
ASSEMBLY BILL NO. 206—ASSEMBLYMEN LEAVITT, TITUS; FLORES,
MARZOLA, ORENTLICHER, ROBERTS, SUMMERS-
ARMSTRONG AND TOLLES

MARCH 8, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing education.
(BDR 34-746)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to education; requiring that certain pupils enrolled full-time in a program of distance education be included in the count of pupils for apportionment purposes; providing that certain pupils whose parents or guardians are members of the Armed Forces of the United States are eligible to enroll in a program of distance education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a pupil may enroll in a program of distance education
2 provided by the board of trustees of a school district or the governing body of a
3 charter school, with certain exceptions. (NRS 388.850) **Section 2** of this bill
4 provides that a pupil whose parent or guardian is a member of the Armed Forces of
5 the United States and who receives orders to relocate to this State but has not yet
6 relocated, is eligible for enrollment in a full-time program of distance education.

7 Under existing law, a charter school sponsored by a school district that offers a
8 full-time program of distance education may not enroll a pupil in the program of
9 distance education who does not reside in the school district. (NRS 388A.462)
10 **Section 3** of this bill authorizes such a charter school to enroll a pupil in the
11 program of distance education if the parent or guardian of the pupil has received
12 orders to relocate to this State.

13 Existing law requires the count of pupils for apportionment purposes to include
14 all pupils who are enrolled in a school district, charter school, university school for
15 profoundly gifted pupils and challenge school for pupils who are enrolled part-time
16 in a program of distance education. (NRS 387.123) **Section 1** of this bill
17 additionally requires pupils who do not reside in the county and are enrolled full-
18 time in a program of distance education to be included in the count of pupils.



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, 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, pupils who are enrolled in a
9 university school for profoundly gifted pupils located in the county
10 and pupils who are enrolled in a challenge school located in the
11 county, for:

12 (a) Pupils in the kindergarten department.

13 (b) Pupils in grades 1 to 12, inclusive.

14 (c) Pupils not included under paragraph (a) or (b) who are
15 receiving special education pursuant to the provisions of NRS
16 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

17 (d) Pupils who reside in the county and are enrolled part-time in
18 a program of distance education provided pursuant to NRS 388.820
19 to 388.874, inclusive.

20 (e) Children detained in facilities for the detention of children,
21 alternative programs and juvenile forestry camps receiving
22 instruction pursuant to the provisions of NRS 388.550, 388.560 and
23 388.570.

24 (f) Pupils who are enrolled in classes pursuant to subsection 1 of
25 NRS 388A.471 and pupils who are enrolled in classes pursuant to
26 subsection 1 of NRS 388A.474.

27 (g) Pupils who are enrolled in classes pursuant to subsection 1
28 of NRS 392.074.

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

32 (i) Pupils who are enrolled in a challenge school.

33 (j) *Pupils who do not reside in the county and are enrolled*
34 *full-time in a program of distance education pursuant to*
35 *subsection 4 of NRS 388.850.*

36 2. The State Board shall establish uniform regulations for
37 counting enrollment and calculating the average daily attendance of
38 pupils. Except as otherwise provided in this subsection, in
39 establishing such regulations for the public schools, the State Board:

40 (a) May divide the pupils in grades 1 to 12, inclusive, into
41 categories composed respectively of those enrolled in elementary
42 schools and those enrolled in secondary schools.



1 (b) Shall prohibit the counting of any pupil specified in
2 subsection 1 more than once.

3 (c) Except as otherwise provided in this paragraph, shall prohibit
4 the counting of a pupil enrolled in grade 12 as a full-time pupil if the
5 pupil is not prepared for college and career success, as defined by
6 the Department. Such a pupil may be counted as a full-time pupil if
7 he or she is enrolled in a minimum of six courses or the equivalent
8 of six periods per day or the superintendent of the school district has
9 approved enrollment in fewer courses for good cause.

10 **Sec. 2.** NRS 388.850 is hereby amended to read as follows:

11 388.850 1. A pupil may enroll in a program of distance
12 education unless:

13 (a) Pursuant to this section or other specific statute, the pupil is
14 not eligible for enrollment or the pupil's enrollment is otherwise
15 prohibited;

16 (b) The pupil fails to satisfy the qualifications and conditions for
17 enrollment adopted by the State Board pursuant to NRS 388.874; or

18 (c) The pupil fails to satisfy the requirements of the program of
19 distance education.

20 2. A child who is exempt from compulsory attendance and is
21 enrolled in a private school pursuant to chapter 394 of NRS or is
22 being homeschooled is not eligible to enroll in or otherwise attend a
23 program of distance education, regardless of whether the child is
24 otherwise eligible for enrollment pursuant to subsection 1.

25 3. If a pupil who is prohibited from attending public school
26 pursuant to NRS 392.264 enrolls in a program of distance education,
27 the enrollment and attendance of that pupil must comply with all
28 requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to
29 392.271, inclusive.

30 **4. A pupil whose parent or guardian:**

31 *(a) Is a member of the Armed Forces of the United States, a*
32 *reserve component thereof or the National Guard; and*

33 *(b) Has received orders to relocate to this State but has not yet*
34 *relocated,*

35 *↪ is eligible for enrollment in a full-time program of distance*
36 *education.*

37 **Sec. 3.** NRS 388A.462 is hereby amended to read as follows:

38 388A.462 ~~[A]~~ **Except as otherwise provided by subsection 4 of**
39 **NRS 388.850, a** charter school that is sponsored by a school district
40 and that offers a full-time program of distance education may not
41 enroll a pupil in the program who does not reside in that school
42 district.

43 **Sec. 4.** This act becomes effective on July 1, 2021.

