

ASSEMBLY BILL NO. 314—ASSEMBLYWOMAN TOLLES

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions governing education.
(BDR 34-1057)

FISCAL NOTE: Effect on Local Government: No.
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; providing for the use of a digital day of school in certain circumstances; authorizing a digital day of school to be counted as a day of school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of a school district to prescribe a minimum of 180 days of free school. Under existing law, the board of trustees of a school district may apply to the Superintendent of Public Instruction to provide a program of instruction based on an alternative schedule. (NRS 388.090) **Section 3** of this bill authorizes the Superintendent of Public Instruction to authorize a school district to provide a program of instruction using a digital day of school when the school district closes one or more of its facilities due to a health or safety concern. **Section 3** prohibits each school within a school district from using more than 3 digital days of school a year, unless the school district requests additional digital days of school, which may be granted at the discretion of the Superintendent of Public Instruction. **Section 4** of this bill requires a program of instruction using a digital day of school to meet certain requirements, including ensuring that the program accommodates pupils with disabilities and that each pupil has access to adequate technology to participate in a digital day of school. **Section 5** of this bill requires a digital day of school to be counted as a day of free school provided by the school district. **Section 6** of this bill requires the Department of Education to adopt any regulations necessary to carry out the provisions of this bill. **Section 7** of this bill authorizes a school district to use not more than 3 additional digital days of school for a pupil who is unable to attend school under certain circumstances.

Existing law requires each school district to schedule at least 3 contingent days of school, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of schools within the district. (NRS 388.095) **Section 8** of this bill authorizes a school district to use a digital day of school instead of a contingent day of school.



Existing law imposes compulsory attendance requirements on pupils and limits absences in certain situations. (NRS 392.122) **Section 9** of this bill authorizes the board of trustees of a school district to adopt a policy to exempt pupils who use a digital day of school in certain circumstances from the limitations on absences.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, "digital day of school" means a competency-based lesson, including, without limitation, a lesson sent and completed through electronic means, which:*

1. Is provided to a pupil by a teacher as part of a traditional course;

2. May be completed by a pupil from any location; and

3. Is graded by a teacher.

Sec. 3. 1. *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 using a digital day of school that meets the requirements of section 4 of this act when the school district closes one or more of the facilities within the school district due to health or safety conditions.*

2. Except as otherwise provided in subsection 4 of section 7 of this act, each school within a school district may use not more than 3 digital days of school throughout the school year. The board of trustees of a school district may request additional digital days of school, to be granted at the discretion of the Superintendent of Public Instruction.

Sec. 4. 1. *The program of instruction using a digital day of school submitted by the board of trustees of a school district pursuant to section 3 of this act must:*

(a) Ensure that each pupil receives a minimum number of minutes of instruction to be determined by the Department.

(b) Ensure that each pupil has access to the technology and forms of electronic communication necessary to the administration of the program of instruction using a digital school day, which may include, without limitation, access to a computer and the Internet, or provide accommodations for pupils without access to such technology and electronic communication.

(c) Ensure that the program of instruction using a digital day of school meets the needs of pupils who are English learners and



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pupils with disabilities, including, without limitation, pupils with an individualized education program, as defined in 20 U.S.C. § 1414(d)(1)(A).

(d) Provide for a method of verifying the participation of each pupil in the program of instruction using a digital day of school.

(e) Address the extent to which participation of pupils is within the control of each pupil regarding the time, pace and means of learning.

(f) Ensure that teachers and pupils receive adequate training for participation in the program of instruction using a digital day of school.

(g) Ensure that teachers are accessible to pupils on a day when the school district uses a digital day of school, including, without limitation, through the Internet or by telephone.

2. The board of trustees of each school district shall notify the parent and legal guardian of each pupil of the program of instruction using a digital day of school at the beginning of each school year that the school district plans to use the program. On each day the school district intends to use a digital day of school, the school district must notify the parent or legal guardian of each pupil in a timely manner that pupils must follow the plan for the digital day of school for that day.

Sec. 5. A digital day of school taken pursuant to sections 2 to 6, inclusive, of this act is counted as a day of school for the purposes of providing the minimum number of days of free school pursuant to subsection 1 of NRS 388.090.

Sec. 6. The Department shall adopt regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation, regulations that establish:

1. Standards for determining whether a condition is a health or safety condition necessitating the closure of one or more of the facilities within the school district; and

2. The minimum number of minutes of instruction required pursuant to section 4 of this act.

Sec. 7. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section, 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. 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 ~~6~~ 7; 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. 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. *In addition to a program of instruction using a digital day of school administered pursuant to sections 2 to 6, inclusive, of this act, a school district may use not more than 3 digital days of school for a pupil who is physically or mentally unable to attend school due to an illness, a medical appointment, a family emergency, observance of a religious holiday or reasons related to homelessness or foster care or out of school suspension. The use of a digital day of school by a school district pursuant to this subsection shall count as a day of free school pursuant to subsection 1.*

5. 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



1 school are lost because of any interscholastic activity. Not more than
2 5 days of free school so lost may be rescheduled in this manner. The
3 provisions of this subsection do not apply to an alternative schedule
4 approved pursuant to subsection 2.

5 ~~15.1~~ 6. The number of minutes of instruction required for a
6 particular group of pupils in a program of instruction based on an
7 alternative schedule approved pursuant to this section and NRS
8 388.095 and 388.097 must be determined by multiplying the
9 appropriate minimum daily period of instruction established by the
10 State Board by regulation for that particular group of pupils by 180.

11 ~~16.1~~ 7. The State Board shall adopt regulations defining a rural
12 portion of a county and a remote portion of a county for the
13 purposes of subsection 2.

14 **Sec. 8.** NRS 388.095 is hereby amended to read as follows:

15 388.095 1. Each school district shall schedule at least 3
16 contingent days of school, or its equivalent if the school district
17 operates under an alternative schedule authorized pursuant to NRS
18 388.090, in addition to the number of days required by NRS
19 388.090, which must be used if a natural disaster, inclement weather
20 or an accident necessitates the closing of a majority of the facilities
21 within the district ~~1.1~~, *unless the school district uses a program of*
22 *instruction using a digital day of school pursuant to sections 2 to*
23 *6, inclusive, of this act.* The 3 contingent days of school, or its
24 equivalent, may be scheduled as:

25 (a) Full days of school;

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

29 (c) Any combination thereof.

30 2. If more than 3 days of free school or minutes of instruction
31 equaling 3 days of free school, or the equivalent if the school district
32 operates under an alternative schedule authorized pursuant to NRS
33 388.090, are lost because a natural disaster, inclement weather or an
34 accident necessitates the closing of a majority of the facilities within
35 a school district, the Superintendent of Public Instruction, upon
36 application by the school district, may permit the additional days or
37 equivalent minutes of instruction lost to be counted as school days
38 in session. The application must be submitted in the manner
39 prescribed by the Superintendent of Public Instruction.

40 3. The State Board shall adopt regulations providing
41 procedures for changing schedules of instruction to be used if a
42 natural disaster, inclement weather or an accident necessitates the
43 closing of a particular school within a school district.



Sec. 9. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in subsection 5 ~~H~~ or 6, before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.



5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. *The board of trustees of a school district may adopt a policy to exempt pupils who use a digital day of school pursuant to subsection 4 of NRS 388.090 from the limitations on absences set forth in subsection 1.*

7. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 10. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2019, for all other purposes.

