

Amendment No. 221

Senate Amendment to Senate Bill No. 215	(BDR 34-181)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 215 (§ 2).

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

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





## SENATE BILL NO. 215--SENATOR DENIS

MARCH 11, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-181)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 2)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; revising provisions relating to a program of instruction based on an alternative schedule; revising certain provisions relating to programs of distance education; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires that boards of trustees of school districts provide a minimum of 180 days of free school. Existing law authorizes the Superintendent of Public Instruction to authorize a school district to provide a program of instruction 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 provided in a program consisting of 180 days. (NRS 388.090) **Section 1** of this bill removes certain limitations imposed by existing law on a program of instruction based on an alternative schedule. Existing law similarly requires the minutes of instruction provided by a full-time program of distance education to be equal to or greater than the number of minutes of instruction provided in a program consisting of 180 days. (NRS 388.842) **Section 3** of this bill authorizes a pupil who demonstrates sufficient ~~progress toward completion~~ **proficiency to meet the objectives** of a course of distance education to complete the course in a shorter period of time than is normally allotted.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to provide a program of distance education. (NRS 388.820-388.874) Under existing law, the Department of Education is required to publish a list of courses of distance education. (NRS 388.834) Existing law authorizes the board of trustees of a school district or the governing body of a charter school to apply to the Department to provide a program of distance education. (NRS 388.838) **Section 2** of this bill requires the board of trustees of a school district and the governing body of a ~~charter~~ **university** school **for profoundly gifted pupils** to: (1) develop a plan for conducting a program of distance education; (2) present the plan to the public or the sponsor of the ~~charter~~ **university** school **for profoundly gifted pupils**, as applicable; (3) provide a copy of the plan to the school community, parents and employees of the school district or ~~charter~~ **university** school **for profoundly gifted pupils**; **and** (4) ~~identify pupils and school employees who do not have access to the technology necessary to participate in a program of distance education; and (5)~~ **develop and implement** a plan to make necessary technology available to such pupils and school employees. **Section 2 of this bill imposes similar requirements on the governing body of a charter school and additionally requires a governing body to submit such a plan in a**

request to amend the charter contract of the charter school. Section 4.5 of this bill makes a conforming change related to a program of distance education provided by a university school for profoundly gifted pupils. Existing law also requires the board of trustees of a school district or the governing body of a charter school to ensure that in a course offered through a program of distance education, a teacher enters into a written agreement with the pupil and the parent or legal guardian of the pupil regarding the course. (NRS 388.866) **Section 4** of this bill instead requires the teacher to provide information regarding the course to the pupil and the parent or legal guardian of the pupil.

Section 1.5 of this bill amends the definition in existing law of “distance education” to include both synchronous and asynchronous instruction. (NRS 388.826) Existing law establishes the eligibility of a pupil to enroll in a program of distance education. (NRS 388.850) Section 3.5 of this bill revises the circumstances in which a pupil is eligible to enroll in such a program.

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

**Section 1.** NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section and NRS 388D.330, 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. 1.5. NRS 388.826 is hereby amended to read as follows:**

388.826 "Distance education" means synchronous or asynchronous instruction which is delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

**Sec. 2. NRS 388.838 is hereby amended to read as follows:**

388.838 1. The board of trustees of a school district or the governing body of a charter school or a university school for profoundly gifted pupils may submit an application to the Department to provide a program of distance education. In addition, a committee to form a charter school may submit an application to the Department to provide a program of distance education if the application to form the charter school submitted by the committee pursuant to NRS 388A.246 indicates that the charter school intends to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses ~~[of distance education which have not been reviewed by the Department before submission of the application.]~~ contained in the model curriculum of the school district or charter school.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the State Board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

(c) A description of how the program will ensure access to technology for pupils and teachers or other school employees and communicate with pupils, their families and staff regarding the program of distance education.

4. Except as otherwise provided in this subsection, the Department shall approve an application submitted pursuant to this section if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. The Department shall deny an application to provide a program of distance education submitted by a committee to form a charter school if

the Department denies the application to form a charter school submitted by that committee. The Department shall provide written notice to the applicant of the Department's approval or denial of the application.

5. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

6. The board of trustees of each school district and the governing body of each ~~charter~~ university school for profoundly gifted pupils that provides a program of distance education shall:

(a) Develop a plan for conducting a program of distance education.

(b) Present ~~the~~ the plan for conducting a program of distance education to ~~the public if the plan was developed by the board of trustees of a school district,~~ the public at a public meeting or, if the plan was developed by the governing body of a ~~charter~~ university school ~~for profoundly gifted pupils,~~ the sponsor of the ~~charter~~ university school at least ~~20~~ 45 days before the first day of each school year.

(c) Provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the school district or ~~charter~~ university school ~~for profoundly gifted pupils.~~

(d) ~~[On or before October 1 of each year, identify the pupils and teachers or other school employees enrolled in or employed by each school within the school district or charter school who do not have access to the technology necessary to participate in a program of distance education, including, without limitation, a computer or Internet access.~~

~~—(e) On or before December 31 of each year, develop a plan to make technology available to all pupils and teachers or other school employees [identified pursuant to paragraph (d)] involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The board of trustees of each school district and governing body of each ~~charter~~ university school for profoundly gifted pupils shall post the plan created pursuant to this paragraph on its Internet website.~~

(e) On or before August 1 of each year, implement the plan developed pursuant to paragraph (d).

7. The governing body of each charter school:

(a) Shall develop a plan for conducting a program of distance education for at least 10 school days in the event of an emergency that necessitates the closing of all public schools in this State.

(b) Present its plan for conducting a program of distance education to the sponsor of the charter school at least 45 days before the first day of each school year.

(c) May develop a plan for conducting a program of distance education outside of an emergency that necessitates the closing of all public schools in this State.

(d) If a plan for conducting a program of distance education is developed pursuant to paragraph (c), shall submit the plan as part of a written request for an amendment of the charter contract pursuant to NRS 388A.276.

(e) Shall provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the charter school.

(f) Shall, on or before December 31 of each year, develop a plan to make technology available to all pupils and teachers involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The governing body of each charter school shall post the plan created pursuant to this paragraph on its Internet website.

**Sec. 3.** NRS 388.842 is hereby amended to read as follows:

388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

3. A pupil enrolled in a program of distance education on a full-time basis who demonstrates sufficient ~~progress toward completion~~ proficiency to meet the objectives of a course of distance education may complete the course of distance education in a shorter period of time than is normally allotted for the course of distance education.

**Sec. 3.5.** NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education unless:

(a) Pursuant to this section or other specific statute, the pupil is not eligible for enrollment or the pupil's enrollment is otherwise prohibited;

(b) The school district in which the pupil resides offers a full-time program of distance education that is the same or substantially similar to the program of distance education in which the pupil wishes to enroll;

(c) The pupil fails to satisfy the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; or

~~[(c)]~~ (d) The pupil fails to satisfy the requirements of the program of distance education.

2. ~~[A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.]~~

~~— 3. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.~~

3. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

**Sec. 4.** NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that:

(a) For each course offered through the program, a teacher:

(1) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course;

(2) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress; and

(3) ~~[Enters into a written agreement with]~~ Provides the pupil and the pupil's parent or legal guardian ~~[outlining]~~ with the objectives of the course, the

1 timeline for completion of the course and the method by which the progress of the  
2 pupil will be assessed; or

3 (b) The program satisfies the requirements of a plan to operate an alternative  
4 program of education submitted by the school district and approved pursuant to  
5 NRS 388.537.

6 2. If a course offered through a program of distance education is a core  
7 academic subject, as defined in NRS 389.018, the teacher who fulfills the  
8 requirements of subsection 1 must be a:

9 (a) Licensed teacher; or

10 (b) Teacher, instructor or professor who provides instruction at a community  
11 college or university. Such a teacher, instructor or professor may only be assigned  
12 to a course of distance education in the subject area for which he or she provides  
13 instruction at a community college or university.

14 **Sec. 4.5. NRS 388C.130 is hereby amended to read as follows:**

15 388C.130 1. The governing body of a university school for profoundly  
16 gifted pupils may provide a program of distance education for any pupil or  
17 prospective pupil who is otherwise eligible to attend the school. **If the governing**  
18 **body of a university school provides a program of distance education, the**  
19 **governing body must comply with the provisions of subsection 6 of NRS 388.838.**

20 2. As used in this section, "program of distance education" means a program  
21 comprised of one or more courses of study for which instruction is delivered by  
22 means of video, computer, television or the Internet or other electronic means of  
23 communication, or any combination thereof, in such a manner that the person  
24 supervising or providing the instruction and the pupil receiving the instruction are  
25 separated geographically for a majority of the time during which the instruction is  
26 delivered.

27 **Sec. 5.** 1. This section becomes effective upon passage and approval.

28 2. Sections 1 to ~~4.4~~ **4.5**, inclusive, of this act become effective:

29 (a) Upon passage and approval for the purpose of adopting any regulations and  
30 performing any other preparatory administrative tasks that are necessary to carry  
31 out the provisions of this act; and

32 (b) On July 1, 2021, for all other purposes.