantees are*  
23 *established for the fiscal year pursuant to NRS 387.122; or*

24 (b) *The school district or charter school incurs unforeseen*  
25 *expenses, including, without limitation, expenses related to a*  
26 *natural disaster.*

27 6. *A waiver granted pursuant to this section does not affect*  
28 *any right or remedy available pursuant to the provisions of*  
29 *chapter 288 of NRS, any obligation of the board of trustees of a*  
30 *school district or the governing body of a charter school pursuant*  
31 *to chapter 288 of NRS or any contract negotiated by the board of*  
32 *trustees of a school district or the governing body of a charter*  
33 *school pursuant to chapter 288 of NRS.*

34 **Sec. 3.** NRS 388.090 is hereby amended to read as follows:

35 388.090 1. Except as otherwise provided in this section   
36 *and section 2 of this act*, boards of trustees of school districts shall  
37 schedule and provide a minimum of 180 days of free school in the  
38 districts under their charge.

39 2. Except for an alternative schedule described in subsection 3,  
40 the Superintendent of Public Instruction may, upon application by  
41 the board of trustees of a school district, authorize the school district  
42 to provide a program of instruction based on an alternative schedule  
43 if the number of minutes of instruction to be provided is equal to or  
44 greater than the number of minutes of instruction that would be  
45 provided in a program of instruction consisting of 180 school days



\* A B 1 1 7 R 1 \*

*[H] or consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.* The

Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the board of trustees of the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district:

(a) Will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 9; or

(b) Is designed solely for the purpose of providing regular professional development to educational personnel and such professional development is focused on analyzing and discussing measures of the performance of pupils and identifying appropriate instructional strategies to improve the achievement of pupils.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days *[H] or consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.* Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.



\* A B 1 1 7 R 1 \*

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180 ~~H~~ *or by the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.*

6. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district. The 3 contingent days of school, or its equivalent, may be scheduled as:

(a) Full days of school;

(b) An equivalent number of minutes of instruction added to any scheduled day of instruction, except that the minutes added must not be less than 30 minutes per school day; or

(c) Any combination thereof.

7. If more than 3 days of free school or minutes of instruction equaling 3 days of free school, or the equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days or equivalent minutes of instruction lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

8. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for





1 appealing a determination regarding a pupil's need for remedial  
2 education.

3 9. The State Board shall adopt regulations:

4 (a) Providing procedures for changing schedules of instruction  
5 to be used if a natural disaster, inclement weather or an accident  
6 necessitates the closing of a particular school within a school  
7 district.

8 (b) Defining a rural portion of a county and a remote portion of  
9 a county for the purposes of subsection 2.

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

11 388.537 1. The board of trustees of a school district may,  
12 subject to the approval of the Superintendent of Public Instruction,  
13 operate an alternative program for the education of pupils at risk of  
14 dropping out of school, including pupils who are enrolled in  
15 kindergarten or grades 1 to 12, inclusive.

16 2. The board of trustees of a school district may submit to the  
17 Department, in the form prescribed by the Department, a plan to  
18 operate an alternative program.

19 3. The Superintendent of Public Instruction shall review each  
20 plan to operate an alternative program submitted to the Department  
21 and approve or deny the plan. Approval by the Superintendent  
22 constitutes approval of each component of the plan for the  
23 alternative program.

24 4. If a plan for an alternative program is denied by the  
25 Superintendent of Public Instruction, the board of trustees of a  
26 school district may appeal the decision of the Superintendent to the  
27 State Board. The State Board may approve or deny the plan for the  
28 alternative program upon appeal.

29 5. An alternative program may include:

30 (a) A shorter school day or an opportunity for pupils to attend a  
31 longer school day than that regularly provided in the school district.  
32 The alternative program must provide for a number of minutes of  
33 instruction that is equal to or greater than that which would be  
34 provided under a program ~~consisting~~ :

35 (1) *Consisting* of 180 school days ~~[-]~~ ; or

36 (2) *Consisting of the number of school days for the school*  
37 *year if a reduction in the required minimum number of school*  
38 *days is granted to the school district pursuant to section 2 of this*  
39 *act.*

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

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

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



\* A B 1 1 7 R 1 \*



(e) An opportunity for pupils to satisfy either:

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

(2) The requirements for an adult standard diploma.

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

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

(h) The placement of pupils for independent study pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.

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

**Sec. 5.** NRS 388.842 is hereby amended to read as follows:

388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program ~~[consisting]~~ :

(a) *Consisting* of 180 *school* days ~~[H]~~ ; or

(b) *Consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district or charter school pursuant to section 2 of this act.*

**Sec. 6.** NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS 341.142, subsection 6 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, **387.2065, section 2 of this act**, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and



\* A B 1 1 7 R 1 \*

1 Means may meet separately and transmit the results of their  
2 respective votes to the Chair of the Interim Finance Committee  
3 to determine the action of the Interim Finance Committee as a  
4 whole.

5 3. The Chair of the Interim Finance Committee may appoint a  
6 subcommittee consisting of six members of the Committee to  
7 review and make recommendations to the Committee on matters of  
8 the State Public Works Board that require prior approval of the  
9 Interim Finance Committee pursuant to subsection 3 of NRS  
10 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the  
11 Chair appoints such a subcommittee:

12 (a) The Chair shall designate one of the members of the  
13 subcommittee to serve as the chair of the subcommittee;

14 (b) The subcommittee shall meet throughout the year at the  
15 times and places specified by the call of the chair of the  
16 subcommittee; and

17 (c) The Director of the Legislative Counsel Bureau or the  
18 Director's designee shall act as the nonvoting recording secretary of  
19 the subcommittee.

20 **Sec. 7.** 1. It is the intent of the Legislature that if the board  
21 of trustees of a school district or the governing body of a charter  
22 school certifies a furlough program whereby employees of the  
23 school district or charter school who are members of the Public  
24 Employees' Retirement System and who take furlough leave  
25 pursuant to the program due to extreme fiscal need be held harmless  
26 in the accumulation of retirement service credit and reported salary  
27 pursuant to chapter 286 of NRS.

28 2. Except as otherwise required as a result of NRS 286.537 and  
29 notwithstanding the provisions of NRS 286.481, if an employee of a  
30 school district or charter school who participates in the Public  
31 Employees' Retirement System is required to take furlough leave  
32 pursuant to a furlough program certified by the board of trustees of  
33 the school district or the governing body of the charter school, the  
34 employee is entitled to receive full service credit for the time taken  
35 as furlough leave in the same manner as service credit is computed  
36 pursuant to NRS 286.501 if:

37 (a) The employee does not take more than 96 hours of furlough  
38 leave in a school year; and

39 (b) The board of trustees of the school district or the governing  
40 body of the charter school certifies to the Public Employees'  
41 Retirement System that the school district or charter school is  
42 participating in a furlough program and that the furlough leave  
43 which is reported for the employee is taken in accordance with the  
44 requirements of that program.



\* A B 1 1 7 R 1 \*

3. In any month in which a day of furlough leave is taken, an employee is entitled to receive full-time service credit in the same manner as service credit is computed pursuant to NRS 286.501 for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full-time is entitled to service credit in the same manner as service credit is computed pursuant to NRS 286.501 and in the same manner and to the same extent as though the employee had worked the hours taken as furlough leave.

4. When a member is on furlough leave pursuant to this section as certified by the board of trustees of the school district or the governing body of the charter school, the board of trustees or the governing body must:

(a) Include all information required by the Public Employees' Retirement System on the board of trustees' or governing body's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the Public Employees' Retirement System based on the compensation that would have been paid to the member but for the member's participation in the program. The board of trustees of the school district and the governing body of the charter school may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

5. Except as otherwise required by this section, the terms and conditions of any furlough program certified by the board of trustees of the school district or the governing body of a charter school must be negotiated pursuant to chapter 288 of NRS.

6. Service credit under a furlough program certified by the board of trustees of a school district or the governing body of a charter school must be computed according to the school year.

7. As used in this section, "member" has the meaning ascribed to it in NRS 286.050.

**Sec. 8.** 1. This section and sections 1 to 6, inclusive, of this act become effective on July 1, 2011.

2. Section 7 of this act becomes effective on July 1, 2011, and expires by limitation on June 30, 2013.

