

Amendment No. 545

Senate Amendment to Assembly Bill No. 185 First Reprint (BDR 34-524)
Proposed by: Senate Committee on Education
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 185 R1 (§ 1.5).
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ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date					
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/AAK



Date: 5/12/2023

A.B. No. 185—Revises provisions governing the education of pupils who are children of military personnel. (BDR 34-524)



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 (§ ~~HH~~ 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 military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) ~~This~~ 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. ~~This bill~~ 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. ~~This bill~~ Section 1.5 authorizes such a pupil to: (1) use

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20 the address of a military installation to which a parent or legal guardian of the pupil has a
21 documented pending military transfer as the address of the pupil for all purposes relating to
22 enrollment until the pupil notifies the public school of the actual address at which the pupil
23 will reside in the appropriate attendance area; and (2) specify an additional address solely for
24 the purpose of receiving correspondence. ~~[[This bill]]~~ Section 1.5 also requires the
25 superintendent of a school district or the superintendent's designee or the governing body of a
26 charter school or university school for profoundly gifted pupils to make reasonable efforts to
27 accommodate a pupil who plans to leave the school during the school year because of the
28 documented pending military transfer of the parent or legal guardian of the pupil. ~~[[This bill]]~~
29 Section 1.5 requires those efforts to include: (1) authorizing and assisting the pupil to
30 complete the requirements for the current school year through a program of distance
31 education, if such a program is available; and (2) cooperating with any school or school
32 district to which the pupil plans to transfer. ~~[[This bill]]~~ Section 1.5 requires a pupil who enrolls
33 in a public school, charter school or university school for profoundly gifted pupils for all or
34 part of a school year pursuant to the provisions of this bill to provide proof of residency before
35 the beginning of the next school year if the pupil plans to enroll in the school for the next
36 school year.

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

1 **Section 1. NRS 388A.456 is hereby amended to read as follows:**
2 388A.456 1. Before a charter school enrolls pupils who are eligible for
3 enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:
4 (a) Is a sibling of a pupil who is currently enrolled in the charter school.
5 (b) Was enrolled, free of charge and on the basis of a lottery system, in a
6 prekindergarten program at the charter school or any other early childhood
7 educational program affiliated with the charter school.
8 (c) Is a child of a person:
9 (1) Who is employed by the charter school;
10 (2) Who is a member of the committee to form the charter school;
11 (3) Who is a member of the governing body of the charter school; or
12 (4) Who resides on or is employed on the federal military installation, if
13 the charter school is located on a federal military installation;
14 (d) Is enrolled at a charter school with which the charter school has an
15 articulation agreement, approved by the sponsor, providing for priority enrollment.
16 (e) Is in a particular category of at-risk pupils and the child meets the eligibility
17 for enrollment prescribed by the charter school for that particular category.
18 (f) At the time his or her application is submitted, is enrolled in a public school
19 of a school district with an enrollment that is more than 25 percent over the public
20 school's intended capacity, as reported on the list maintained by the school district
21 pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such
22 a public school before enrolling other pupils who are eligible for enrollment, the
23 charter school must enroll such pupils who reside within 2 miles of the charter
24 school before enrolling other such pupils.
25 (g) At the time his or her application is submitted, is enrolled in a public school
26 that received an annual rating established as one of the two lowest ratings possible
27 indicating underperformance of a public school, as determined by the Department
28 pursuant to the statewide system of accountability for public schools for the most
29 recent school year for which the public school received an annual rating. If a
30 charter school enrolls pupils who are enrolled in such a public school before

1 enrolling other pupils who are eligible for enrollment, the charter school must
2 enroll such pupils who reside within 2 miles of the charter school before enrolling
3 other such pupils.

4 (h) Resides within the school district and within 2 miles of the charter school if
5 the charter school is located in an area that the sponsor of the charter school
6 determines includes a high percentage of children who are at risk. If space is
7 available after the charter school enrolls pupils pursuant to this paragraph, the
8 charter school may enroll children who reside outside the school district but within
9 2 miles of the charter school if the charter school is located within an area that the
10 sponsor determines includes a high percentage of children who are at risk.

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

12 2. If more pupils described in this section who are eligible apply for
13 enrollment than the number of spaces available, the charter school shall determine
14 which applicants to enroll pursuant to this section on the basis of a lottery system.

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

19 4. Each school district shall create and maintain a list which specifies for each
20 public school of the school district, the maximum enrollment capacity for each
21 school, the actual number of pupils enrolled at each school and the percentage by
22 which enrollment at each school exceeds the intended enrollment capacity, if
23 applicable. Each school district shall post the list on the Internet website maintained
24 by the school district as soon as practicable after the count of pupils is completed
25 pursuant to NRS 387.1223 but not later than November 1 of each year.

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

28 ~~[Section 1.]~~ Sec. 1.5. NRS 388F.070 is hereby amended to read as follows:

29 388F.070 1. The superintendent of a school district or the superintendent's
30 designee *or the governing body of a charter school or a university school for*
31 *profoundly gifted pupils* shall ~~[-in-]~~:

32 (a) *Authorize a pupil who plans to transfer to a public school in the school*
33 *district or to a charter school or university school, as applicable, from a school*
34 *inside or outside this State because of the documented pending military transfer*
35 *of the parent or legal guardian of the pupil to enroll in the public school, charter*
36 *school or university school and participate in any application or lottery process*
37 *necessary to be eligible for such enrollment:*

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

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

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

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

52 (d) *In* accordance with NRS 388F.010, make *other* reasonable efforts to
53 accommodate a pupil who transfers to a public school in the school district *or to the*

1 *charter school or university school, as applicable*, from a school inside or outside
2 this State because of the military transfer of the parent or legal guardian of the
3 pupil.

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

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

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

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

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

30 (a) *The school district;*

31 (b) *The zone of attendance of the school established pursuant to NRS*
32 *388.040; or*

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

34 5. *As used in this section, "program of distance education" means a*
35 *program comprised of one or more courses of study for which instruction is*
36 *delivered by means of video, computer, television or the Internet or other*
37 *electronic means of communication, or any combination thereof, in such a*
38 *manner that the person supervising or providing the instruction and the pupil*
39 *receiving the instruction are separated geographically for a majority of the time*
40 *during which instruction is delivered.*

41 **Sec. 2.** The provisions of NRS 354.599 do not apply to any additional
42 expenses of a local government that are related to the provisions of this act.

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

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

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

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