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S.B. 295

SENATE BILL NO. 295—SENATOR SPEARMAN

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Creates the Nevada National Guard Youth Challenge Program. (BDR 34-566)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; creating the Nevada National Guard Youth Challenge Program; setting forth the requirements for the operation of the Program; requiring the Office of the Military to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school; setting forth certain requirements for the operation of a challenge school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill creates the Nevada National Guard Youth Challenge Program, to be administered by the Office of the Military, for the purposes of educating, training and mentoring youths who have dropped out of or are at risk of dropping out of high school. **Section 11** sets forth the requirements for the operation of the Program, consisting of: (1) a residential component lasting at least 22 weeks in which certain courses of study must be taught to Program participants; and (2) a nonresidential component lasting at least 12 months in which Program participants must be monitored and mentored. **Section 12** of this bill creates the Nevada National Guard Youth Challenge Program Account in the State General Fund. **Section 24** of this bill appropriates money to the Account to carry out the Program.

Section 13 of this bill requires the Office of the Military to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school, which is generally defined in **section 8** of this bill as a public school located on the campus of a public school and administered by the Office of the Military to provide a full-time alternative program of education in accordance with the Nevada National Guard Youth Challenge Program. **Section 13** requires such an agreement to establish a challenge



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school to contain certain provisions relating to how the school will function and how the Superintendent will count enrollment and calculate the daily average attendance of pupils enrolled at the school.

Existing law establishes the academic subjects, standards and courses of study for the public schools in this State. (Chapter 389 of NRS) **Section 14** of this bill exempts a challenge school from these provisions and authorizes the Superintendent of Public Instruction to waive certain other provisions relating to education with respect to a challenge school. Similarly, **section 4** of this bill exempts a challenge school from certain requirements for a maximum pupil-teacher ratio. **Section 5** of this bill exempts a challenge school from the requirement that a school district schedule and provide a minimum of 180 days of free school.

Section 16 of this bill provides that a pupil who has earned credits from a course of study offered by a challenge school is authorized to apply such credits towards the credits required for graduation from a high school or charter school or for the receipt of an adult standard diploma.

Section 18 of this bill requires the Office of the Military to adopt certain rules of behavior for pupils enrolled at a challenge school. **Section 19** of this bill requires the Office of the Military to submit certain information to the Department of Education regarding the expenditures of a challenge school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State's financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.1245) **Sections 2, 3 and 20** of this bill require pupils enrolled in a challenge school be counted for the purposes of determining apportionments from the State Distributive School Account.

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

Section 1. NRS 385.007 is hereby amended to read as follows:
385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. *"Challenge school" has the meaning ascribed to it in section 8 of this act.*

3. "Department" means the Department of Education.

~~[3-]~~ 4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

~~[4-]~~ 5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.



~~[5-]~~ 6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

~~[6-]~~ 7. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

~~[7-]~~ 8. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools ~~[8-]~~ and challenge schools, whose textbooks and courses of study are under the control of the State Board.

~~[8-]~~ 9. "School bus" has the meaning ascribed to it in NRS 484A.230.

~~[9-]~~ 10. "State Board" means the State Board of Education.

~~[10-]~~ 11. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, 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) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) 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 or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(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 or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of 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, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and 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 (1).

(8) The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to section 13 of this act.

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is



1 located within the school district based on the average daily
2 enrollment of pupils during the quarter of the school year is less
3 than or equal to 95 percent of the enrollment of pupils in the same
4 school district or charter school based on the average daily
5 enrollment of pupils during the same quarter of the immediately
6 preceding school year, the enrollment of pupils during the same
7 quarter of the immediately preceding school year must be used for
8 purposes of making the quarterly apportionments from the State
9 Distributive School Account to that school district or charter school
10 pursuant to NRS 387.124.

11 4. If the Department determines that a school district or charter
12 school deliberately causes a decline in the enrollment of pupils in
13 the school district or charter school to receive a higher
14 apportionment pursuant to subsection 3, including, without
15 limitation, by eliminating grades or moving into smaller facilities,
16 the enrollment number from the current school year must be used
17 for purposes of apportioning money from the State Distributive
18 School Account to that school district or charter school pursuant to
19 NRS 387.124.

20 5. The Department shall prescribe a process for reconciling the
21 quarterly reports submitted pursuant to subsection 1 to account for
22 pupils who leave the school district or a public school during the
23 school year.

24 6. Pupils who are excused from attendance at examinations or
25 have completed their work in accordance with the rules of the board
26 of trustees must be credited with attendance during that period.

27 7. Pupils who are incarcerated in a facility or institution
28 operated by the Department of Corrections must not be counted for
29 the purpose of computing basic support pursuant to this section. The
30 average daily attendance for such pupils must be reported to the
31 Department of Education.

32 8. Pupils who are enrolled in courses which are approved by
33 the Department as meeting the requirements for an adult to earn a
34 high school diploma must not be counted for the purpose of
35 computing basic support pursuant to this section.

36 **Sec. 3.** NRS 387.123 is hereby amended to read as follows:

37 387.123 1. The count of pupils for apportionment purposes
38 includes all pupils who are enrolled in programs of instruction of the
39 school district, including, without limitation, a program of distance
40 education provided by the school district, pupils who reside in the
41 county in which the school district is located and are enrolled in any
42 charter school, including, without limitation, a program of distance
43 education provided by a charter school, ~~and~~ pupils who are
44 enrolled in a university school for profoundly gifted pupils located



in the county **[H]** *and pupils who are enrolled in a challenge school 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 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, 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.

(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 1 of NRS 388A.471, pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(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 are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) 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.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.



Sec. 4. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. Except as otherwise provided in subsection 3 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.

2. 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.

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

Sec. 5. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section ~~+~~ and section 13 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. 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; 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. 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.

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 and NRS 388.095 and 388.097 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.

6. The State Board shall adopt regulations defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.

Sec. 6. Chapter 388D of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 21, inclusive, of this act.

Sec. 7. *As used in sections 7 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined*



in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.

Sec. 8. "Challenge school" means a public high school that:

1. Is located on the campus of a public school;
2. Is administered by the Office of the Military;
3. Is established through an agreement between the Office of the Military, the Superintendent of Public Instruction and the board of trustees of a school district; and
4. Provides a full-time alternative program of education in accordance with the Nevada National Guard Youth Challenge Program created by section 11 of this act.

Sec. 9. "Participant" means a person who has been approved by the Office of the Military to participate in the Program. The term includes:

1. A pupil enrolled in a challenge school; and
2. A person participating in the nonresidential component of the Program.

Sec. 10. "Program" means the Nevada National Guard Youth Challenge Program created by section 11 of this act.

Sec. 11. 1. The Nevada National Guard Youth Challenge Program is hereby created for the purposes of educating, training and mentoring youth who have dropped out of high school or who are at risk of dropping out of high school so that they may become productive, employed and law-abiding citizens.

2. The Office of the Military shall administer the Program. The Program must include:

(a) The establishment of a challenge school located within a school district in this State.

(b) A residential component lasting at least 22 weeks.

(c) Courses of study provided during the residential component described in paragraph (b) that include, without limitation:

(1) Courses focusing on academic excellence, life coping skills, employment skills, health and hygiene, responsible citizenship, service to the community, leadership and followership skills and physical fitness; and

(2) Courses that allow a participant to receive credit in accordance with the agreement entered into pursuant to section 13 of this act.

(d) A nonresidential component lasting at least 12 months following the completion of the residential component.

(e) One-on-one mentoring with a participant during the nonresidential component described in paragraph (d).

(f) Monitoring of the participant by a case manager during the nonresidential component described in paragraph (d).



3. A person who wishes to apply to participate in the Program must submit an application on a form prescribed by the Office of the Military. The Office of the Military shall establish guidelines for the submission and review of applications to participate in the Program. Such guidelines must give priority in admission to a child of a military family, as defined in NRS 388F.010.

4. The Office of the Military shall establish criteria governing eligibility for a person to participate in the Program. Such criteria must:

(a) Require a person to be a Nevada resident to participate in the Program.

(b) Provide that a child in foster care or going through the process of adoption is eligible to participate in the Program.

5. The Office of the Military shall adopt regulations necessary to establish and administer the Program created pursuant to this section. The regulations must be consistent with 32 U.S.C. § 509 and the regulations adopted pursuant thereto.

Sec. 12. 1. The Nevada National Guard Youth Challenge Program Account is hereby created in the State General Fund.

2. The Office of the Military shall administer the Account. The money in the Account must be expended only to carry out the provisions of sections 7 to 21, inclusive, of this act.

3. The Office of the Military may apply for and accept any gift, donation, bequest, grant, transfer from the State or a school district or other source of money for deposit in the Account.

4. The interest and income earned on the money in the Account, after deducting applicable charges, must be credited to the Account.

5. The money in the Account must remain in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 13. 1. The Office of the Military shall enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school. The agreement must:

(a) Specify the physical location of the facilities of the challenge school.

(b) Set forth the method in which the Superintendent of Public Instruction will count enrollment and calculate the average daily attendance of pupils enrolled at a challenge school for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive. The method must count a pupil enrolled in a challenge school as a full-time pupil notwithstanding the schedule for the program of instruction provided by the challenge school.



(c) Set forth the schedule for the program of instruction the challenge school will provide. Such a schedule may include:

(1) A shorter school day or an opportunity for participants to attend a longer day than regularly provided in the school district.

(2) An opportunity for participants to attend courses of instruction during any part of the calendar year.

(d) Prescribe the courses of study provided by the challenge school for which credits may be received pursuant to section 16 of this act and the amount of credit allowed for the completion of those courses of study.

(e) Set forth the provisions of this title that the Superintendent of Public Instruction agrees to waive with respect to the challenge school pursuant to section 14 of this act.

(f) Set forth any other provisions the parties deem necessary to carry out the provisions of sections 7 to 21, inclusive, of this act.

2. Upon the execution of an agreement pursuant to subsection 1, a challenge school shall be deemed a public school pursuant to NRS 385.007 located within the school district that is a party to the agreement and is entitled to receive money from the State.

Sec. 14. Except as otherwise provided by specific statute and by regulation of the State Board as determined necessary by the Superintendent of Public Instruction, the provisions of chapter 389 of NRS do not apply to a challenge school. The Superintendent of Public Instruction may waive any other provision of this title with respect to a challenge school as the Superintendent may determine necessary.

Sec. 15. The Superintendent of Public Instruction shall:

1. Authorize any pupil who is admitted to a challenge school to enroll in that school in lieu of enrolling in the high school the pupil is otherwise scheduled to attend.

2. Adopt regulations to carry out the provisions of sections 7 to 21, inclusive, of this act with which each challenge school must comply.

Sec. 16. 1. The Office of the Military shall develop a curriculum to be used by a challenge school based upon the individual needs of participants in the Program and establish standards of content and performance for the courses of study offered by a challenge school.

2. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of study offered by a challenge school must be



1 *allowed to apply the credit received for the course completed to the*
2 *total number of credits required for graduation from the high*
3 *school or the charter school in which the pupil is enrolled or the*
4 *credits required for receipt of an adult standard diploma, as*
5 *applicable.*

6 **Sec. 17.** *A challenge school shall comply with all applicable*
7 *federal laws to prevent the loss of any federal money for education*
8 *provided to the State of Nevada and the school districts in this*
9 *State by the Federal Government.*

10 **Sec. 18. 1.** *The Office of the Military shall adopt:*

11 *(a) Written rules of behavior for pupils enrolled in a challenge*
12 *school, including, without limitation, prohibited acts; and*

13 *(b) Appropriate punishments for violations of the rules.*

14 **2.** *Except as otherwise provided in subsection 3, if suspension*
15 *or expulsion of a pupil is used as a punishment for a violation of*
16 *the rules, the challenge school shall ensure that, before the*
17 *suspension or expulsion, the pupil has been given notice of the*
18 *charges against him or her, an explanation of the evidence and an*
19 *opportunity for a hearing. The provisions of chapter 241 of NRS*
20 *do not apply to any hearing conducted pursuant to this section.*
21 *Such a hearing must be closed to the public.*

22 **3.** *A pupil may be removed from a challenge school*
23 *immediately upon being given an explanation of the reasons for*
24 *the removal of the pupil and pending proceedings, which must be*
25 *conducted as soon as practicable after the removal, for his or her*
26 *suspension or expulsion, if the pupil:*

27 *(a) Poses a continuing danger to persons or property;*

28 *(b) Poses an ongoing threat of disrupting the academic*
29 *process;*

30 *(c) Sells or distributes any controlled substance; or*

31 *(d) Is found to be in possession of a dangerous weapon as*
32 *provided in NRS 392.466.*

33 **4.** *A copy of the rules of behavior, prescribed punishments*
34 *and procedures to be followed in imposing punishments must be:*

35 *(a) Distributed to each new pupil who enrolls in a challenge*
36 *school; and*

37 *(b) Available for public inspection at a challenge school.*

38 **5.** *The Office of the Military may adopt rules relating to the*
39 *truancy of pupils who are enrolled at a challenge school if the*
40 *rules are at least as restrictive as the provisions governing truancy*
41 *set forth in NRS 392.130 to 392.220, inclusive. If the Office of the*
42 *Military adopts rules governing truancy, the Office shall include*
43 *the rules in the written rules adopted pursuant to subsection 1.*



Sec. 19. For each challenge school:

1. The Office of the Military shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for the purpose of accountability reporting for the challenge school.

2. The Office of the Military shall, on or before November 15 of each year, submit to the Department in a format prescribed by the Department the following information:

(a) The actual expenditures of the challenge school in the fiscal year immediately preceding the report; and

(b) The proposed expenditures of the challenge school for the current fiscal year.

Sec. 20. 1. Each pupil who is enrolled in a challenge school must be included in the count of pupils in the school district in which the challenge school is located for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive.

2. A challenge school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the challenge school or the pupils enrolled in the challenge school are eligible to receive.

3. If a challenge school ceases to operate pursuant to sections 7 to 21, inclusive, of this act, the remaining apportionments that would have been made to the challenge school pursuant to NRS 387.124 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the challenge school reside.

Sec. 21. For each challenge school:

1. The Office of the Military shall designate a person to draw all orders for the payment of money belonging to the challenge school. The orders must be listed on cumulative voucher sheets.

2. The Office of the Military shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An action may not be maintained against the Office of the Military or against a challenge school to collect upon a bill not presented for payment to the Office of the Military within 6 months after the bill was incurred.

Sec. 22. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for



1 suspension or expulsion from public school pursuant to
2 NRS 392.466,

3 ➤ is ineligible to attend any public school in this State during the
4 period of that suspension or expulsion.

5 2. A school district or a charter school, if the charter school
6 offers the applicable program, may allow a pupil who is ineligible to
7 attend a public school pursuant to this section to enroll in:

8 (a) An alternative program for the education of pupils at risk of
9 dropping out of school provided pursuant to NRS 388.537;

10 (b) A program of independent study provided pursuant to NRS
11 389.155 for pupils who have been suspended or expelled from
12 public school;

13 (c) A program of distance education provided pursuant to NRS
14 388.820 to 388.874, inclusive; ~~or~~

15 (d) Any program of instruction offered pursuant to the
16 provisions of NRS 388.550 ~~or~~; *or*

17 *(e) A challenge school,*

18 ➤ if the pupil qualifies for enrollment and is accepted for
19 enrollment in accordance with the requirements of the applicable
20 *school or* program. A school district or charter school may conduct
21 an investigation of the background of any such pupil to determine if
22 the educational needs of the pupil may be satisfied without undue
23 disruption to the *school or* program. If an investigation is
24 conducted, the board of trustees of the school district or the
25 governing body of the charter school shall, based on the results of
26 the investigation, determine if the pupil will be allowed to enroll in
27 such a *school or* program.

28 3. The provisions of subsections 1 and 2 do not prohibit a pupil
29 from enrolling in a charter school that is designed exclusively for
30 the enrollment of pupils with disciplinary problems if the pupil is
31 accepted for enrollment by the charter school pursuant to NRS
32 388A.453 or 388A.456. Upon request, the governing body of a
33 charter school must be provided with access to the records of the
34 pupil relating to the pupil's suspension or expulsion in accordance
35 with applicable federal and state law before the governing body
36 makes a decision concerning the enrollment of the pupil.

37 **Sec. 23.** NRS 241.016 is hereby amended to read as follows:

38 241.016 1. The meetings of a public body that are quasi-
39 judicial in nature are subject to the provisions of this chapter.

40 2. The following are exempt from the requirements of this
41 chapter:

42 (a) The Legislature of the State of Nevada.

43 (b) Judicial proceedings, including, without limitation,
44 proceedings before the Commission on Judicial Selection and,



except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 18 of this act* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➔ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 24. 1. There is hereby appropriated from the State General Fund to the Nevada National Guard Youth Challenge Program Account created by section 12 of this act to carry out the provisions of sections 7 to 21, inclusive, of this act the following sums:

For the Fiscal Year 2019-2020..... \$850,000

For the Fiscal Year 2020-2021..... \$850,000

2. The money appropriated by subsection 1 is contingent upon the Office of the Military being awarded matching money from the Federal Government. The State Controller shall not distribute any money from the appropriation made pursuant to subsection 1 until the matching money has been awarded.

Sec. 25. This act becomes effective on July 1, 2019.

