

ASSEMBLY BILL NO. 311—ASSEMBLYMEN KNECHT, HETRICK, CHRISTENSEN, ANGLE, GRIFFIN, ANDONOV, ATKINSON, BEERS, BROWN, CARPENTER, CLABORN, CONKLIN, GEDDES, GIBBONS, GOICOECHEA, GRADY, GUSTAVSON, HARDY, MABEY, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, PARKS, SHERER AND WEBER

MARCH 13, 2003

JOINT SPONSORS: SENATORS CEGAVSKE, O'CONNELL, HARDY, TIFFANY, RAWSON, AMODEI, NOLAN, SCHNEIDER, SHAFFER AND WASHINGTON

Referred to Committee on Education

SUMMARY—Revises provisions governing homeschooled children. (BDR 34-966)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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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 the boards of trustees of school districts to provide certain public notice of policies and regulations concerning or affecting homeschooled children; providing that homeschooled children may participate in interscholastic activities and events under certain circumstances; prescribing the requirements for eligibility and participation of homeschooled children in interscholastic activities and events; revising provisions governing an association formed for the purposes of controlling, supervising and regulating interscholastic events in public schools; requiring boards of trustees of school districts to establish and maintain a separate roster of directory information for homeschooled children; requiring a school district to expend certain money for homeschooled children who receive special education



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from the school district; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:
4 1. “Charter school” means a public school that is formed
5 pursuant to the provisions of NRS 386.500 to 386.610, inclusive.
6 2. “Department” means the Department of Education.
7 3. *“Homeschooled child” means a child who receives*
8 *instruction at home and who is exempt from compulsory*
9 *attendance pursuant to NRS 392.070.*
10 4. “Public schools” means all kindergartens and elementary
11 schools, junior high schools and middle schools, high schools,
12 charter schools and any other schools, classes and educational
13 programs which receive their support through public taxation and,
14 except for charter schools, whose textbooks and courses of study are
15 under the control of the State Board.
16 ~~4~~ 5. “State Board” means the State Board of Education.
17 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 3 to 9, inclusive, of this
19 act.
20 **Sec. 3. 1.** *A board of trustees of a school district shall hold*
21 *a public meeting if the board of trustees intends to adopt, repeal or*
22 *amend a policy or regulation concerning or affecting*
23 *homeschooled children. A board of trustees of a school district*
24 *shall provide notice of its intention to adopt, repeal or amend a*
25 *policy or regulation of the board of trustees concerning or*
26 *affecting homeschooled children. The notice must be posted at*
27 *least 15 working days before the date of the meeting and must*
28 *include:*
29 *(a) The time, place and location of the meeting in which the*
30 *matter concerning or affecting homeschooled children will be*
31 *considered;*
32 *(b) A clear and complete statement of the topics scheduled for*
33 *consideration during the meeting; and*
34 *(c) A list describing the items on which action may be taken*
35 *and clearly denoting that action may be taken on those items.*
36 2. *The board of trustees of each school district shall:*
37 *(a) Maintain a separate mailing list of all persons and entities*
38 *who desire to receive notice of a meeting of the board of trustees*
39 *regarding the adoption, repeal or amendment of a policy or*



1 *regulation of the board of trustees concerning or affecting*
2 *homeschooled children.*

3 *(b) Mail a copy of the notice required by subsection 1 to each*
4 *person on the list at least 15 working days before the meeting.*

5 *3. All persons and entities interested in a proposed policy or*
6 *regulation or a change in a policy or regulation concerning*
7 *homeschooled children must be afforded a reasonable opportunity*
8 *to submit data, opinions or arguments, orally or in writing. The*
9 *board of trustees shall consider all written and oral submissions*
10 *respecting the proposal or change before taking final action.*

11 *4. The notice required pursuant to this section is in addition*
12 *to any notice required by chapter 241 of NRS and does not excuse*
13 *the board of trustees of a school district from complying with the*
14 *applicable provisions of chapter 241 of NRS.*

15 *Sec. 4. 1. Except as otherwise provided in section 6 of this*
16 *act, a homeschooled child must be allowed to participate in all*
17 *interscholastic activities and events pursuant to NRS 386.420 to*
18 *386.470, inclusive, and sections 4 to 9, inclusive, of this act, in the*
19 *same manner as pupils who are enrolled in the public school that*
20 *the child would otherwise be required to attend are allowed to*
21 *participate.*

22 *2. Before a homeschooled child may participate in*
23 *interscholastic activities and events pursuant to NRS 386.420 to*
24 *386.470, inclusive, and sections 4 to 9, inclusive, of this act, the*
25 *parent or legal guardian of the child must submit a written*
26 *statement to the principal of the public school that the child would*
27 *otherwise be required to attend indicating that the child:*

28 *(a) Is receiving a passing grade in each course or subject in*
29 *which the child receives instruction; or*

30 *(b) Is making satisfactory progress toward advancement or*
31 *promotion to the next grade level.*

32 *3. The provisions of NRS 386.420 to 386.470, inclusive, and*
33 *sections 4 to 9, inclusive, of this act and the regulations adopted*
34 *pursuant thereto that apply to pupils enrolled in public schools*
35 *who participate in interscholastic activities and events apply in the*
36 *same manner to homeschooled children who participate in*
37 *interscholastic activities and events, including, without limitation,*
38 *provisions governing:*

39 *(a) Eligibility and qualifications for participation;*

40 *(b) Fees for participation;*

41 *(c) Insurance;*

42 *(d) Transportation;*

43 *(e) Requirements of physical condition;*

44 *(f) Responsibilities of participants;*

45 *(g) Schedules of events;*



- 1 (h) *Safety and welfare of participants;*
- 2 (i) *Eligibility for awards, trophies and medals;*
- 3 (j) *Conduct of behavior and performance of participants; and*
- 4 (k) *Disciplinary procedures.*

5 **Sec. 5. 1.** *Except as otherwise provided in section 6 of this*
6 *act, a private school may, but is not required to, allow*
7 *homeschooled children to participate in interscholastic activities*
8 *and events in the same manner as pupils who are enrolled in the*
9 *private school are allowed to participate.*

10 **2.** *If a private school allows such participation by*
11 *homeschooled children:*

12 (a) *The written statement required by subsection 2 of section 4*
13 *of this act must be submitted to the administrative head of the*
14 *private school before a child participates in an interscholastic*
15 *activity or event.*

16 (b) *The provisions of NRS 386.420 to 386.470, inclusive, and*
17 *sections 4 to 9, inclusive, of this act and the regulations adopted*
18 *pursuant thereto that apply to pupils enrolled in the private school*
19 *who participate in interscholastic activities and events apply in the*
20 *same manner to homeschooled children who participate in*
21 *interscholastic activities and events, including, without limitation,*
22 *provisions governing:*

- 23 (1) *Eligibility and qualifications for participation;*
- 24 (2) *Fees for participation;*
- 25 (3) *Insurance;*
- 26 (4) *Transportation;*
- 27 (5) *Requirements of physical condition;*
- 28 (6) *Responsibilities of participants;*
- 29 (7) *Schedules of events;*
- 30 (8) *Safety and welfare of participants;*
- 31 (9) *Eligibility for awards, trophies and medals;*
- 32 (10) *Conduct of behavior and performance of participants;*

33 *and*

34 (11) *Disciplinary procedures.*

35 **Sec. 6.** *A child who is enrolled in a public school or private*
36 *school and who subsequently withdraws from the school during*
37 *the school year to receive instruction at home, is not eligible to*
38 *participate in interscholastic activities and events pursuant to NRS*
39 *386.420 to 386.470, inclusive, and sections 4 to 9, inclusive, of this*
40 *act for the remainder of that school year.*

41 **Sec. 7. 1.** *Homeschooled children may apply to form teams*
42 *to participate in interscholastic activities and events pursuant to*
43 *NRS 386.520 to 386.570, inclusive, and sections 4 to 9, inclusive,*
44 *of this act, in the same manner as public schools and private*
45 *schools form teams to participate. An application to form such a*



1 *team must be approved if it satisfies the requirements of*
2 *subsection 2 and the requirements applicable to public schools*
3 *and private schools that form such teams.*

4 *2. An application to form a team submitted by homeschooled*
5 *children must include a statement indicating the geographical*
6 *boundaries upon which the membership of the team is formed to*
7 *determine appropriate placement of the team within the system of*
8 *interscholastic activities and events.*

9 **Sec. 8.** *No challenge may be brought by the association, a*
10 *school district, a public school or a private school, a parent or*
11 *guardian of a pupil enrolled in a public school or a private school,*
12 *a pupil enrolled in a public school or private school, or any other*
13 *entity or person, claiming that an interscholastic activity or event*
14 *is invalid because homeschooled children are allowed to*
15 *participate in the interscholastic activity or event.*

16 **Sec. 9.** *The association, a school district, public school or*
17 *private school shall not prescribe any regulations, rules, policies,*
18 *procedures or requirements governing the:*

19 *1. Eligibility of homeschooled children to participate in*
20 *interscholastic activities and events pursuant to NRS 386.420 to*
21 *386.470, inclusive, and sections 4 to 9, inclusive, of this act; or*

22 *2. Participation of homeschooled children in interscholastic*
23 *activities and events pursuant to NRS 386.420 to 386.470,*
24 *inclusive, and sections 4 to 9, inclusive, of this act,*
25 *that are more restrictive than the provisions governing eligibility*
26 *and participation prescribed by sections 4 to 9, inclusive, of this*
27 *act or that are more restrictive than the regulations, rules, policies,*
28 *procedures and requirements governing pupils enrolled in a public*
29 *school or a private school, as applicable.*

30 **Sec. 10.** NRS 386.430 is hereby amended to read as follows:
31 386.430 ~~The~~

32 *1. Except as otherwise provided in section 9 of this act, the*
33 *association shall adopt rules and regulations in the manner provided*
34 *for state agencies by chapter 233B of NRS, as may be necessary to*
35 *carry out the provisions of NRS 386.420 to 386.470, inclusive ~~H~~,*
36 *and sections 4 to 9, inclusive, of this act, including, without*
37 *limitation, the provision of notice required by NRS 233B.060 and*
38 *233B.0603.*

39 *2. If the association intends to adopt, repeal or amend a*
40 *policy, rule or regulation concerning or affecting homeschooled*
41 *children, the association shall consult with homeschooled*
42 *children, representatives of homeschooled children, and parents*
43 *and guardians of homeschooled children to provide those persons*
44 *with a reasonable opportunity to submit data, opinions or*
45 *arguments, orally or in writing, concerning the proposal or*



1 *change. The association shall consider all written and oral*
2 *submissions respecting the proposal or change before taking final*
3 *action.*

4 **Sec. 11.** NRS 386.580 is hereby amended to read as follows:

5 386.580 1. An application for enrollment in a charter school
6 may be submitted to the governing body of the charter school by the
7 parent or legal guardian of any child who resides in this state.
8 Except as otherwise provided in this subsection, a charter school
9 shall enroll pupils who are eligible for enrollment in the order in
10 which the applications are received. If the board of trustees of the
11 school district in which the charter school is located has established
12 zones of attendance pursuant to NRS 388.040, the charter school
13 shall, if practicable, ensure that the racial composition of pupils
14 enrolled in the charter school does not differ by more than 10
15 percent from the racial composition of pupils who attend public
16 schools in the zone in which the charter school is located. If more
17 pupils who are eligible for enrollment apply for enrollment in the
18 charter school than the number of spaces which are available,
19 the charter school shall determine which applicants to enroll on the
20 basis of a lottery system.

21 2. Except as otherwise provided in subsection 6, a charter
22 school shall not accept applications for enrollment in the charter
23 school or otherwise discriminate based on the:

- 24 (a) Race;
- 25 (b) Gender;
- 26 (c) Religion;
- 27 (d) Ethnicity; or
- 28 (e) Disability,
- 29 of a pupil.

30 3. If the governing body of a charter school determines that the
31 charter school is unable to provide an appropriate special education
32 program and related services for a particular disability of a pupil
33 who is enrolled in the charter school, the governing body may
34 request that the board of trustees of the school district of the county
35 in which the pupil resides transfer that pupil to an appropriate
36 school.

37 4. Except as otherwise provided in this subsection, upon the
38 request of a parent or legal guardian of a child who is enrolled in a
39 public school of a school district or a private school, or ~~who~~
40 ~~receives instruction at home,} a parent or legal guardian of a~~
41 *homeschooled child*, the governing body of the charter school shall
42 authorize the child to participate in a class that is not otherwise
43 available to the child at his school or home school or participate in
44 an extracurricular activity at the charter school if:



1 (a) Space for the child in the class or extracurricular activity is
2 available; and

3 (b) The parent or legal guardian demonstrates to the satisfaction
4 of the governing body that the child is qualified to participate in the
5 class or extracurricular activity.

6 If the governing body of a charter school authorizes a child to
7 participate in a class or extracurricular activity pursuant to this
8 subsection, the governing body is not required to provide
9 transportation for the child to attend the class or activity. A charter
10 school shall not authorize such a child to participate in a class or
11 activity through a program of distance education provided by the
12 charter school pursuant to NRS 388.820 to 388.874, inclusive.

13 5. The governing body of a charter school may revoke its
14 approval for a child to participate in a class or extracurricular
15 activity at a charter school pursuant to subsection 4 if the governing
16 body determines that the child has failed to comply with applicable
17 statutes, or applicable rules and regulations. If the governing body
18 so revokes its approval, neither the governing body nor the charter
19 school is liable for any damages relating to the denial of services to
20 the child.

21 6. This section does not preclude the formation of a charter
22 school that is dedicated to provide educational services exclusively
23 to pupils:

24 (a) With disabilities;

25 (b) Who pose such severe disciplinary problems that they
26 warrant an educational program specifically designed to serve a
27 single gender and emphasize personal responsibility and
28 rehabilitation; or

29 (c) Who are at risk.

30 If more eligible pupils apply for enrollment in such a charter school
31 than the number of spaces which are available, the charter school
32 shall determine which applicants to enroll on the basis of a lottery
33 system.

34 **Sec. 12.** Chapter 392 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 *1. Except as otherwise provided in subsection 2, the board of*
37 *trustees of each school district shall maintain and make available*
38 *for public inspection a separate roster of directory information*
39 *concerning homeschooled children who reside within the school*
40 *district. The roster may be included in the general roster of the*
41 *school district that is maintained for all pupils in the school*
42 *district if the directory information concerning homeschooled*
43 *children is listed separately within the general roster.*

44 *2. Before the board of trustees of a school district includes*
45 *directory information concerning a child on the roster maintained*



1 *pursuant to subsection 1, the board of trustees shall provide the*
2 *parent or guardian of the child a reasonable opportunity to inform*
3 *the school district that any or all of the directory information*
4 *concerning the child must not be released without the prior*
5 *consent of the parent or guardian.*

6 3. *The board of trustees of each school district shall comply*
7 *with the applicable provisions of 20 U.S.C. §§ 1232g et seq. in*
8 *carrying out the provisions of this section.*

9 4. *As used in this section, "directory information" has the*
10 *meaning ascribed to it in 20 U.S.C. § 1232g(a)(5)(A).*

11 **Sec. 13.** NRS 392.070 is hereby amended to read as follows:

12 392.070 1. Attendance required by the provisions of NRS
13 392.040 must be excused when satisfactory written evidence is
14 presented to the board of trustees of the school district in which the
15 child resides that the child is receiving at home or in some other
16 school equivalent instruction of the kind and amount approved by
17 the State Board.

18 2. The board of trustees of each school district shall provide
19 programs of special education and related services for
20 *homeschooled* children . ~~[who are exempt from compulsory~~
21 ~~attendance pursuant to subsection 1 and receive instruction at~~
22 ~~home.]~~ The programs of special education and related services
23 required by this section must be made available:

24 (a) Only if a child would otherwise be eligible for participation
25 in programs of special education and related services pursuant to
26 NRS 388.440 to 388.520, inclusive;

27 (b) In the same manner that the board of trustees provides, as
28 required by 20 U.S.C. § 1412, for the participation of pupils with
29 disabilities who are enrolled in private schools within the school
30 district voluntarily by their parents or legal guardians; and

31 (c) In accordance with the same requirements set forth in 20
32 U.S.C. § 1412 which relate to the participation of pupils with
33 disabilities who are enrolled in private schools within the school
34 district voluntarily by their parents or legal guardians.

35 *Money that is accounted for separately by a school district*
36 *pursuant to NRS 387.047 must, to the extent practicable, be*
37 *expended on a pro rata basis on behalf of homeschooled children*
38 *who receive programs of special education and related services*
39 *pursuant to this subsection.*

40 3. Except as otherwise provided in subsection 2 for programs
41 of special education and related services, upon the request of a
42 parent or legal guardian of a child who is enrolled in a private
43 school or ~~[who receives instruction at home.]~~ *a parent or legal*
44 *guardian of a homeschooled child,* the board of trustees of the
45 school district in which the child resides shall authorize the child to



1 participate in a class that is not available to the child at the private
2 school or home school or participate in an extracurricular activity,
3 excluding sports, at a public school within the school district if:

4 (a) Space for the child in the class or extracurricular activity is
5 available; and

6 (b) The parent or legal guardian demonstrates to the satisfaction
7 of the board of trustees that the child is qualified to participate in the
8 class or extracurricular activity.

9 If the board of trustees of a school district authorizes a child to
10 participate in a class or extracurricular activity, excluding sports,
11 pursuant to this subsection, the board of trustees is not required to
12 provide transportation for the child to attend the class or activity. *A*
13 *homeschooled child must be allowed to participate in*
14 *interscholastic activities and events pursuant to NRS 386.420 to*
15 *386.470, inclusive, and sections 4 to 9, inclusive, of this act.*

16 4. The board of trustees of a school district may revoke its
17 approval for a pupil to participate in a class or extracurricular
18 activity at a public school pursuant to subsection 3 if the board of
19 trustees or the public school determines that the pupil has failed to
20 comply with applicable statutes, or applicable rules and regulations
21 of the board of trustees. If the board of trustees revokes its approval,
22 neither the board of trustees nor the public school are liable for any
23 damages relating to the denial of services to the pupil.

24 5. The programs of special education and related services
25 required by subsection 2 may be offered at a public school or
26 another location that is appropriate.

27 6. The Department may adopt such regulations as are necessary
28 for the boards of trustees of school districts to provide the programs
29 of special education and related services required by subsection 2.

30 7. As used in this section, "related services" has the meaning
31 ascribed to it in 20 U.S.C. § 1401(22).

32 **Sec. 14.** This act becomes effective on July 1, 2003.

