

SENATE BILL NO. 250—SENATOR DONDERO LOOP

MARCH 15, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.  
(BDR 34-1002)

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

CONTAINS UNFUNDED MANDATE (§ 3)  
(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; requiring that pupils enrolled in certain courses for an adult to receive a high school diploma be included in the count of pupils for apportionment; requiring the Department of Education to adopt regulations relating to the eligibility of certain pupils to enroll in courses for an adult to earn a high school diploma; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing regulations, the Superintendent of Public Instruction or the State Board of Education may approve an application by a school district to operate an adult high school program. Existing regulations authorize enrollment in an adult high school program for a person who has not received a high school diploma. (NAC 387.190) **Section 3** of this bill requires the Department of Education to adopt regulations that require the board of trustees of a school district that offers courses for an adult to earn a high school diploma to allow enrollment in such courses by a pupil who has received a high school diploma.

Existing law provides for a yearly apportionment of money for each school district based, in part, on the count of certain types of pupils in the school district. Existing law prohibits counting pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma from being counted for the purposes of the apportionment of money. (NRS 387.1223) Under existing law, certain pupils who are enrolled in classes and taking courses necessary to receive a high school diploma are included in the count of pupils for apportionment purposes. (NRS 387.123) **Section 2** of this bill requires the count of pupils for apportionment purposes to include pupils who



are enrolled in a course approved by the Department as meeting the requirements for an adult to earn a high school diploma. **Section 1** of this bill removes the prohibition on counting pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma from being counted for the purposes of the apportionment of money.

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

**Section 1.** 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. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.

2. Except as otherwise provided in subsection 3, the yearly apportionment from the State Education Fund for each school district must be computed by:

(a) Multiplying the adjusted base per pupil funding 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, in a public school in the school district based on the average daily enrollment of those pupils during the quarter.

(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, 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, 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 the school district, 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



1 have not attained the age of 5 years and who are receiving special  
2 education pursuant to NRS 388.435.

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

7 (6) The count of children detained in facilities for the  
8 detention of children, alternative programs and juvenile forestry  
9 camps receiving instruction pursuant to the provisions of NRS  
10 388.550, 388.560 and 388.570, based on the average daily  
11 enrollment of those pupils during the quarter.

12 (7) The count of pupils who are enrolled in classes for at  
13 least one semester pursuant to subsection 1 of NRS 388A.471,  
14 subsection 1 of NRS 388A.474 or subsection 1 of NRS 392.074,  
15 based on the average daily enrollment of pupils during the quarter  
16 and expressed as a percentage of the total time services are provided  
17 to those pupils per school day in proportion to the total time services  
18 are provided during a school day to pupils who are counted pursuant  
19 to subparagraph (1).

20 (8) The count of pupils enrolled in a challenge school based  
21 on the average daily enrollment of those pupils calculated in the  
22 manner set forth in an agreement entered into pursuant to  
23 NRS 388D.330.

24 (b) Adding to the amount computed in paragraph (a) the  
25 amounts appropriated pursuant to paragraphs (b) and (e) of  
26 subsection 2 of NRS 387.1214.

27 3. Except as otherwise provided in subsection 4, if the  
28 enrollment of pupils in a school district or a charter school that is  
29 located within the school district based on the average daily  
30 enrollment of pupils during the quarter of the school year is less  
31 than or equal to 95 percent of the enrollment of pupils in the same  
32 school district or charter school based on the average daily  
33 enrollment of pupils during the same quarter of the immediately  
34 preceding school year, the enrollment of pupils during the same  
35 quarter of the immediately preceding school year must be used for  
36 purposes of making the monthly apportionments from the State  
37 Education Fund to that school district or charter school pursuant to  
38 NRS 387.124.

39 4. If the Department determines that a school district or charter  
40 school deliberately causes a decline in the enrollment of pupils in  
41 the school district or charter school to receive a higher  
42 apportionment pursuant to subsection 3, including, without  
43 limitation, by eliminating grades or moving into smaller facilities,  
44 the enrollment number from the current school year must be used



for purposes of apportioning money from the State Education Fund to that school district or charter school pursuant to NRS 387.124.

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

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

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

~~[8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing the yearly apportionment pursuant to this section.]~~

**Sec. 2.** NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county 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 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.



(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.

*(j) Pupils who have received a high school diploma and are enrolled in a course approved by the Department as meeting the requirements for an adult to earn a high school diploma pursuant to section 3 of this act, excluding those pupils who are included in paragraph (h).*

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

*The Department shall adopt regulations that require the board of trustees of a school district that offers courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma to allow enrollment in such courses by a pupil who has received a high school diploma.*

**Sec. 4.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 5.** This act becomes effective on July 1, 2021.

