

SENATE BILL NO. 239—SENATOR CEGAVSKE

MARCH 14, 2011

Referred to Committee on Education

SUMMARY—Authorizes the board of trustees of a school district to establish a program to provide scholarships to pupils who graduate early from high school. (BDR 34-367)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 to establish a program to provide scholarships to pupils who graduate early from high school; revising provisions governing the count of pupils for purposes of apportionments from the State Distributive School Account to include the count of pupils who receive the scholarships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 4** of this bill authorizes the board of trustees of a school district to
2 establish a program to provide scholarships to pupils who graduate from a public
3 high school in the school district at least 6 months before the regularly scheduled
4 date of graduation. **Section 4** also provides that: (1) the amount of the scholarship
5 must be equal to not more than 50 percent of the average of the total per pupil
6 expenditures for pupils enrolled in public high schools within the school district;
7 and (2) the scholarship must be used for the pupil's tuition or fees for attendance at
8 an institution of higher education located in or outside of this State. **Sections 1-3** of
9 this bill revise provisions governing the enrollment and count of pupils for purposes
10 of the apportionments from the State Distributive School Account to include the
11 count of pupils who participate in the scholarship program.



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

Section 1. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. "Enrollment" means the count of pupils *who*:

(a) *Are* enrolled in and scheduled to attend programs of instruction of a school district ~~for~~;

(b) *Are enrolled in a* charter school ~~for~~;

(c) *Are enrolled in a* university school for profoundly gifted pupils; or

(d) *Participate in a program established pursuant to section 4 of this act, if the board of trustees of the school district establishes such a program,*

at a specified time during the school year.

3. "Special education program unit" means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the State Board.

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, 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, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, 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 provided pursuant to NRS 388.820 to 388.874, inclusive.



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(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).

(i) Pupils who participate in a program established pursuant to section 4 of this act, if the board of trustees of the school district establishes such a program.

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 the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent 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 the Superintendent to withhold the quarterly apportionment entirely.

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

Sec. 3. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils 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).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of



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1 the total time services are provided to those pupils per school day in
2 proportion to the total time services are provided during a school
3 day to pupils who are counted pursuant to subparagraph (2).

4 (5) The count of pupils not included under subparagraph (1),
5 (2), (3) or (4), who are receiving special education pursuant to the
6 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
7 the first school month of the school district for the school year,
8 excluding the count of pupils who have not attained the age of 5
9 years and who are receiving special education pursuant to
10 subsection 1 of NRS 388.490 on that day.

11 (6) Six-tenths the count of pupils who have not attained the
12 age of 5 years and who are receiving special education pursuant to
13 subsection 1 of NRS 388.490 on the last day of the first school
14 month of the school district for the school year.

15 (7) The count of children detained in facilities for the
16 detention of children, alternative programs and juvenile forestry
17 camps receiving instruction pursuant to the provisions of NRS
18 388.550, 388.560 and 388.570 on the last day of the first school
19 month of the school district for the school year.

20 (8) The count of pupils who are enrolled in classes for at
21 least one semester pursuant to subsection 4 of NRS 386.560,
22 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
23 expressed as a percentage of the total time services are provided to
24 those pupils per school day in proportion to the total time services
25 are provided during a school day to pupils who are counted pursuant
26 to subparagraph (2).

27 *(9) The count of pupils who participate in a program*
28 *established pursuant to section 4 of this act, if the board of*
29 *trustees of the school district establishes such a program.*

30 (b) Multiplying the number of special education program units
31 maintained and operated by the amount per program established for
32 that school year.

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

34 2. If the enrollment of pupils in a school district or a charter
35 school that is located within the school district on the last day of the
36 first school month of the school district for the school year is less
37 than or equal to 95 percent of the enrollment of pupils in the same
38 school district or charter school on the last day of the first school
39 month of the school district for the immediately preceding school
40 year, the largest number from among the immediately preceding 2
41 school years must be used for purposes of apportioning money from
42 the State Distributive School Account to that school district or
43 charter school pursuant to NRS 387.124.

44 3. If the enrollment of pupils in a school district or a charter
45 school that is located within the school district on the last day of the



1 first school month of the school district for the school year is more
2 than 95 percent of the enrollment of pupils in the same school
3 district or charter school on the last day of the first school month of
4 the school district for the immediately preceding school year, the
5 larger enrollment number from the current year or the immediately
6 preceding school year must be used for purposes of apportioning
7 money from the State Distributive School Account to that school
8 district or charter school pursuant to NRS 387.124.

9 4. Pupils who are excused from attendance at examinations or
10 have completed their work in accordance with the rules of the board
11 of trustees must be credited with attendance during that period.

12 5. Pupils who are incarcerated in a facility or institution
13 operated by the Department of Corrections must not be counted for
14 the purpose of computing basic support pursuant to this section. The
15 average daily attendance for such pupils must be reported to the
16 Department of Education.

17 6. Pupils who are enrolled in courses which are approved by
18 the Department as meeting the requirements for an adult to earn a
19 high school diploma must not be counted for the purpose of
20 computing basic support pursuant to this section.

21 **Sec. 4.** Chapter 392 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *1. The board of trustees of a school district may establish a*
24 *program to award scholarships to pupils who graduate from a*
25 *public high school in the school district at least 6 months before*
26 *the regularly scheduled date of graduation.*

27 *2. If the board of trustees of a school district establishes a*
28 *program pursuant to subsection 1, a pupil is eligible to participate*
29 *in the program if the pupil:*

30 *(a) Satisfied all the requirements for graduation from high*
31 *school;*

32 *(b) Passed all subject areas of the high school proficiency*
33 *examination administered pursuant to NRS 389.015; and*

34 *(c) Is enrolled in at least 6 semester credit hours in an*
35 *institution of higher education located in or outside of this State.*

36 *3. A parent or legal guardian of a pupil may submit an*
37 *application for the pupil to participate in the program on a form*
38 *prescribed by the board of trustees. The application must include:*

39 *(a) Proof that the pupil is eligible to participate in the program*
40 *pursuant to subsection 2; and*

41 *(b) A signed affidavit of the parent or legal guardian verifying*
42 *the pupil's enrollment in an institution of higher education*
43 *located in or outside of this State.*

44 *4. A pupil who is awarded a scholarship pursuant to this*
45 *section is entitled to receive 50 percent of the average of the total*



1 *per pupil expenditure for pupils enrolled in public high schools*
2 *within the school district. The parent or legal guardian of a pupil*
3 *shall restrictively endorse the scholarship for credit toward the*
4 *pupil's tuition or fees at the institution of higher education in*
5 *which the pupil is enrolled.*

6 5. *A pupil may continue to receive a scholarship pursuant to*
7 *this section until the date on which the pupil is otherwise*
8 *scheduled to graduate from high school if the pupil:*

9 (a) *Remains enrolled in good standing in the institution of*
10 *higher education; and*

11 (b) *Submits an affidavit, signed by the pupil and the parent or*
12 *legal guardian of the pupil, verifying the pupil's enrollment in the*
13 *institution of higher education and attesting that the pupil is in*
14 *good standing.*

15 6. *If the board of trustees of a school district establishes a*
16 *program pursuant to this section, the board of trustees shall, on or*
17 *before August 1 of each year, provide written notice on the status*
18 *of the program to the Department, including, without limitation:*

19 (a) *The number of pupils who received a scholarship in the*
20 *immediately preceding school year;*

21 (b) *The amount of each scholarship awarded; and*

22 (c) *An identification of each institution of higher education in*
23 *which a pupil who received a scholarship is enrolled.*

24 7. *As used in this section, "institution of higher education"*
25 *has the meaning ascribed to it in NRS 385.102.*

26 **Sec. 5.** This act becomes effective on July 1, 2011.

