

Amendment No. 484

Assembly Amendment to Assembly Bill No. 117

(BDR 34-91)

Proposed by: Assembly Committee on Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CLP/KCR



Date: 4/21/2011

A.B. No. 117—Revises provisions governing the required minimum number of school days in public schools. (BDR 34-91)



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.

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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; 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:

Under existing law, each school district is required to schedule and provide annually a minimum of 180 days of school in the schools of the school district and a charter school is required to schedule and provide at least as many days of instruction as are required of other public schools in the school district in which the charter school is located. (NRS 386.550, 388.090) **Section 2** of this bill authorizes the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than 10 school days from the required minimum number of school days for a school year during an economic hardship to avoid the layoff of teachers and other educational personnel employed by the school district or charter school. A request for a waiver must be reviewed by the Superintendent of Public Instruction and, if approved, transmitted to the Interim Finance Committee, which makes the final determination of whether to grant a waiver. For purposes of requesting a waiver from the required minimum school days, the circumstances in which an economic hardship exists for a school district or charter school are identical to the circumstances in which an economic hardship exists under existing law for a school district or charter school to request a waiver from the required minimum expenditures for textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.2065)

The 2009 Session of the Legislature enacted provisions requiring furlough leave of certain state employees and set forth provisions relating to the furlough program and the manner in which the program is carried out as it relates to the Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009, p. 2160) Section 7 of this bill sets forth the intent of the Legislature in the establishment of a program certified by the board of trustees of a school district or the governing body of a charter school whereby

employees of school districts and charter schools who are members of the Public Employees' Retirement System and who take furlough leave due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary. Section 7 further sets forth provisions concerning the furlough leave as it relates to the Public Employees' Retirement System in a manner similar to the furlough program of state employees.

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

Section 1. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

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

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

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

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

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

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

(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

1 offering, or requiring the pupils who are enrolled in the charter school to take, other
2 courses of study that are required by statute or regulation.

3 (j) If the parent or legal guardian of a child submits an application to enroll in
4 kindergarten, first grade or second grade at the charter school, comply with NRS
5 392.040 regarding the ages for enrollment in those grades.

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

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

13 (m) Provide written notice to the parents or legal guardians of pupils in grades
14 9 to 12, inclusive, who are enrolled in the charter school of whether the charter
15 school is accredited by the Commission on Schools of the Northwest ~~[Association~~
16 ~~of Schools and of Colleges and Universities.] Accreditation Commission.~~

17 (n) Adopt a final budget in accordance with the regulations adopted by the
18 Department. A charter school is not required to adopt a final budget pursuant to
19 NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

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

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

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

31 *1. The board of trustees of a school district or the governing body of a*
32 *charter school that experiences an economic hardship may submit a written*
33 *request to the Superintendent of Public Instruction on a form prescribed by the*
34 *Department for a waiver of not more than 10 days of the required minimum*
35 *number of school days in a school year to avoid, during the economic hardship,*
36 *the layoff of teachers and other educational personnel employed by the school*
37 *district or charter school.*

38 *2. Upon receipt of a written request pursuant to subsection 1, the*
39 *Superintendent of Public Instruction shall consider the request and determine*
40 *whether an economic hardship exists for the school district or charter school and*
41 *whether a waiver of the required number of school days is necessary to avoid,*
42 *during the economic hardship, the layoff of teachers and other educational*
43 *personnel employed by the school district or charter school. The Superintendent*
44 *of Public Instruction may request additional information from the applicant in*
45 *making the determination. If the Superintendent of Public Instruction determines*
46 *that an economic hardship exists for the applicant and that a waiver of the*
47 *required number of school days is necessary to avoid, during the economic*
48 *hardship, the layoff of teachers and other educational personnel employed by the*
49 *applicant, the Superintendent shall forward the written request to the Interim*
50 *Finance Committee, including the basis for the Superintendent's determination*
51 *and any recommendations for the number of school days that may be waived,*
52 *which must not exceed 10 school days.*

3. Upon receipt of a written request from the Superintendent of Public Instruction pursuant to subsection 2, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Interim Finance Committee may request additional information from the applicant in making the determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth:

(a) The grounds for its determination; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (a) Full days of school;

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

45 (c) Any combination thereof.

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

1 must be submitted in the manner prescribed by the Superintendent of Public
2 Instruction.

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

16 9. The State Board shall adopt regulations:

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

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

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

23 388.537 1. The board of trustees of a school district may, subject to the
24 approval of the Superintendent of Public Instruction, operate an alternative program
25 for the education of pupils at risk of dropping out of school, including pupils who
26 are enrolled in kindergarten or grades 1 to 12, inclusive.

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

29 3. The Superintendent of Public Instruction shall review each plan to operate
30 an alternative program submitted to the Department and approve or deny the plan.
31 Approval by the Superintendent constitutes approval of each component of the plan
32 for the alternative program.

33 4. If a plan for an alternative program is denied by the Superintendent of
34 Public Instruction, the board of trustees of a school district may appeal the decision
35 of the Superintendent to the State Board. The State Board may approve or deny the
36 plan for the alternative program upon appeal.

37 5. An alternative program may include:

38 (a) A shorter school day or an opportunity for pupils to attend a longer school
39 day than that regularly provided in the school district. The alternative program must
40 provide for a number of minutes of instruction that is equal to or greater than that
41 which would be provided under a program ~~[consisting]~~ :

42 (1) *Consisting* of 180 school days ~~[+]~~ ; or

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

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

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

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

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

53 (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 ~~or~~; 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 Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

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

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

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

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

Sec. 7. 1. It is the intent of the Legislature that if the board of trustees of a school district or the governing body of a charter school certifies a furlough program whereby employees of the school district or charter school

1 who are members of the Public Employees' Retirement System and who take
2 furlough leave pursuant to the program due to extreme fiscal need be held
3 harmless in the accumulation of retirement service credit and reported salary
4 pursuant to chapter 286 of NRS.

5 2. Except as otherwise required as a result of NRS 286.537 and
6 notwithstanding the provisions of NRS 286.481, if an employee of a school
7 district or charter school who participates in the Public Employees'
8 Retirement System is required to take furlough leave pursuant to a furlough
9 program certified by the board of trustees of the school district or the
10 governing body of the charter school, the employee is entitled to receive full
11 service credit for the time taken as furlough leave in the same manner as
12 service credit is computed pursuant to NRS 286.501 if:

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

15 (b) The board of trustees of the school district or the governing body of
16 the charter school certifies to the Public Employees' Retirement System that
17 the school district or charter school is participating in a furlough program and
18 that the furlough leave which is reported for the employee is taken in
19 accordance with the requirements of that program.

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

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

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

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

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

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

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

48 ~~(Sec. 7.)~~ Sec. 8. 1. This section and sections 1 to 6, inclusive, of this
49 act ~~(becomes)~~ become effective on July 1, 2011.

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