
SENATE BILL NO. 59—SENATOR RHOADS

FEBRUARY 6, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes board of trustees of school district under certain circumstances to provide program of instruction based on alternative schedule without approval of Superintendent of Public Instruction. (BDR 34-736)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; authorizing the board of trustees of a school district under certain circumstances to provide a program of instruction based on an alternative schedule without the approval of the Superintendent of Public Instruction; 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 387.123 is hereby amended to read as follows:
2 387.123 1. The count of pupils for apportionment purposes
3 includes all pupils who are enrolled in programs of instruction of the
4 school district, including, without limitation, a program of distance
5 education provided by the school district, or pupils who reside in the
6 county in which the school district is located and are enrolled in any
7 charter school, including, without limitation, a program of distance
8 education provided by a charter school, for:
9 (a) Pupils in the kindergarten department.
10 (b) Pupils in grades 1 to 12, inclusive.
11 (c) Pupils not included under paragraph (a) or (b) who are
12 receiving special education pursuant to the provisions of NRS
13 388.440 to 388.520, inclusive.



1 (d) Pupils who reside in the county and are enrolled part time in
2 a program of distance education if an agreement is filed with the
3 Superintendent of Public Instruction pursuant to NRS 388.854 or
4 388.858, as applicable.

5 (e) Children detained in detention homes, alternative programs
6 and juvenile forestry camps receiving instruction pursuant to the
7 provisions of NRS 388.550, 388.560 and 388.570.

8 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
9 NRS 386.560 and pupils who are enrolled in classes pursuant to
10 subsection 4 of NRS 386.580.

11 (g) Pupils who are enrolled in classes pursuant to subsection 3
12 of NRS 392.070.

13 (h) Pupils who are enrolled in classes and taking courses
14 necessary to receive a high school diploma, excluding those pupils
15 who are included in paragraphs (d), (f) and (g).

16 2. The State Board shall establish uniform regulations for
17 counting enrollment and calculating the average daily attendance of
18 pupils. In establishing such regulations for the public schools, the
19 State Board:

20 (a) Shall divide the school year into 10 school months, each
21 containing 20 or fewer school days ~~H~~, *or its equivalent for those*
22 *public schools operating under an alternative schedule authorized*
23 *pursuant to NRS 388.090.*

24 (b) May divide the pupils in grades 1 to 12, inclusive, into
25 categories composed respectively of those enrolled in elementary
26 schools and those enrolled in secondary schools.

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

29 3. Except as otherwise provided in subsection 4 and NRS
30 388.700, the State Board shall establish by regulation the maximum
31 pupil-teacher ratio in each grade, and for each subject matter
32 wherever different subjects are taught in separate classes, for each
33 school district of this state which is consistent with:

34 (a) The maintenance of an acceptable standard of instruction;
35 (b) The conditions prevailing in the school district with respect
36 to the number and distribution of pupils in each grade; and
37 (c) Methods of instruction used, which may include educational
38 television, team teaching or new teaching systems or
39 techniques.

40 If the Superintendent of Public Instruction finds that any school
41 district is maintaining one or more classes whose pupil-teacher ratio
42 exceeds the applicable maximum, and unless he finds that the board
43 of trustees of the school district has made every reasonable effort in
44 good faith to comply with the applicable standard, he shall, with the
45 approval of the State Board, reduce the count of pupils for



1 apportionment purposes by the percentage which the number of
2 pupils attending those classes is of the total number of pupils in the
3 district, and the State Board may direct him to withhold the
4 quarterly apportionment entirely.

5 4. The provisions of subsection 3 do not apply to a charter
6 school or a program of distance education provided pursuant to NRS
7 388.820 to 388.874, inclusive.

8 **Sec. 2.** NRS 388.090 is hereby amended to read as follows:

9 388.090 1. Except as otherwise ~~permitted pursuant to~~
10 *provided in* this section, boards of trustees of school districts shall
11 schedule and provide a minimum of 180 days of free school in the
12 districts under their charge.

13 2. *Except as otherwise provided in subsection 3, the board of*
14 *trustees of a school district may authorize a program of instruction*
15 *based on an alternative schedule if the number of minutes of*
16 *instruction to be provided is equal to or greater than the number*
17 *of minutes of instruction that would be provided in a program of*
18 *instruction consisting of 180 school days. The number of minutes*
19 *of instruction required for a particular group of pupils in a*
20 *program of instruction based on an alternative schedule must be*
21 *determined by multiplying the appropriate minimum daily period*
22 *of instruction established by the State Board by regulation for that*
23 *particular group of pupils by 180.*

24 3. The Superintendent of Public Instruction may, upon
25 application by ~~a~~ *the* board of trustees ~~authorize a reduction of~~
26 ~~not more than 15 school days in a particular~~ *of a school district,*
27 *authorize the school* district to establish or maintain *an alternative*
28 *schedule consisting of* a 12-month school program, ~~for a program~~
29 ~~involving alternative scheduling,~~ if the board of trustees
30 demonstrates that the proposed schedule for the *12-month school*
31 program provides for a ~~greater~~ number of minutes of instruction
32 *that is equal to or greater* than ~~that which~~ would be provided under
33 a program consisting of 180 school days. ~~Before authorizing a~~
34 ~~reduction in the number of required school days pursuant to this~~
35 ~~subsection, the Superintendent of Public Instruction must find that~~
36 ~~the proposed schedule will be used to alleviate problems associated~~
37 ~~with a growth in enrollment or overcrowding, or to establish and~~
38 ~~maintain a program of alternative schooling, including, without~~
39 ~~limitation, a program of distance education provided by the board of~~
40 ~~trustees pursuant to NRS 388.820 to 388.874, inclusive.~~

41 ~~3. The Superintendent of Public Instruction may, upon~~
42 ~~application by a board of trustees, authorize the addition of minutes~~
43 ~~of instruction to any scheduled day of free school if days of free~~
44 ~~school are lost because of any interscholastic activity. Not more than~~
45 ~~5 days of free school so lost may be rescheduled in this manner.]~~



1 4. Each school district shall schedule at least 3 contingent days
2 of school *or its equivalent* in addition to the number of days
3 required by this section, which must be used if a natural disaster,
4 inclement weather or an accident necessitates the closing of a
5 majority of the facilities within the district.

6 5. If more than 3 days of free school *or its equivalent* are lost
7 because a natural disaster, inclement weather or an accident
8 necessitates the closing of a majority of the facilities within a school
9 district, the Superintendent of Public Instruction, upon application
10 by the school district, may permit the additional days lost to be
11 counted as school days in session. The application must be
12 submitted in the manner prescribed by the Superintendent of Public
13 Instruction.

14 6. The State Board shall adopt regulations providing
15 procedures for changing schedules of instruction to be used if a
16 natural disaster, inclement weather or an accident necessitates the
17 closing of a particular school within a school district.

18 **Sec. 3.** NRS 391.3115 is hereby amended to read as follows:

19 391.3115 1. The demotion, suspension, dismissal and
20 nonreemployment provisions of NRS 391.311 to 391.3197,
21 inclusive, do not apply to:

- 22 (a) Substitute teachers; or
23 (b) Adult education teachers.

24 2. A licensed employee who is employed in a position fully
25 funded by a federal or private categorical grant or to replace another
26 licensed employee during that employee's leave of absence is
27 employed only for the duration of the grant or leave. Such a licensed
28 employee and licensed employees who are employed on temporary
29 contracts for 90 school days or less, *or its equivalent in a school*
30 *district operating under an alternative schedule authorized*
31 *pursuant to NRS 388.090*, to replace licensed employees whose
32 employment has terminated after the beginning of the school year
33 are entitled to credit for that time in fulfilling any period of
34 probation and during that time the provisions of NRS 391.311 to
35 391.3197, inclusive, for demotion, suspension or dismissal apply to
36 them.

37 **Sec. 4.** NRS 392.019 is hereby amended to read as follows:

38 392.019 1. Except as otherwise provided in this subsection, if
39 a child is exempt from compulsory attendance pursuant to NRS
40 392.070, 392.100 or 392.110, and the child is employed to work in
41 the entertainment industry pursuant to a written contract for a period
42 of more than 91 school days, *or its equivalent if the child resides in*
43 *a school district operating under an alternative schedule*
44 *authorized pursuant to NRS 388.090*, including, without limitation,
45 employment with a motion picture company or employment with a



1 production company hired by a casino or resort hotel, the entity that
2 employs the child shall, upon the request of the parent or legal
3 guardian of the child, pay the costs for the child to receive at least 3
4 hours of tutoring per day for at least 5 days per week. In lieu of
5 tutoring, the parent or legal guardian of such a child may agree with
6 the entity that employs the child that the entity will pay the costs for
7 the child to receive other educational or instructional services which
8 are equivalent to tutoring. The provisions of this subsection apply
9 during the period of a child's employment with an entity, regardless
10 of whether the child has obtained the appropriate exemption from
11 compulsory attendance at the time his contract with the entity is
12 under negotiation.

13 2. If such a child is exempt from compulsory attendance
14 pursuant to NRS 392.100 or 392.110, the tutoring or other
15 educational or instructional services received by the child pursuant
16 to subsection 1 must be approved by the board of trustees of the
17 school district in which the child resides.

18 **Sec. 5.** NRS 392.435 is hereby amended to read as follows:

19 392.435 1. Unless excused because of religious belief or
20 medical condition, a child may not be enrolled in a public school
21 within this state unless his parents or guardian submit to the board
22 of trustees of the school district in which the child resides or the
23 governing body of the charter school in which the child has been
24 accepted for enrollment a certificate stating that the child has been
25 immunized and has received proper boosters for that immunization
26 or is complying with the schedules established by regulation
27 pursuant to NRS 439.550 for the following diseases:

- 28 (a) Diphtheria;
- 29 (b) Tetanus;
- 30 (c) Pertussis if the child is under 6 years of age;
- 31 (d) Poliomyelitis;
- 32 (e) Rubella;
- 33 (f) Rubeola; and
- 34 (g) Such other diseases as the local board of health or the State
35 Board of Health may determine.

36 2. The certificate must show that the required vaccines and
37 boosters were given and must bear the signature of a licensed
38 physician or his designee or a registered nurse or his designee,
39 attesting that the certificate accurately reflects the child's record of
40 immunization.

41 3. If the requirements of subsection 1 can be met with one visit
42 to a physician or clinic, procedures for conditional enrollment do not
43 apply.

44 4. A child may enter school conditionally if the parent or
45 guardian submits a certificate from a physician or local health



1 officer that the child is receiving the required immunizations. If a
2 certificate from the physician or local health officer showing that the
3 child has been fully immunized is not submitted to the appropriate
4 school officers within 90 school days , *or its equivalent in a school*
5 *district operating under an alternative schedule authorized*
6 *pursuant to NRS 388.090*, after the child was conditionally
7 admitted, the child must be excluded from school and may not be
8 readmitted until the requirements for immunization have been met.
9 A child who is excluded from school pursuant to this section is a
10 neglected child for the purposes of NRS 432.100 to 432.130,
11 inclusive, and chapter 432B of NRS.

12 5. Before December 31 of each year, each school district and
13 the governing body of each charter school shall report to the Health
14 Division of the Department of Human Resources, on a form
15 furnished by the Division, the exact number of pupils who have
16 completed the immunizations required by this section.

17 6. The certificate of immunization must be included in the
18 pupil's academic or cumulative record and transferred as part of that
19 record upon request.

20 **Sec. 6.** NRS 62.224 is hereby amended to read as follows:

21 62.224 1. In addition to any other action authorized pursuant
22 to the provisions of this chapter, if a child is found to be in need of
23 supervision because he is a habitual truant, the court shall:

24 (a) The first time the child is found to be in need of supervision
25 because he is a habitual truant:

26 (1) Order the child to:

27 (I) Pay a fine of not more than \$100 pursuant to
28 paragraph (1) of subsection 1 of NRS 62.211 and the administrative
29 assessment required by NRS 62.2175; or

30 (II) Perform not less than 8 hours but not more than 16
31 hours of community service in compliance with the provisions of
32 subsection 3; and

33 (2) If the child is 14 years of age or older, order the
34 suspension of the child's driver's license for at least 30 days but not
35 more than 6 months. If the child does not possess a driver's license,
36 the court shall prohibit the child from applying for a driver's license
37 for 30 days:

38 (I) Immediately following the date of the order if the child
39 is eligible to apply for a driver's license; or

40 (II) After the date he becomes eligible to apply for a
41 driver's license if the child is not eligible to apply for a driver's
42 license.

43 (b) The second or any subsequent time the child is found to be
44 in need of supervision because he is a habitual truant:

45 (1) Order the child to:



1 (I) Pay a fine of not more than \$200 pursuant to
2 paragraph (I) of subsection 1 of NRS 62.211 and the administrative
3 assessment required by NRS 62.2175;

4 (II) Perform not more than 10 hours of community
5 service in compliance with the provisions of subsection 3; or

6 (III) Comply with the requirements set forth in both
7 sub-subparagraphs (I) and (II); and

8 (2) If the child is 14 years of age or older, order the
9 suspension of the child's driver's license for at least 60 days but not
10 more than 1 year. If the child does not possess a driver's license, the
11 court shall prohibit the child from applying for a driver's license for
12 60 days:

13 (I) Immediately following the date of the order if the child
14 is eligible to apply for a driver's license; or

15 (II) After the date he becomes eligible to apply for a
16 driver's license if the child is not eligible to apply for a driver's
17 license.

18 2. The court may suspend the payment of a fine ordered
19 pursuant to paragraph (a) of subsection 1 if the child attends school
20 for 60 consecutive school days , *or its equivalent in a school*
21 *district operating under an alternative schedule authorized*
22 *pursuant to NRS 388.090*, after the imposition of the fine, or has a
23 valid excuse acceptable to his teacher or the principal for any
24 absence from school within that period.

25 3. The community service ordered pursuant to paragraph (a) or
26 (b) of subsection 1 must be performed:

27 (a) For and under the supervising authority of a county, city,
28 town or other political subdivision or agency of this state or a
29 charitable organization that renders service to the community or its
30 residents; and

31 (b) At the child's school of attendance, if practicable.

32 4. If the court issues an order suspending a child's driver's
33 license pursuant to subsection 1, the court shall require the child to
34 surrender to the court all driver's licenses then held by the child.

35 **Sec. 7.** This act becomes effective on July 1, 2003.

