

SENATE BILL NO. 147—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

FEBRUARY 12, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the education of pupils who are experiencing homelessness or who are in foster care. (BDR 34-394)

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; requiring certain actions to be taken to assist homeless pupils, unaccompanied pupils and pupils in foster care to receive full or partial credit for coursework in certain circumstances; revising provisions relating to the development of an academic plan for such pupils; revising provisions relating to awarding a high school diploma to such pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires the board of trustees of each school district to prescribe a minimum number of days that a pupil must be in attendance for the pupil to obtain credit or be promoted to the next grade. (NRS 392.122) Existing law also requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a high school diploma. (NRS 390.600, 390.605) Existing regulations: (1) establish the number of units of credit in various subjects required for a pupil to receive a high school diploma; and (2) require the successful completion of 120 hours of instruction or the equivalent to receive a unit of credit. (NAC 389.040, 389.663, 389.664) Existing federal law requires each state to have procedures which: (1) ensure that homeless children and youths and unaccompanied youths are accorded equal access to appropriate secondary education and support services; and (2) remove barriers that prevent such youths from receiving credit for coursework previously completed. (42 U.S.C. § 11432(g)(1)(F))

Section 1 of this bill requires each public school to identify whether a pupil is a homeless pupil, unaccompanied pupil or pupil who lives in foster care. If such a



pupil is identified, **section 1** requires the public school to review and adjust the pupil's academic plan as appropriate to maximize accrual of credits and progress towards graduation. **Section 2** of this bill establishes similar requirements for the sponsor of each charter school that enrolls pupils at the high school grade level.

Section 4 of this bill authorizes a public school to award a homeless pupil, unaccompanied pupil or pupil who lives in foster care full or partial credit for a course of study regardless of the attendance of the pupil or the hours of classroom instruction received by the pupil. **Section 5** of this bill requires a school district or sponsor of a charter school, as applicable, to award the appropriate high school diploma to a homeless pupil, unaccompanied pupil or pupil who lives in foster care who transfers into a public school during the pupil's 11th or 12th grade year and satisfies the requirements prescribed by the State Board for a high school diploma, regardless of whether the pupil also completes any additional requirements prescribed by the school district or sponsor. If a homeless pupil, unaccompanied pupil or pupil who lives in foster care transfers into a public school during the pupil's 11th or 12th grade year and will not be able to receive a high school diploma within 5 years of his or her initial enrollment in 9th grade, **section 5** requires the school district or sponsor of a charter school, the pupil and the pupil's parent or legal guardian, if applicable, to agree on a modified course of instruction which leads to the pupil receiving a high school diploma as quickly as possible. **Section 6** of this bill makes a conforming change.

WHEREAS, Pupils who experience homelessness or live in foster care confront monumental challenges to academic achievement; and

WHEREAS, Requiring pupils to spend a certain amount of time in the classroom before receiving credit for a course disproportionately harms pupils who experience homelessness or live in foster care without considering whether such pupils have actually learned the material; and

WHEREAS, The federal McKinney-Vento Act, as amended by the Every Student Succeeds Act, requires states to establish procedures to identify and remove barriers that prevent pupils experiencing homelessness or living in foster care from receiving appropriate credit for the coursework they complete and to ensure such pupils have equal access to education; and

WHEREAS, It is in the best interests of this State and of pupils experiencing homelessness or living in foster care to eliminate any unnecessary barriers to academic achievement and allow such pupils to achieve their greatest possible academic success; now, therefore,

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

Section 1. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. Except as otherwise provided in subsection



4, the policy must require each public school to provide each pupil with an academic plan at the beginning of the pupil's ninth grade year. The academic plan must set forth the specific educational goals established pursuant to subsection 7 each year and the steps that the pupil intends to take in order to achieve those goals. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, information regarding:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available;

(c) The requirements for admission to the Nevada System of Higher Education, including, without limitation, the average score on the college and career readiness assessment administered pursuant to NRS 390.610 of students admitted to each community college, state college or university in the Nevada System of Higher Education, and the eligibility requirements for a Governor Guinn Millennium Scholarship;

(d) The Free Application for Federal Student Aid and advice concerning how to finance enrollment in an institution that provides postsecondary and vocational education; and

(e) The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil as soon as reasonably practicable with appropriate modifications for the grade level of the pupil.



5. If an academic plan for a pupil includes enrollment in a dual credit course, the plan must address how the dual credit course will enable the pupil to achieve his or her postgraduation goals.

6. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

7. Except as otherwise provided in subsection 4, a school counselor shall establish specific educational goals for each pupil in consultation with the pupil and the parent or legal guardian of the pupil, to the extent practicable, at the beginning of each pupil's ninth grade year and as a part of the review conducted pursuant to paragraph (c) of subsection 3.

8. The policy adopted pursuant to subsection 1 must require each public school in the school district to:

(a) Develop a procedure to identify a homeless pupil, unaccompanied pupil or pupil who lives in foster care; and

(b) Review the academic plan for each such pupil and adjust the plan as appropriate to maximize the accrual of credits by the pupil and the progress of the pupil towards graduation.

9. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

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

1. The sponsor of each charter school that enrolls pupils at the high school grade level shall develop:

(a) A procedure for the charter school to identify a homeless pupil, unaccompanied pupil or pupil who lives in foster care; and

(b) A plan for each such pupil that maximizes the accrual of credits by the pupil and the progress of the pupil towards graduation.

2. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).



(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *In addition to any other means by which a homeless pupil, unaccompanied pupil or pupil who lives in foster care may receive full or partial credit for a specific course of study, such a pupil may receive full or partial credit for a specific course of study from a public school without satisfying any attendance requirement for the course or requirement for hours of classroom instruction if the pupil completes the coursework in compliance with procedures adopted by the board of trustees of a school district or the sponsor of a charter school pursuant to subsection 2.*

2. *The board of trustees of each school district and the sponsor of each charter school that enrolls pupils at the high school grade level shall develop and carry out procedures to award full or partial credit for coursework that is satisfactorily completed by a homeless pupil, unaccompanied pupil or pupil who lives in foster care regardless of the time, place or pace at which the pupil progresses or the number of hours of classroom instruction the pupil receives. The board of trustees or sponsor may consider as evidence in determining whether coursework has been satisfactorily completed and the amount of credit to award for the coursework:*

(a) *Demonstration of competency by a pupil;*

(b) *Performance by a pupil on an examination;*

(c) *Successful completion of a program of independent study, or any part of such a program, by the pupil;*

(d) *Full or partial credit for coursework completed by a pupil at an accredited public or private school located within or outside of this State that is sought to be transferred;*

(e) *Full or partial credit for coursework completed by a pupil at a summer school conducted by an accredited public or private school or institution of higher learning located within or outside of this State that is sought to be transferred;*

(f) *Completion by a pupil of a correspondence or distance education course provided by a high school which is nationally accredited or by an entity which appears on the list published by the Department pursuant to NRS 388.834;*

(g) *Completion of an apprenticeship program by a pupil;*

(h) *Completion of a program by a pupil at a trade or vocational school which is accredited;*

(i) *Work experience of a pupil;*

(j) *Community service performed by a pupil; and*



(k) Any other evidence or method which is determined to be appropriate by the board of trustees of a school district or sponsor of a charter school, as applicable, and approved by the Department.

3. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

Sec. 5. 1. A school district or sponsor of a charter school shall award the appropriate high school diploma to a homeless pupil, unaccompanied pupil or pupil who lives in foster care who:

(a) Transfers to a public school operated by the school district or sponsor while the pupil is enrolled in grade 11 or grade 12; and

(b) Satisfies the requirements prescribed by the State Board to receive the high school diploma pursuant to NRS 390.600 or 390.605, regardless of whether the pupil satisfies any requirement imposed by the school district or sponsor of a charter school which is in addition to the requirements established pursuant to NRS 390.600 or 390.605.

2. If a homeless pupil, unaccompanied pupil or pupil who lives in foster care who transfers to a public school while the pupil is enrolled in grade 11 or grade 12 is not able to receive a high school diploma within 5 years from the date on which the pupil enrolled in grade 9, the school district or sponsor of the charter school, the pupil and the pupil’s parent or legal guardian, if applicable, shall mutually agree on a modified course of study for the pupil that will assist the pupil to satisfy the requirements for a standard high school diploma, adjusted diploma, alternative diploma or an adult standard diploma as quickly as possible.

3. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

Sec. 6. NRS 392.122 is hereby amended to read as follows:

392.122 1. ~~[The]~~ Except as otherwise provided in section 4 of this act, 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



1 the next higher grade. The board of trustees of a school district may
2 adopt a policy prescribing a minimum number of days that a pupil
3 who is enrolled in kindergarten or first grade in the school district
4 must be in attendance for the pupil to obtain credit or to be
5 promoted to the next higher grade.

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

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

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

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

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

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



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

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

7 (c) The procedure for review of absences set forth in subsection
8 3 does not apply to days on which the pupil is absent because the
9 pupil is physically or mentally unable to attend school.

10 6. A school shall inform the parents or legal guardian of each
11 pupil who is enrolled in the school that the parents or legal guardian
12 and the pupil are required to comply with the provisions governing
13 the attendance and truancy of pupils set forth in NRS 392.040 to
14 392.160, inclusive, and any other rules concerning attendance and
15 truancy adopted by the board of trustees of the school district.

16 **Sec. 7.** 1. Any regulation adopted by the State Board of
17 Education which conflicts with any provision of this act is void and
18 must not be given effect to the extent of the conflict.

19 2. The State Board of Education shall, on or before January 1,
20 2020, adopt any regulations which are required by or necessary to
21 carry out the provisions of this act.

22 **Sec. 8.** This act becomes effective upon passage and approval
23 for the purpose of adopting regulations and performing any other
24 preparatory administrative tasks that are necessary to carry out the
25 provisions of this act and on July 1, 2019, for all other purposes.

