

SENATE BILL NO. 59—SENATOR RHOADS

FEBRUARY 6, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing alternative schedules of school districts. (BDR 34-736)

FISCAL NOTE: Effect on Local Government: No.  
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; revising provisions governing approval by the Superintendent of Public Instruction for the board of trustees of a school district to provide a program of instruction based on an alternative schedule; requiring certain reports regarding alternative schedules to be prepared by the boards of trustees of certain school districts and 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.



\* S B 5 9 R 1 \*

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 ~~[-]~~, *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 for an alternative schedule described in subsection*  
14 *3, the Superintendent of Public Instruction may, upon application*  
15 *by the board of trustees of a school district, authorize the school*  
16 *district to provide a program of instruction based on an alternative*  
17 *schedule if the number of minutes of instruction to be provided is*  
18 *equal to or greater than the number of minutes of instruction that*  
19 *would be provided in a program of instruction consisting of 180*  
20 *school days. The Superintendent of Public Instruction shall notify*  
21 *the board of trustees of the school district of the approval or denial*  
22 *of the application not later than 30 days after the Superintendent*  
23 *of Public Instruction receives the application.*

24 3. The Superintendent of Public Instruction may, upon  
25 application by ~~the~~ *the* board of trustees ~~of a school district,~~  
26 authorize a reduction of not more than 15 school days in ~~that~~  
27 particular district to establish or maintain *an alternative schedule*  
28 *consisting of* a 12-month school program ~~for a program involving~~  
29 ~~alternative scheduling,~~ if the board of trustees demonstrates that the  
30 proposed *alternative* schedule for the program provides for a  
31 ~~greater~~ number of minutes of instruction *that is equal to or*  
32 *greater* than ~~that which~~ would be provided under a program  
33 consisting of 180 school days. Before authorizing a reduction in the  
34 number of required school days pursuant to this subsection, the  
35 Superintendent of Public Instruction must find that the proposed  
36 *alternative* 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.~~ 4. 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.]~~ *The provisions of this subsection do not apply to an*  
2 *alternative schedule approved pursuant to subsection 2.*

3 5. *The number of minutes of instruction required for a*  
4 *particular group of pupils in a program of instruction based on an*  
5 *alternative schedule approved pursuant to this section must be*  
6 *determined by multiplying the appropriate minimum daily period*  
7 *of instruction established by the State Board by regulation for that*  
8 *particular group of pupils by 180.*

9 6. Each school district shall schedule at least 3 contingent days  
10 of school , *or its equivalent if the school district operates under an*  
11 *alternative schedule authorized pursuant to this section,* in  
12 addition to the number of days required by this section, which must  
13 be used if a natural disaster, inclement weather or an accident  
14 necessitates the closing of a majority of the facilities within the  
15 district.

16 ~~[5.]~~ 7. If more than 3 days of free school , *or its equivalent if*  
17 *the school district operates under an alternative schedule*  
18 *authorized pursuant to this section,* are lost because a natural  
19 disaster, inclement weather or an accident necessitates the closing of  
20 a majority of the facilities within a school district, the  
21 Superintendent of Public Instruction, upon application by the school  
22 district, may permit the additional days lost to be counted as school  
23 days in session. The application must be submitted in the manner  
24 prescribed by the Superintendent of Public Instruction.

25 ~~[6.]~~ 8. The State Board shall adopt regulations providing  
26 procedures for changing schedules of instruction to be used if a  
27 natural disaster, inclement weather or an accident necessitates the  
28 closing of a particular school within a school district.

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

30 391.3115 1. The demotion, suspension, dismissal and  
31 nonreemployment provisions of NRS 391.311 to 391.3197,  
32 inclusive, do not apply to:

- 33 (a) Substitute teachers; or  
34 (b) Adult education teachers.

35 2. A licensed employee who is employed in a position fully  
36 funded by a federal or private categorical grant or to replace another  
37 licensed employee during that employee's leave of absence is  
38 employed only for the duration of the grant or leave. Such a licensed  
39 employee and licensed employees who are employed on temporary  
40 contracts for 90 school days or less , *or its equivalent in a school*  
41 *district operating under an alternative schedule authorized*  
42 *pursuant to NRS 388.090,* to replace licensed employees whose  
43 employment has terminated after the beginning of the school year  
44 are entitled to credit for that time in fulfilling any period of  
45 probation and during that time the provisions of NRS 391.311 to



1 391.3197, inclusive, for demotion, suspension or dismissal apply to  
2 them.

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

4 392.019 1. Except as otherwise provided in this subsection, if  
5 a child is exempt from compulsory attendance pursuant to NRS  
6 392.070, 392.100 or 392.110, and the child is employed to work in  
7 the entertainment industry pursuant to a written contract for a period  
8 of more than 91 school days, *or its equivalent if the child resides in*  
9 *a school district operating under an alternative schedule*  
10 *authorized pursuant to NRS 388.090*, including, without limitation,  
11 employment with a motion picture company or employment with a  
12 production company hired by a casino or resort hotel, the entity that  
13 employs the child shall, upon the request of the parent or legal  
14 guardian of the child, pay the costs for the child to receive at least 3  
15 hours of tutoring per day for at least 5 days per week. In lieu of  
16 tutoring, the parent or legal guardian of such a child may agree with  
17 the entity that employs the child that the entity will pay the costs for  
18 the child to receive other educational or instructional services which  
19 are equivalent to tutoring. The provisions of this subsection apply  
20 during the period of a child's employment with an entity, regardless  
21 of whether the child has obtained the appropriate exemption from  
22 compulsory attendance at the time his contract with the entity is  
23 under negotiation.

24 2. If such a child is exempt from compulsory attendance  
25 pursuant to NRS 392.100 or 392.110, the tutoring or other  
26 educational or instructional services received by the child pursuant  
27 to subsection 1 must be approved by the board of trustees of the  
28 school district in which the child resides.

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

30 392.435 1. Unless excused because of religious belief or  
31 medical condition, a child may not be enrolled in a public school  
32 within this state unless his parents or guardian submit to the board  
33 of trustees of the school district in which the child resides or the  
34 governing body of the charter school in which the child has been  
35 accepted for enrollment a certificate stating that the child has been  
36 immunized and has received proper boosters for that immunization  
37 or is complying with the schedules established by regulation  
38 pursuant to NRS 439.550 for the following diseases:

- 39 (a) Diphtheria;  
40 (b) Tetanus;  
41 (c) Pertussis if the child is under 6 years of age;  
42 (d) Poliomyelitis;  
43 (e) Rubella;  
44 (f) Rubeola; and



1 (g) Such other diseases as the local board of health or the State  
2 Board of Health may determine.

3 2. The certificate must show that the required vaccines and  
4 boosters were given and must bear the signature of a licensed  
5 physician or his designee or a registered nurse or his designee,  
6 attesting that the certificate accurately reflects the child's record of  
7 immunization.

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

11 4. A child may enter school conditionally if the parent or  
12 guardian submits a certificate from a physician or local health  
13 officer that the child is receiving the required immunizations. If a  
14 certificate from the physician or local health officer showing that the  
15 child has been fully immunized is not submitted to the appropriate  
16 school officers within 90 school days , *or its equivalent in a school*  
17 *district operating under an alternative schedule authorized*  
18 *pursuant to NRS 388.090*, after the child was conditionally  
19 admitted, the child must be excluded from school and may not be  
20 readmitted until the requirements for immunization have been met.  
21 A child who is excluded from school pursuant to this section is a  
22 neglected child for the purposes of NRS 432.100 to 432.130,  
23 inclusive, and chapter 432B of NRS.

24 5. Before December 31 of each year, each school district and  
25 the governing body of each charter school shall report to the Health  
26 Division of the Department of Human Resources, on a form  
27 furnished by the Division, the exact number of pupils who have  
28 completed the immunizations required by this section.

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

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

33 62.224 1. In addition to any other action authorized pursuant  
34 to the provisions of this chapter, if a child is found to be in need of  
35 supervision because he is a habitual truant, the court shall:

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

38 (1) Order the child to:

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

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



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

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

8 (II) After the date he becomes eligible to apply for a  
9 driver's license if the child is not eligible to apply for a driver's  
10 license.

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

13 (1) Order the child to:

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

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

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

21 (2) If the child is 14 years of age or older, order the  
22 suspension of the child's driver's license for at least 60 days but not  
23 more than 1 year. If the child does not possess a driver's license, the  
24 court shall prohibit the child from applying for a driver's license for  
25 60 days:

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

28 (II) After the date he becomes eligible to apply for a  
29 driver's license if the child is not eligible to apply for a driver's  
30 license.

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

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

40 (a) For and under the supervising authority of a county, city,  
41 town or other political subdivision or agency of this state or a  
42 charitable organization that renders service to the community or its  
43 residents; and

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



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

4 **Sec. 7.** 1. If the board of trustees of a school district provides  
5 a program of instruction based upon an alternative schedule  
6 pursuant to subsection 2 of section 2 of this act, the board of trustees  
7 shall, on or before December 31, 2004, submit a written report to the  
8 Superintendent of Public Instruction. The report must include:

9 (a) A description of the alternative schedule; and  
10 (b) An evaluation of the effect of the alternative schedule on the  
11 pupils, parents and legal guardians and community.

12 2. The Superintendent of Public Instruction shall:

13 (a) Compile the reports, if any, submitted pursuant to subsection  
14 1; and

15 (b) On or before February 1, 2005, submit a written report of the  
16 compilation to the Director of the Legislative Counsel Bureau for  
17 transmission to the 73rd Session of the Nevada Legislature.

18 **Sec. 8.** This act becomes effective on July 1, 2003.

