

ASSEMBLY BILL NO. 185—ASSEMBLYWOMAN MOSCA

FEBRUARY 20, 2023

JOINT SPONSOR: SENATOR BUCK

Referred to Committee on Education

SUMMARY—Revises provisions governing the education of pupils who are children of military personnel. (BDR 34-524)

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

CONTAINS UNFUNDED MANDATE (§ 1.5)
(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 the enrollment of pupils in charter schools; requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a charter school to give preference in enrollment to certain children before enrolling children who are otherwise eligible for enrollment. (NRS 388A.456) **Section 1** of this bill authorizes a charter school to give the same preference to a child who has a parent or legal guardian who is a member of the military.

The Interstate Compact on Educational Opportunity for Military Children requires member states, including Nevada, to take certain measures to facilitate the enrollment and continued education of pupils who are children of military families and who transfer into this State. (NRS 388F.010) Existing law also requires the superintendent of a school district or his or her designee to make reasonable efforts to accommodate a pupil who transfers to a public school in the district due to the



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military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) **Section 1.5** of this bill additionally requires the governing body of a charter school or university school for profoundly gifted pupils to make such reasonable efforts. **Section 1.5** requires those reasonable efforts to include authorizing such a pupil to enroll in the school and participate in any application or lottery process necessary to be eligible for such enrollment: (1) at the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and (2) in the same manner as pupils who reside in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils. **Section 1.5** authorizes such a pupil to: (1) use the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer as the address of the pupil for all purposes relating to enrollment until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area; and (2) specify an additional address solely for the purpose of receiving correspondence. **Section 1.5** also requires the superintendent of a school district or the superintendent's designee or the governing body of a charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil. **Section 1.5** requires those efforts to include: (1) authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and (2) cooperating with any school or school district to which the pupil plans to transfer. **Section 1.5** requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a school year pursuant to the provisions of this bill to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

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

Section 1. NRS 388A.456 is hereby amended to read as follows:

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.

(c) Is a child of a person:

(1) Who is employed by the charter school;

(2) Who is a member of the committee to form the charter school;



(3) Who is a member of the governing body of the charter school; or

(4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

(f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the most recent school year for which the public school received an annual rating. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(h) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

(i) Has a parent or legal guardian who is a member of the military.

2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter



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1 school shall determine which applicants to enroll pursuant to this
2 section on the basis of a lottery system.

3 3. A lottery held pursuant to subsection 2 must be held not
4 sooner than 45 days after the date on which a charter school begins
5 accepting applications for enrollment unless the sponsor of the
6 charter school determines there is good cause to hold it sooner.

7 4. Each school district shall create and maintain a list which
8 specifies for each public school of the school district, the maximum
9 enrollment capacity for each school, the actual number of pupils
10 enrolled at each school and the percentage by which enrollment at
11 each school exceeds the intended enrollment capacity, if applicable.
12 Each school district shall post the list on the Internet website
13 maintained by the school district as soon as practicable after the
14 count of pupils is completed pursuant to NRS 387.1223 but not later
15 than November 1 of each year.

16 5. *As used in this section, "member of the military" has the*
17 *meaning ascribed to it in NRS 176A.043.*

18 **Sec. 1.5.** NRS 388F.070 is hereby amended to read as follows:
19 388F.070 1. The superintendent of a school district or the
20 superintendent's designee *or the governing body of a charter*
21 *school or a university school for profoundly gifted pupils* shall ~~be~~
22 ~~it~~:

23 (a) *Authorize a pupil who plans to transfer to a public school*
24 *in the school district or to a charter school or university school, as*
25 *applicable, from a school inside or outside this State because of*
26 *the documented pending military transfer of the parent or legal*
27 *guardian of the pupil to enroll in the public school, charter school*
28 *or university school and participate in any application or lottery*
29 *process necessary to be eligible for such enrollment:*

30 (1) *At the same time as pupils who reside in the school*
31 *district or near the charter school or university school, as*
32 *applicable; and*

33 (2) *In the same manner as pupils in the school district or*
34 *near the charter school or university school, as applicable, or*
35 *remotely using electronic means, regardless of whether such*
36 *means are generally authorized for other pupils.*

37 (b) *Deem the address of a military installation to which a*
38 *parent or legal guardian of the pupil has a documented pending*
39 *military transfer to be the address of the pupil for all purposes*
40 *relating to enrollment for which an address is required until the*
41 *pupil notifies the public school of the actual address at which the*
42 *pupil will reside in the appropriate attendance area.*

43 (c) *Authorize the pupil and the parent or legal guardian of the*
44 *pupil to specify an additional, current address solely for the*
45 *purpose of receiving correspondence.*



(d) In accordance with NRS 388F.010, make *other* reasonable efforts to accommodate a pupil who transfers to a public school in the school district *or to the charter school or university school, as applicable*, from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

3. *If a pupil at a public school in a school district, a charter school or a university school for profoundly gifted pupils plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil, the superintendent of the school district or the superintendent's designee or the governing body of the charter school or university school, as applicable, shall make reasonable efforts to accommodate the pupil, including, without limitation, by:*

(a) *Authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and*

(b) *Cooperating with any school or school district to which the pupil plans to transfer.*

4. *A pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils pursuant to subsection 1 for all or part of a school year and plans to enroll in the school for the next school year shall, before the beginning of the next school year, provide proof of residency in this State and, as applicable, in:*

(a) *The school district;*

(b) *The zone of attendance of the school established pursuant to NRS 388.040; or*

(c) *The geographic area served by the charter school or university school.*

5. *As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction 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 instruction is delivered.

Sec. 2. 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. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1, 1.5 and 2 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

