

CHAPTER.....

AN ACT relating to education; providing for the participation of homeschooled children in interscholastic activities and events under certain circumstances; requiring the association formed for the purposes of controlling, supervising and regulating interscholastic events to adopt regulations governing the participation of homeschooled children; requiring the association to consult with certain homeschool advisory councils concerning the adoption and revisions of such regulations; revising the minimum qualifications for receipt of a millennium scholarship; and providing other matters properly relating thereto.

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

**Section 1.** NRS 385.007 is hereby amended to read as follows:  
385.007 As used in this title, unless the context otherwise requires:

1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

2. "Department" means the Department of Education.

3. *"Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.*

4. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

~~[4.]~~ 5. "State Board" means the State Board of Education.

**Sec. 2.** Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

**Sec. 3.** *1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the association pursuant to NRS 386.430.*

*2. The provisions of NRS 386.420 to 386.470, inclusive, and sections 3, 4 and 5 of this act and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:*

- (a) *Eligibility and qualifications for participation;*
- (b) *Fees for participation;*
- (c) *Insurance;*
- (d) *Transportation;*
- (e) *Requirements of physical examination;*
- (f) *Responsibilities of participants;*
- (g) *Schedules of events;*
- (h) *Safety and welfare of participants;*
- (i) *Eligibility for awards, trophies and medals;*
- (j) *Conduct of behavior and performance of participants; and*
- (k) *Disciplinary procedures.*

**Sec. 4.** *No challenge may be brought by the association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person, claiming that an interscholastic activity or event is invalid because homeschooled children are allowed to participate in the interscholastic activity or event.*

**Sec. 5.** *A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:*

*1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive, and sections 3, 4 and 5 of this act; or*

*2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive, and sections 3, 4 and 5 of this act, that are more restrictive than the provisions governing eligibility and participation prescribed by the association pursuant to NRS 386.430.*

**Sec. 6.** NRS 386.430 is hereby amended to read as follows:

386.430 *1. The association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS, as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive ~~H~~, and sections 3, 4 and 5 of this act. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.*

*2. If the association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The association shall consider all written and*

*oral submissions respecting the proposal or change before taking final action.*

**Sec. 7.** NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this state. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or ~~{who receives instruction at home,}~~ *a parent or legal guardian of a homeschooled child*, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

**Sec. 8.** NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.

2. The board of trustees of each school district shall provide programs of special education and related services for *homeschooled* children . ~~[who are exempt from compulsory attendance pursuant to subsection 1 and receive instruction at home.]~~ The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or ~~[who receives instruction at home,]~~ *a parent or legal guardian of a homeschooled child*, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. *A homeschooled child must be allowed to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive, and sections 3, 4 and 5 of this act.*

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

5. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

6. The Department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

7. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

**Sec. 9.** NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a millennium scholarship if he:

(a) Has been a resident of this state for at least 2 years before he applies for the scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this state:

(1) After May 1, 2000 ~~;~~ **and**

~~— (2) Not~~, **but not later than May 1, 2003; or**

**(2) After May 1, 2003, and, except as otherwise provided in paragraph (c) of subsection 2, not** more than ~~5~~ **6** years before he applies for the scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this state with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within ~~5~~ **4** years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than ~~5~~ **6** years after he was regularly scheduled to graduate from high school;

(d) Maintained ~~{at least a 3.0 grade point average on a 4.0 grading scale}~~ in high school in the ~~{core curriculum, as determined}~~ **courses designated** by the Board of Regents pursuant to **paragraph (b) of** subsection 2 ~~;~~ **at least:**

**(1) A 3.0 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2003 or 2004;**

**(2) A 3.1 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2005 or 2006; or**

**(3) A 3.25 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2007 or a later graduating class; and**

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System; or

(2) Twelve semester credit hours in another eligible institution.

2. The Board of Regents ~~{shall:~~

~~— (a) Define~~ :

**(a) Shall define** the core curriculum that a student must complete in high school to be eligible for a millennium scholarship.

~~(b) {Develop a plan to ensure that needy students and students from families that otherwise could not afford to send their children to college receive millennium scholarships.}~~ **Shall designate the**

*courses in which a student must earn the minimum grade-point averages set forth in paragraph (d) of subsection 1.*

*(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.*

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this state and who have been residents of this state for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet, to be eligible for millennium scholarships.

4. In awarding scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

**Sec. 10.** NRS 396.934 is hereby amended to read as follows:

396.934 1. Within the limits of money available in the Trust Fund, a student who is eligible for a millennium scholarship is entitled to receive:

(a) If he is enrolled in a community college within the System, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he is enrolled in a state college within the System, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he is enrolled in another eligible institution, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

No student may be awarded a scholarship for a total amount in excess of \$10,000.

2. A student who receives a millennium scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 5; and

(b) ~~maintain~~ *If the student graduated from high school after May 1, 2003, maintain* at least a ~~2.0~~ 2.6 grade-point average on a 4.0 grading scale.

3. A millennium scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

4. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a millennium scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 5. The scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 3.

5. The Board of Regents shall establish criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 4.

**Sec. 11.** This act becomes effective on July 1, 2003.