

SENATE BILL NO. 215—SENATOR DENIS

MARCH 11, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-181)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 2) (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 a program of instruction based on an alternative schedule; revising certain provisions relating to programs of distance education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that boards of trustees of school districts provide a  
2 minimum of 180 days of free school. Existing law authorizes the Superintendent of  
3 Public Instruction to authorize a school district to provide a program of instruction  
4 on an alternative schedule if the number of minutes of instruction to be provided is  
5 equal to or greater than the number of minutes of instruction provided in a program  
6 consisting of 180 days. (NRS 388.090) **Section 1** of this bill removes certain  
7 limitations imposed by existing law on a program of instruction based on an  
8 alternative schedule. Existing law similarly requires the minutes of instruction  
9 provided by a full-time program of distance education to be equal to or greater than  
10 the number of minutes of instruction provided in a program consisting of 180 days.  
11 (NRS 388.842) **Section 3** of this bill authorizes a pupil who demonstrates sufficient  
12 progress toward completion of a course of distance education to complete the  
13 course in a shorter period of time than is normally allotted.

14 Existing law authorizes the board of trustees of a school district or the  
15 governing body of a charter school to provide a program of distance education.  
16 (NRS 388.820-388.874) Under existing law, the Department of Education is  
17 required to publish a list of courses of distance education. (NRS 388.834) Existing  
18 law authorizes the board of trustees of a school district or the governing body of a  
19 charter school to apply to the Department to provide a program of distance  
20 education. (NRS 388.838) **Section 2** of this bill requires the board of trustees of a  
21 school district and the governing body of a charter school to: (1) develop a plan for



22 conducting a program of distance education; (2) present the plan to the public or the  
23 sponsor of the charter school, as applicable; (3) provide a copy of the plan to the  
24 school community, parents and employees of the school district or charter school;  
25 (4) identify pupils and school employees who do not have access to the technology  
26 necessary to participate in a program of distance education; and (5) develop a plan  
27 to make necessary technology available to such pupils and school employees.  
28 Existing law also requires the board of trustees of a school district or the governing  
29 body of a charter school to ensure that in a course offered through a program of  
30 distance education, a teacher enters into a written agreement with the pupil and the  
31 parent or legal guardian of the pupil regarding the course. (NRS 388.866) **Section 4**  
32 of this bill instead requires the teacher to provide information regarding the course  
33 to the pupil and the parent or legal guardian of the pupil.

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

1 **Section 1.** NRS 388.090 is hereby amended to read as follows:  
2 388.090 1. Except as otherwise provided in this section and  
3 NRS 388D.330, boards of trustees of school districts shall schedule  
4 and provide a minimum of 180 days of free school in the districts  
5 under their charge.

6 2. Except for an alternative schedule described in subsection 3,  
7 the Superintendent of Public Instruction may, upon application by  
8 the board of trustees of a school district, authorize the school district  
9 to provide a program of instruction based on an alternative schedule  
10 if the number of minutes of instruction to be provided is equal to or  
11 greater than the number of minutes of instruction that would be  
12 provided in a program of instruction consisting of 180 school days.  
13 The Superintendent of Public Instruction shall notify the board of  
14 trustees of the school district of the approval or denial of the  
15 application not later than 30 days after the Superintendent of Public  
16 Instruction receives the application. An alternative schedule  
17 proposed pursuant to this subsection must be developed in  
18 accordance with chapter 288 of NRS. ~~If a school district is located~~  
19 ~~in a county whose population is 100,000 or more, the board of~~  
20 ~~trustees of the school district may not submit an application~~  
21 ~~pursuant to this subsection unless the proposed alternative schedule~~  
22 ~~of the school district:~~

23 ~~—(a) Will apply only to a rural portion or a remote portion of the~~  
24 ~~county in which the school district is located, as defined by the State~~  
25 ~~Board pursuant to subsection 6; or~~

26 ~~—(b) Is designed solely for the purpose of providing regular~~  
27 ~~professional development to educational personnel and such~~  
28 ~~professional development is focused on analyzing and discussing~~  
29 ~~measures of the performance of pupils and identifying appropriate~~  
30 ~~instructional strategies to improve the achievement of pupils.]~~



1 3. The Superintendent of Public Instruction may, upon  
2 application by the board of trustees of a school district, authorize a  
3 reduction of not more than 15 school days in that particular district  
4 to establish or maintain an alternative schedule consisting of a 12-  
5 month school program if the board of trustees demonstrates that the  
6 proposed alternative schedule for the program provides for a number  
7 of minutes of instruction that is equal to or greater than that which  
8 would be provided under a program consisting of 180 school days.  
9 ~~[Before authorizing a reduction in the number of required school~~  
10 ~~days pursuant to this subsection, the Superintendent of Public~~  
11 ~~Instruction must find that the proposed alternative schedule will be~~  
12 ~~used to alleviate problems associated with a growth in enrollment or~~  
13 ~~overcrowding.]~~

14 4. The Superintendent of Public Instruction may, upon  
15 application by a board of trustees, authorize the addition of minutes  
16 of instruction to any scheduled day of free school if days of free  
17 school are lost because of any interscholastic activity. Not more than  
18 5 days of free school so lost may be rescheduled in this manner. The  
19 provisions of this subsection do not apply to an alternative schedule  
20 approved pursuant to subsection 2.

21 5. The number of minutes of instruction required for a  
22 particular group of pupils in a program of instruction based on an  
23 alternative schedule approved pursuant to this section and NRS  
24 388.095 and 388.097 must be determined by multiplying the  
25 appropriate minimum daily period of instruction established by the  
26 State Board by regulation for that particular group of pupils by 180.

27 ~~[6. The State Board shall adopt regulations defining a rural~~  
28 ~~portion of a county and a remote portion of a county for the~~  
29 ~~purposes of subsection 2.]~~

30 **Sec. 2.** NRS 388.838 is hereby amended to read as follows:

31 388.838 1. The board of trustees of a school district or the  
32 governing body of a charter school may submit an application to the  
33 Department to provide a program of distance education. In addition,  
34 a committee to form a charter school may submit an application to  
35 the Department to provide a program of distance education if the  
36 application to form the charter school submitted by the committee  
37 pursuant to NRS 388A.246 indicates that the charter school intends  
38 to provide a program of distance education.

39 2. An applicant to provide a program of distance education  
40 may seek approval to provide a program that is comprised of one or  
41 more courses of distance education included on the list of courses  
42 approved by the Department pursuant to NRS 388.834 or a program  
43 that is comprised of one or more courses ~~[of distance education~~  
44 ~~which have not been reviewed by the Department before submission~~



1 ~~of the application.]~~ *contained in the model curriculum of the*  
2 *school district or charter school.*

3 3. An application to provide a program of distance education  
4 must include:

5 (a) All the information prescribed by the State Board by  
6 regulation.

7 (b) Except as otherwise provided in this paragraph, proof  
8 satisfactory to the Department that the program satisfies all  
9 applicable statutes and regulations. The proof required by this  
10 paragraph shall be deemed satisfied if the program is comprised  
11 only of courses of distance education approved by the Department  
12 pursuant to NRS 388.834 before submission of the application.

13 4. Except as otherwise provided in this subsection, the  
14 Department shall approve an application submitted pursuant to this  
15 section if the application satisfies the requirements of NRS 388.820  
16 to 388.874, inclusive, and all other applicable statutes and  
17 regulations. The Department shall deny an application to provide a  
18 program of distance education submitted by a committee to form a  
19 charter school if the Department denies the application to form  
20 a charter school submitted by that committee. The Department shall  
21 provide written notice to the applicant of the Department's approval  
22 or denial of the application.

23 5. If the Department denies an application, the Department  
24 shall include in the written notice the reasons for the denial and the  
25 deficiencies of the application. The applicant must be granted 30  
26 days after receipt of the written notice to correct any deficiencies  
27 identified in the written notice and resubmit the application. The  
28 Department shall approve an application that has been resubmitted  
29 pursuant to this subsection if the application satisfies the  
30 requirements of NRS 388.820 to 388.874, inclusive, and all other  
31 applicable statutes and regulations.

32 6. *The board of trustees of each school district and the*  
33 *governing body of each charter school shall:*

34 (a) *Develop a plan for conducting a program of distance*  
35 *education.*

36 (b) *Present its plan for conducting a program of distance*  
37 *education to, if the plan was developed by the board of trustees of*  
38 *a school district, the public at a public meeting or, if the plan was*  
39 *developed by the governing body of a charter school, the sponsor*  
40 *of the charter school at least 20 days before the first day of each*  
41 *school year.*

42 (c) *Provide a copy of the plan for conducting a program of*  
43 *distance education to the school community, parents and*  
44 *employees of the school district or charter school.*



1 *(d) On or before October 1 of each year, identify the pupils*  
2 *and teachers or other school employees enrolled in or employed by*  
3 *each school within the school district or charter school who do not*  
4 *have access to the technology necessary to participate in a*  
5 *program of distance education, including, without limitation, a*  
6 *computer or Internet access.*

7 *(e) On or before December 31 of each year, develop a plan to*  
8 *make technology available to all pupils and teachers or other*  
9 *school employees identified pursuant to paragraph (d). The plan*  
10 *must include, without limitation, an estimate of the cost to make*  
11 *technology available to the pupils and teachers or other school*  
12 *employees. The board of trustees of each school district and*  
13 *governing body of each charter school shall post the plan created*  
14 *pursuant to this paragraph on its Internet website.*

15 **Sec. 3.** NRS 388.842 is hereby amended to read as follows:

16 388.842 1. A program of distance education may include,  
17 without limitation, an opportunity for pupils to participate in the  
18 program:

19 (a) For a shorter school day or a longer school day than that  
20 regularly provided for in the school district or charter school, as  
21 applicable; and

22 (b) During any part of the calendar year.

23 2. If a program of distance education is provided for pupils on  
24 a full-time basis, the program must include at least as many hours or  
25 minutes of instruction as would be provided under a program  
26 consisting of 180 days.

27 *3. A pupil enrolled in a program of distance education on a*  
28 *full-time basis who demonstrates sufficient progress toward*  
29 *completion of a course of distance education may complete the*  
30 *course of distance education in a shorter period of time than is*  
31 *normally allotted for the course of distance education.*

32 **Sec. 4.** NRS 388.866 is hereby amended to read as follows:

33 388.866 1. The board of trustees of a school district or the  
34 governing body of a charter school that provides a program of  
35 distance education shall ensure that:

36 (a) For each course offered through the program, a teacher:

37 (1) Provides the work assignments to each pupil enrolled in  
38 the course that are necessary for the pupil to complete the course;

39 (2) Meets or otherwise communicates with the pupil at least  
40 once each week during the course to discuss the pupil's progress;  
41 and

42 (3) ~~Enters into a written agreement with~~ Provides the pupil  
43 and the pupil's parent or legal guardian ~~outlining~~ with the  
44 objectives of the course, the timeline for completion of the course



1 and the method by which the progress of the pupil will be assessed;  
2 or

3 (b) The program satisfies the requirements of a plan to operate  
4 an alternative program of education submitted by the school district  
5 and approved pursuant to NRS 388.537.

6 2. If a course offered through a program of distance education  
7 is a core academic subject, as defined in NRS 389.018, the teacher  
8 who fulfills the requirements of subsection 1 must be a:

9 (a) Licensed teacher; or

10 (b) Teacher, instructor or professor who provides instruction at a  
11 community college or university. Such a teacher, instructor or  
12 professor may only be assigned to a course of distance education in  
13 the subject area for which he or she provides instruction at a  
14 community college or university.

15 **Sec. 5.** 1. This section becomes effective upon passage and  
16 approval.

17 2. Sections 1 to 4, inclusive, of this act become effective:

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

21 (b) On July 1, 2021, for all other purposes.

