

ASSEMBLY BILL NO. 294—ASSEMBLYMEN TORRES, BENITEZ-THOMPSON; BACKUS, FLORES, FRIERSON, JAUREGUI, MARTINEZ, MUNK, NGUYEN, PETERS AND WATTS

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Makes various changes concerning graduation requirements for certain pupils who experience instability concerning residence. (BDR 34-1022)

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

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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 a public school to accept credits earned by certain pupils at a public or private school in any jurisdiction in certain circumstances; providing an exemption from certain graduation requirements for certain pupils who transferred schools after completing a certain amount of high school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a pupil enrolled in high school to complete certain
2 courses. (NRS 389.018) Existing law also requires the State Board of Education to
3 prescribe the criteria for a pupil to receive a standard high school diploma. (NRS
4 390.600) **Section 1** of this bill requires a school district or charter school to accept
5 credits earned at a public or private school inside or outside of the United States by
6 certain pupils who have experienced instability concerning residence, regardless of
7 whether the pupil satisfactorily completed the entire course. **Section 1** allows such
8 a pupil who has satisfactorily completed part of a course to determine whether to
9 repeat the course. **Section 2** of this bill generally requires a school district or charter
10 school to exempt such a pupil who transferred to a school in the school district or
11 the charter school, as applicable, after completing his or her second year of high
12 school or having earned one-half the total number of credits required for graduation
13 from high school from required courses and required credit hours, except for
14 courses in core subjects. **Section 2** authorizes a school district or charter school to
15 refuse to provide a request for an exemption if it determines that the pupil: (1) is
16 reasonably likely to complete the applicable requirements in time to graduate upon
17 the completion of his or her fourth year of high school; or (2) transferred school for
18 the specific purpose of obtaining such an exemption. **Sections 1 and 2** require a



19 school district or charter school to notify each pupil of the applicable provisions of
20 this bill. **Sections 1 and 2** also authorize a pupil or his or her parent or guardian to
21 file a complaint with the board of trustees of the school district or governing body
22 of the charter school concerning a violation of the requirements of this bill. If the
23 board of trustees or governing body, as applicable, fails to remedy the violation,
24 **sections 1 and 2** authorize the pupil or his or her parent or guardian to submit an
25 appeal to the Department of Education.

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

1 **Section 1.** Chapter 389 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. A school district or charter school shall:***

4 ***(a) Accept credits from course work earned at a school in any***
5 ***jurisdiction inside or outside of the United States, regardless of***
6 ***whether the pupil satisfactorily completed the entire course, by a***
7 ***pupil who:***

8 ***(1) Is in foster care or a homeless child or youth;***

9 ***(2) Resides in the household of a person on active duty in***
10 ***the Armed Forces of the United States; or***

11 ***(3) At any time while the pupil was enrolled in high school:***

12 ***(I) Immigrated to the United States, if the pupil is an***
13 ***English learner;***

14 ***(II) Was a pupil described in subparagraph (1) or (2); or***

15 ***(III) Transferred to a school in the school district or to***
16 ***the charter school, as applicable, after release from a juvenile***
17 ***detention facility or to facilitate the seasonal employment of a***
18 ***member of the pupil's immediate family.***

19 ***(b) Award full or partial credit, as appropriate, for the***
20 ***completion of course work described in paragraph (a). Such credit***
21 ***must be applied toward completion of an equivalent course in the***
22 ***school district or at the charter school.***

23 ***2. The board of trustees of a school district or the governing***
24 ***body of a charter school, as applicable, shall develop a policy to:***

25 ***(a) Identify pupils described in paragraph (a) of subsection 1;***
26 ***and***

27 ***(b) Determine the amount of credit to award pursuant to***
28 ***paragraph (b) of subsection 1.***

29 ***3. If a pupil described in paragraph (a) of subsection 1 has***
30 ***satisfactorily completed a course at a public or private school in***
31 ***any jurisdiction inside or outside of the United States, a school***
32 ***district or charter school shall not require the pupil to repeat the***
33 ***course or prohibit the pupil from repeating the course.***



1 4. A pupil described in paragraph (a) of subsection 1 who has
2 satisfactorily completed only part of a course at a public or private
3 school in any jurisdiction inside or outside of the United States
4 must be enrolled upon request in the equivalent course in the
5 school district or charter school to allow the pupil to complete the
6 course.

7 5. A pupil or his or her parent or guardian may submit a
8 complaint to the board of trustees of the school district or the
9 governing body of the charter school for any violation of the
10 provisions of this section. If the board of trustees or governing
11 body fails to remedy the violation, the pupil or his or her parent or
12 guardian may submit an appeal to the Department. If the appeal is
13 sustained, the Department may order such relief as it deems
14 proper.

15 6. A school district or charter school shall provide annually
16 to each pupil enrolled in a public school in the district or the
17 charter school, as applicable, and the parent or guardian of each
18 such pupil notice of the provisions of this section.

19 7. As used in this section, "homeless child or youth" has the
20 meaning ascribed to it in 42 U.S.C. § 11434a.

21 **Sec. 2.** Chapter 390 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 1. Except as otherwise provided in subsection 2, a school
24 district or charter school that operates as a high school shall
25 exempt a pupil from any requirements for the receipt of a high
26 school diploma concerning required courses or required number
27 of credits, other than the courses in subjects designated as core
28 academic subjects by NRS 389.018, if, after completing his or her
29 second year of high school or one-half of the total number of
30 credits required for graduation from high school, the pupil
31 transferred to a high school in the district or the charter school, as
32 applicable:

33 (a) And, at the time of the transfer, was in foster care or a
34 homeless child or youth or resided in the household of a person on
35 active duty in the Armed Forces of the United States;

36 (b) After release from a juvenile detention facility;

37 (c) To facilitate the seasonal employment of a member of the
38 pupil's immediate family; or

39 (d) From a school located outside of the United States and is
40 an English learner.

41 2. A school district or charter school may refuse to provide an
42 exemption pursuant to subsection 1 if it determines that the pupil:

43 (a) Is reasonably likely to complete the applicable
44 requirements in time to graduate upon the completion of the
45 fourth year of high school; or



1 (b) Transferred specifically to obtain such an exemption.

2 3. A school district or charter school that makes a
3 determination described in paragraph (a) of subsection 2 must:

4 (a) Allow the pupil to remain enrolled in the high school for a
5 fifth year, if necessary, to complete the requirements;

6 (b) Notify the pupil and his or her parent or guardian of the
7 provisions of paragraph (a); and

8 (c) Inform the pupil and his or her parent or guardian of any
9 manner in which remaining enrolled in high school for a fifth
10 year may affect the ability of the pupil to gain admission to a
11 university, community college or other institution that provides
12 postsecondary education.

13 4. The board of trustees of a school district or the governing
14 body of a charter school that operates as a high school shall
15 develop a policy to assist schools to identify pupils described in
16 subsection 1 and determine whether to refuse to provide an
17 exemption pursuant to subsection 2.

18 5. Not later than 30 days after a school becomes aware that a
19 pupil is eligible for an exemption pursuant to subsection 1, the
20 school district or charter school in which the pupil is enrolled
21 shall notify the pupil, his or her parent or guardian and any other
22 entity involved in making educational decisions for the child
23 about:

24 (a) The pupil's eligibility for the exemption;

25 (b) The requirements from which the pupil is exempt; and

26 (c) Any manner in which failure to complete those
27 requirements may affect the ability of the pupil to gain admission
28 to a university, community college or other institution that
29 provides postsecondary education.

30 6. A school district or charter school shall not:

31 (a) Require a pupil who receives an exemption pursuant to
32 subsection 1 and completes all requirements for graduation from
33 which the pupil is not exempt before completing his or her fourth
34 year of high school to graduate upon the completion of those
35 requirements;

36 (b) Refuse to allow a pupil who receives an exemption
37 pursuant to subsection 1 to enroll in a course from which he or
38 she is exempt; or

39 (c) Revoke an exemption granted pursuant to subsection 1
40 even if the pupil no longer meets the criteria.

41 7. A pupil or his or her parent or guardian may submit a
42 complaint to the board of trustees of the school district or the
43 governing body of the charter school for any violation of the
44 provisions of this section. If the board of trustees or governing
45 body fails to remedy the violation, the pupil or his or her parent or



1 *guardian may submit an appeal to the Department. If the appeal is*
2 *sustained, the Department may order such relief as it deems*
3 *proper.*

4 *8. A school district or a charter school that operates as a high*
5 *school shall provide annually to each pupil enrolled in a high*
6 *school in the district or the charter school, as applicable, and the*
7 *parent or guardian of each such pupil notice of the provisions of*
8 *this section.*

9 *9. As used in this section, “homeless child or youth” has the*
10 *meaning ascribed to it in section 1 of this act.*

11 **Sec. 3.** Any regulations adopted pursuant to title 34 of NRS
12 that conflict with the provisions of this act are void. The Legislative
13 Counsel shall remove those regulations from the Nevada
14 Administrative Code as soon as practicable after July 1, 2019.

15 **Sec. 4.** This act becomes effective on July 1, 2019.



