

EXEMPT
(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD REPRINT

A.B. 348

ASSEMBLY BILL NO. 348—ASSEMBLYMEN MCCLAIN, BUCKLEY, CARPENTER, DE BRAGA, SEGERBLOM, BERMAN, DINI, MANENDO, WILLIAMS, LEE, THOMAS, PRICE, OHRENSCHALL, GIBBONS, VON TOBEL, COLLINS, PARKS, KOIVISTO, ARBERRY, GIUNCHIGLIANI, FREEMAN, CHOWNING, ANDERSON, GUSTAVSON, LESLIE, CLABORN, BEERS, NOLAN, BROWER, HETTRICK, HUMKE, PERKINS, EVANS, PARNELL, MORTENSON, BACHE, CEGAVSKE, NEIGHBORS, GOLDWATER, MARVEL, TIFFANY AND ANGLE

MARCH 1, 1999

JOINT SPONSORS: SENATORS PORTER, TITUS, O'CONNELL, WASHINGTON, WIENER, AMODEI, CARE, CARLTON, COFFIN, JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, O'DONNELL, RAGGIO, RAWSON, RHOADS, SCHNEIDER, SHAFFER AND TOWNSEND

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing charter schools and makes various changes to public education. (BDR 34-1410)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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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; creating a subcommittee on charter schools of the state board of education; revising the process for the review and approval of an application to form a charter school; providing for a process of appeal if the board of trustees of a school district denies an application for a charter school; revising provisions governing the employment and compensation of employees of charter schools; revising various other provisions governing charter schools; requiring the boards of trustees of school districts to provide certain services under certain circumstances to children in private schools, charter schools and home schools; revising provisions governing the computation of basic support to include

children in private schools, charter schools and home schools who are enrolled in classes in public schools; revising various other provisions governing the system of public education; making appropriations; and providing other matters properly relating thereto.

WHEREAS, The primary consideration of the legislature in enacting legislation to authorize charter schools is to serve the best interests of all pupils, including pupils who may be at risk; and

WHEREAS, The intention of the legislature is to provide:

1. The board of trustees of school districts with a method to experiment with providing a variety of independent public schools to the pupils of this state;

2. A framework for such experimentation;

3. A mechanism by which the results achieved by charter schools may be measured and analyzed; and

4. A procedure by which the positive results achieved by charter schools may be replicated and the negative results may be identified and eliminated; and

WHEREAS, It is further the intention of the legislature to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this state the opportunity to:

1. Improve the learning of pupils and, by extension, improve the system of public education;

2. Increase the opportunities for learning and access to quality education by pupils;

3. Encourage the use of different and innovative teaching methods;

4. Establish appropriate measures for and assessments of the learning achieved by pupils who are enrolled in charter schools;

5. Provide a more thorough and efficient system of accountability of the results achieved in public education in this state; and

6. Create new professional opportunities for teachers and other educational personnel, including, without limitation, the opportunity to increase the accessibility and responsibility of teachers and other educational personnel for the program of learning offered; now, therefore,

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 ~~1-1~~, and sections 3 to 8, inclusive, of this act.

1 2. "Department" means the department of education.

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

7 4. "State board" means the state board of education.

8 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding thereto the
9 provisions set forth as sections 3 to 8, inclusive, of this act.

10 **Sec. 3.** *The subcommittee on charter schools of the state board is*
11 *hereby created. The president of the state board shall appoint three*
12 *members of the state board to serve on the subcommittee. Except as*
13 *otherwise provided in this subsection, the members of the subcommittee*
14 *serve terms of 2 years. If a member is not reelected to the state board*
15 *during his service on the subcommittee, his term on the subcommittee*
16 *expires when his membership on the state board expires. Members of the*
17 *subcommittee may be reappointed.*

18 **Sec. 4. 1.** *Except as otherwise provided in subsection 3, if the*
19 *board of trustees of a school district approves an application to form a*
20 *charter school, it shall grant a written charter to the applicant. The board*
21 *of trustees shall, not later than 10 days after the approval of the*
22 *application, provide written notice to the department of the approval and*
23 *the date of the approval. The board of trustees that approves the*
24 *application shall be deemed the sponsor of the charter school. A written*
25 *charter must be for a term of 6 years unless the governing body of a*
26 *charter school renews its initial charter after 3 years of operation*
27 *pursuant to subsection 2 of NRS 386.530. A written charter must include*
28 *all conditions of operation set forth in paragraphs (a) to (n), inclusive, of*
29 *subsection 2 of NRS 386.520. As a condition of the issuance of a written*
30 *charter pursuant to this subsection, the charter school must agree to*
31 *comply with all conditions of operation set forth in NRS 386.550.*

32 **2.** *The governing body of a charter school may submit to the sponsor*
33 *of the charter school a written request for an amendment of the written*
34 *charter of the charter school. If the proposed amendment complies with*
35 *the provisions of this section, NRS 386.500 to 386.610, inclusive, and*
36 *sections 3 to 8, inclusive, of this act and any other statute or regulation*
37 *applicable to charter schools, the sponsor shall amend the written charter*
38 *in accordance with the proposed amendment.*

39 **3.** *If the board of trustees of a school district is considering an*
40 *application to form a charter school and determines that the applicant is*
41 *not yet eligible for the issuance of a charter pursuant to subsection 1, it*
42 *may, if applicable, hold the application in abeyance and grant a*
43 *conditional charter to the applicant if the applicant:*

1 (a) Has not obtained a building, equipment or personnel for the
2 charter school; and

3 (b) Submits proof satisfactory to the entity which is considering the
4 application that acceptance of the application is necessary to obtain the
5 building, equipment or personnel for the charter school.

6 The board of trustees of a school district that grants a conditional charter
7 pursuant to this subsection shall provide written notice to the state board
8 of its action.

9 4. A conditional charter expires 1 year after its issuance and is
10 nonrenewable. The holder of a conditional charter shall not operate a
11 charter school and is not eligible to receive any public school money for
12 the operation of a charter school. Before the expiration of a conditional
13 charter, the holder of the conditional charter may submit a supplemental
14 application and request the board of trustees that granted the conditional
15 charter to determine whether the holder is eligible for the issuance of a
16 charter pursuant to subsection 1. The board of trustees shall consider
17 such a request as soon as is practicable.

18 Sec. 5. 1. The governing body of a charter school shall consist of
19 at least three teachers, as defined in NRS 391.311, and may consist of,
20 without limitation, parents and representatives of nonprofit organizations
21 and businesses.

22 2. The governing body of a charter school is a public body. It is
23 hereby given such reasonable and necessary powers, not conflicting with
24 the constitution and the laws of the State of Nevada, as may be requisite
25 to attain the ends for which the charter school is established and to
26 promote the welfare of pupils who are enrolled in the charter school.

27 Sec. 6. 1. The governing body of a charter school shall designate a
28 person to draw all orders for the payment of money belonging to the
29 charter school. The orders must be listed on cumulative voucher sheets.

30 2. The governing body of a charter school shall prescribe the
31 procedures by which the orders must be approved and the cumulative
32 voucher sheets signed.

33 3. An order for the payment of money to a member of the governing
34 body of the charter school may only be drawn for salary, travel expenses,
35 subsistence allowances or for services rendered by the member.

36 4. An action may not be maintained against any governing body of a
37 charter school or the sponsor of a charter school to collect upon any bill
38 not presented for payment to the governing body within 6 months after
39 the bill was incurred.

40 Sec. 7. The governing body of a charter school shall adopt rules for
41 the academic retention of pupils who are enrolled in the charter school.
42 The rules must prescribe the conditions under which a pupil may be

1 *retained in the same grade rather than promoted to the next higher grade*
2 *for the immediately succeeding school year.*

3 **Sec. 8.** *If a pupil has successfully completed equivalent courses at a*
4 *charter school, the pupil must be allowed to transfer the credit that he*
5 *received at the charter school as applicable toward advancement to the*
6 *next grade at any other public school or toward graduation from any*
7 *other public school.*

8 **Sec. 9.** NRS 386.350 is hereby amended to read as follows:

9 386.350 Each board of trustees is hereby given such reasonable and
10 necessary powers, not conflicting with the constitution and the laws of the
11 State of Nevada, as may be requisite to attain the ends for which the public
12 schools , *excluding charter schools*, are established and to promote the
13 welfare of school children, including the establishment and operation of
14 schools and classes deemed necessary and desirable.

15 **Sec. 10.** NRS 386.450 is hereby amended to read as follows:

16 386.450 The rules and regulations adopted by the association ~~{shall}~~
17 *must* provide for the membership of *charter schools*, private *schools* and
18 parochial schools which may elect to join the association.

19 **Sec. 11.** NRS 386.460 is hereby amended to read as follows:

20 386.460 ~~{Any}~~ *If a charter school*, private *school* or parochial school
21 ~~{which}~~ elects to become a member of the association ~~{shall be}~~ , *the*
22 *school is* subject to the same regulations and requirements and ~~{shall be}~~ *is*
23 liable for the same fees and charges as ~~{public}~~ *other* schools within the
24 association.

25 **Sec. 12.** NRS 386.505 is hereby amended to read as follows:

26 386.505 ~~{1.—The legislature hereby declares that by authorizing the~~
27 ~~formation of charter schools in this state:~~

28 ~~—(a) The primary consideration of the legislature is to serve the best~~
29 ~~interests of pupils who are at risk.~~

30 ~~—(b) The intention of the legislature is to provide:~~

31 ~~—(1) The board of trustees of school districts with a method to~~
32 ~~experiment with providing a variety of independent public schools to the~~
33 ~~pupils of this state;~~

34 ~~—(2) A framework for such experimentation;~~

35 ~~—(3) A mechanism by which the results achieved by charter schools~~
36 ~~may be measured and analyzed; and~~

37 ~~—(4) A procedure by which the positive results achieved by charter~~
38 ~~schools may be replicated and the negative results may be identified and~~
39 ~~eliminated.~~

40 ~~—(c) The intention of the legislature is to provide teachers and other~~
41 ~~educational personnel, parents, legal guardians and other persons who are~~
42 ~~interested in the system of public education in this state the opportunity to:~~

1 ~~—(1) Improve the learning of pupils and, by extension, improve the~~
2 ~~system of public education;~~

3 ~~—(2) Increase the opportunities for learning and access to quality~~
4 ~~education by pupils;~~

5 ~~—(3) Encourage the use of different and innovative teaching methods;~~

6 ~~—(4) Establish appropriate measures for and assessments of the~~
7 ~~learning achieved by pupils who are enrolled in charter schools;~~

8 ~~—(5) Provide a more thorough and efficient system of accountability of~~
9 ~~the results achieved in public education in this state; and~~

10 ~~—(6) Create new professional opportunities for teachers and other~~
11 ~~educational personnel, including, without limitation, the opportunity to~~
12 ~~increase the accessibility and responsibility of teachers and other~~
13 ~~educational personnel for the program of learning offered.~~

14 ~~—2.]~~ The legislature declares that by authorizing the formation of charter
15 schools it is not authorizing:

16 ~~[(a)]~~ 1. The establishment of a charter school as a justification to keep
17 open an existing public school that would otherwise be closed;

18 ~~[(b)]~~ 2. A means for providing financial assistance for private schools
19 or programs of home study; or

20 ~~[(c)]~~ 3. The formation of charter schools on the basis of a single race,
21 religion or ethnicity.

22 **Sec. 12.5.** NRS 386.510 is hereby amended to read as follows:

23 386.510 1. Except as otherwise provided in subsection 2:

24 (a) In a county whose population is more than 400,000, ~~two~~ **four**
25 charter schools may be formed per every 75,000 pupils who are enrolled in
26 public schools in the county school district.

27 (b) In a county whose population is more than 100,000 but less than
28 400,000, ~~two~~ **four** charter schools may be formed.

29 (c) In a county whose population is less than 100,000, one charter
30 school may be formed.

31 2. The limitations set forth in subsection 1 do not apply to charter
32 schools that are dedicated to providing educational programs and
33 opportunities for pupils who are at risk.

34 **Sec. 13.** NRS 386.520 is hereby amended to read as follows:

35 386.520 1. A committee to form a charter school must consist of at
36 least three ~~licensed~~ teachers, **as defined in NRS 391.311**, alone or in
37 combination with:

38 (a) Ten or more members of the general public;

39 (b) Representatives of an organization devoted to service to the general
40 public;

41 (c) Representatives of a private business; or

42 (d) Representatives of a college or university within the University and
43 Community College System of Nevada.

2. ~~2. [A committee to form a charter school may not submit an application to form a charter school that proposes to convert a private school or a program of study at home into a charter school.]~~ Before a committee to form a charter school may submit an application to the board of trustees of a school district, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~f~~.

~~—(b) A written description of the educational programs that will be offered by the charter school.~~

~~—(c) A written description of the level and type of educational services that will be provided to pupils who are at risk.~~

~~—(d) The policy and criteria for admission to the charter school and the justification for the policy and criteria.~~

~~—(e) The standards of achievement for the charter school, including, without limitation, the:~~

~~—(1) Academic and other educational results that will be expected of pupils who are enrolled in the charter school;~~

~~—(2) Time by which such results will be achieved; and~~

~~—(3) Procedure by which the results will be measured and assessed.~~

~~—(f) An agreement to provide a written report at the end of each school semester to the parents and legal guardians of pupils who are enrolled in the charter school, the residents of the community, the sponsor of the charter school and the state board. The written report must include the progress of the charter school in meeting the standards of achievement set forth in the application.~~

~~—(g) The system of governance for the charter school.~~

~~—(h) The system of organization and operation for the charter school.~~

~~—(i) The policies, practices and programs of the charter school that will ensure participation and involvement in the activities of the charter school by parents and legal guardians of pupils who are enrolled in the charter school.~~

~~—(j) The policies and practices of employment by the charter school applicable to the administrators and other employees of the charter school.~~

~~—(k) The procedure for evaluation of the teachers and other employees of the charter school, if different from the procedure prescribed in NRS 391.3125.~~

~~—(l) The written rules of behavior required of pupils who are enrolled in the charter school, including, without limitation, disciplinary policies and procedures for the charter school.~~

~~—(m) A written description of the location of the charter school and the facilities and equipment available to the charter school. The description~~

1 must include the procedures that will be followed for the disposition of
2 facilities and equipment upon dissolution or nonrenewal of the charter.

3 ~~—(n) Guidelines for determining who is liable if the charter school is~~
4 ~~dissolved or its application for renewal is not approved.~~

5 ~~—(o) Procedures for auditing the programs and finances of the charter~~
6 ~~school.~~

7 ~~—(p) An agreement that the curriculum of the charter school will focus on~~
8 ~~the intellectual development of pupils, including, without limitation, the~~
9 ~~acquisition of identifiable academic and technical skills.~~

10 ~~—(q) An agreement that the pupils who are enrolled in the charter school~~
11 ~~will be tested on a regular basis and that copies of the examinations with a~~
12 ~~letter or numerical grade will be included in the report of progress of the~~
13 ~~pupil provided to the parents or legal guardian of the pupil.~~

14 ~~—(r) An agreement that a pupil must achieve a specified level of~~
15 ~~performance appropriate for his grade level before he is promoted to the~~
16 ~~next grade.~~

17 ~~—4.1~~, and sections 3 to 8, inclusive, of this act.

18 (b) A written description of the mission and goals for the charter
19 school. A charter school must have as its stated purpose at least one of
20 the following goals:

21 (1) Improving the opportunities for pupils to learn;

22 (2) Encouraging the use of effective methods of teaching;

23 (3) Providing an accurate measurement of the educational
24 achievement of pupils;

25 (4) Establishing accountability of public schools;

26 (5) Providing a method for public schools to measure achievement
27 based upon the performance of the schools; or

28 (6) Creating new professional opportunities for teachers.

29 (c) The projected enrollment of pupils in the charter school.

30 (d) The proposed dates of enrollment for the charter school.

31 (e) The proposed system of governance for the charter school,
32 including, without limitation, the number of persons who will govern, the
33 method of selecting the persons who will govern and the term of office
34 for each person.

35 (f) The method by which disputes will be resolved between the
36 governing body of the charter school and the sponsor of the charter
37 school.

38 (g) The proposed curriculum for the charter school.

39 (h) The textbooks that will be used at the charter school.

40 (i) The qualifications of the persons who will provide instruction at
41 the charter school.

1 (j) Except as otherwise required by NRS 386.595, the process by which
2 the governing body of the charter school will negotiate employment
3 contracts with the employees of the charter school.

4 (k) A financial plan for the operation of the charter school. The plan
5 must include, without limitation, procedures for the audit of the
6 programs and finances of the charter school and guidelines for
7 determining the financial liability if the charter school is unsuccessful.

8 (l) A statement of whether the charter school will provide for the
9 transportation of pupils to and from the charter school. If the charter
10 school will provide transportation, the application must include the
11 proposed plan for the transportation of pupils. If the charter school will
12 not provide transportation, the application must include a statement that
13 the charter school will work with the parents and guardians of pupils
14 enrolled in the charter school to develop a plan for transportation to
15 ensure that pupils have access to transportation to and from the charter
16 school.

17 (m) The procedure for the evaluation of teachers of the charter
18 school, if different from the procedure prescribed in NRS 391.3125. If
19 the procedure is different from the procedure prescribed in NRS
20 391.3125, the procedure for the evaluation of teachers of the charter
21 school must provide the same level of protection and otherwise comply
22 with the standards for evaluation set forth in NRS 391.3125.

23 (n) The time by which certain academic or educational results will be
24 achieved.

25 3. The department shall review an application to form a charter school
26 to determine whether it is complete. The department shall provide written
27 notice to the applicant of its approval or denial of the application. If the
28 department denies an application, the department shall include in the
29 written notice the reason for the denial and the deficiencies in the
30 application. The applicant must be granted 30 days after receipt of the
31 written notice to correct any deficiencies identified in the written notice and
32 resubmit the application.

33 **Sec. 14.** NRS 386.525 is hereby amended to read as follows:

34 386.525 1. Upon approval of an application by the department, a
35 committee to form a charter school may submit the application to the board
36 of trustees of the school district in which the proposed charter school will
37 be located. ~~[The]~~ *If the board of trustees of a school district receives an*
38 *application to form a charter school, it* shall consider the application at ~~[a~~
39 ~~public meeting for which]~~ *its next regularly scheduled meeting, but not*
40 *later than 14 days after the receipt of the application, and ensure that*
41 *notice of the meeting* has been provided pursuant to chapter 241 of NRS.

42 The board of trustees shall review the application to determine whether ~~[it~~
43 ~~is]~~ *the* application:

1 ***(a) Complies with NRS 386.500 to 386.610, inclusive, and sections 3***
2 ***to 8, inclusive, of this act and the regulations applicable to charter***
3 ***schools; and***

4 ***(b) Is complete in accordance with the regulations of the department.***

5 ***2. The department shall assist the board of trustees of a school***
6 ***district in the review of an application.*** The board of trustees shall approve
7 an application if it ~~is complete.~~ ***satisfies the requirements of paragraphs***
8 ***(a) and (b) of subsection 1.*** The board of trustees shall provide written
9 notice to the applicant of its approval or denial of the application.

10 ***3. If the board of trustees denies an application, it shall include in the***
11 ***written notice the reasons for the denial and the deficiencies in the***
12 ***application. The applicant must be granted 30 days after receipt of the***
13 ***written notice to correct any deficiencies identified in the written notice and***
14 ***resubmit the application.***

15 ~~***{2. If an application is approved by the board of trustees, the board of***~~
16 ~~***trustees and the applicant shall enter into a written agreement concerning***~~
17 ~~***the methods and procedures for the board of trustees to monitor the***~~
18 ~~***progress of the charter school. The written agreement must authorize the***~~
19 ~~***board of trustees and the department to physically inspect the school at any***~~
20 ~~***time. The contents of the application set forth in NRS 386.520 and the***~~
21 ~~***written agreement entered into pursuant to this subsection shall be deemed***~~
22 ~~***the written charter of the charter school. A written charter is for a term of 6***~~
23 ~~***years unless the governing body of the charter school renews its initial***~~
24 ~~***charter after 3 years of operation pursuant to subsection 2 of NRS 386.530.***~~

25 ~~***—3. If an application is approved by the board of trustees, the committee***~~
26 ~~***to form a charter school that submitted the application shall be deemed the***~~
27 ~~***governing body of the charter school.***~~

28 ~~***—4. Upon request of the governing body of a charter school and the***~~
29 ~~***approval of the board of trustees of the school district that granted the***~~
30 ~~***written charter, the written charter may be amended if such amendment will***~~
31 ~~***grant to the charter school a greater ability to achieve its educational goals***~~
32 ~~***and objectives. An amendment must not authorize an extension of the***~~
33 ~~***duration of the term of the written charter.***~~

34 ***4. If the board of trustees denies an application after it has been***
35 ***resubmitted pursuant to subsection 3, the applicant may submit a written***
36 ***request to the subcommittee on charter schools created pursuant to***
37 ***section 3 of this act, not more than 30 days after receipt of the written***
38 ***notice of denial, to direct the board of trustees to reconsider the***
39 ***application. The subcommittee shall consider requests for***
40 ***reconsideration in the order in which they are received. If the***
41 ***subcommittee receives such a request, it shall consider the request at its***
42 ***next regularly scheduled meeting and ensure that notice of the meeting is***
43 ***posted in accordance with chapter 241 of NRS. Not more than 30 days***

1 *after the meeting, the subcommittee shall provide written notice of its*
2 *determination to the applicant and to the board of trustees. If the*
3 *subcommittee denies the request for reconsideration, the applicant may,*
4 *not more than 30 days after the receipt of the written notice from the*
5 *subcommittee, appeal the determination to the district court of the county*
6 *in which the proposed charter school will be located.*

7 *5. If the subcommittee on charter schools grants a request to direct*
8 *reconsideration, the written notice to the board of trustees of the school*
9 *district that denied the application must include, without limitation,*
10 *instructions to the board of trustees concerning the reconsideration of*
11 *the application. Not more than 30 days after receipt of the written notice*
12 *from the subcommittee directing the reconsideration, the board of*
13 *trustees shall reconsider the application in accordance with the*
14 *instructions of the subcommittee, make a final determination on the*
15 *application and provide written notice of the determination to the*
16 *applicant. If, upon reconsideration of the application, the board of*
17 *trustees denies the application, the applicant may, not more than 30 days*
18 *after the receipt of the written notice from the board of trustees, appeal*
19 *the final determination to the district court of the county in which the*
20 *proposed charter school will be located.*

21 **Sec. 15.** NRS 386.535 is hereby amended to read as follows:

22 386.535 *1. The ~~board of trustees of a school district~~ sponsor of a*
23 *charter school* may revoke the written charter of the charter school before
24 the expiration of the charter if ~~a majority of the members of the board of~~
25 ~~trustees~~ *the sponsor* determines that ~~the~~ :

26 *(a) The* charter school, its officers or its employees have failed to
27 comply with:

28 ~~1.1~~ *(1)* The terms and conditions of the written charter ~~including,~~
29 ~~without limitation, the times by which certain academic or educational~~
30 ~~results would be achieved;~~
31 ~~2.1~~ ;

32 *(2)* Generally accepted standards of accounting and fiscal
33 management; or

34 ~~3.1~~ *(3)* The provisions of NRS 386.500 to 386.610, inclusive, *and*
35 *sections 3 to 8, inclusive, of this act* or any other statute or regulation
36 applicable to charter schools ~~4.1~~ ;

37 *(b) The charter school has filed for a voluntary petition of bankruptcy,*
38 *is adjudicated bankrupt or insolvent, or is otherwise financially impaired*
39 *such that the charter school cannot continue to operate; or*

40 *(c) There is reasonable cause to believe that revocation is necessary to*
41 *protect the health and safety of the pupils who are enrolled in the charter*
42 *school or persons who are employed by the charter school from jeopardy,*

1 *or to prevent damage to or loss of the property of the school district or the*
2 *community in which the charter school is located.*

3 *2. At least 90 days before the sponsor intends to revoke a written*
4 *charter, the sponsor shall provide written notice to the governing body of*
5 *the charter school of its intention. The written notice must:*

6 *(a) Include a statement of the deficiencies or reasons upon which the*
7 *action of the sponsor is based; and*

8 *(b) Prescribe a period, not less than 30 days, during which the charter*
9 *school may correct the deficiencies.*

10 *If the charter school corrects the deficiencies to the satisfaction of the*
11 *sponsor within the time prescribed in paragraph (b), the sponsor shall*
12 *not revoke the written charter of the charter school.*

13 **Sec. 16.** NRS 386.545 is hereby amended to read as follows:

14 386.545 The department and the board of trustees of a school district
15 shall:

16 1. Upon request, provide information to the general public concerning
17 the formation and operation of charter schools;

18 2. Maintain a list available for public inspection that describes the
19 location of each charter school;

20 3. ~~1. Maintain a list available for public inspection of any buildings or~~
21 ~~facilities that may be suitable for the operation of a charter school;~~

22 ~~4.~~ Provide reasonable assistance to an applicant for a charter school
23 and to a charter school in carrying out the provisions of NRS 386.500 to
24 386.610, inclusive, ~~1. and~~

25 ~~5.~~ *sections 3 to 8, inclusive, of this act;*

26 4. Provide technical and other reasonable assistance to a charter school
27 for the operation of the charter school ~~1. and~~

28 5. *Provide information to the governing body of a charter school*
29 *concerning the availability of money for the charter school, including,*
30 *without limitation, money available from the Federal Government.*

31 **Sec. 17.** NRS 386.550 is hereby amended to read as follows:

32 386.550 A charter school shall:

33 1. Comply with all laws and regulations relating to discrimination and
34 civil rights.

35 2. Remain nonsectarian, including, without limitation, in its
36 educational programs, policies for admission and employment practices.

37 3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

38 4. Comply with any plan for desegregation ordered by a court that is in
39 effect in the school district in which the charter school is located.

40 5. Comply with the provisions of chapter 241 of NRS.

41 6. ~~1. Schedule~~ *Except as otherwise provided in this subsection,*

42 *schedule* and provide annually at least as many days of instruction as are

43 required of other public schools located in the same school district as the

1 charter school is located. *The governing body of a charter school may*
2 *submit a written request to the superintendent of public instruction for a*
3 *waiver from providing the days of instruction required by this subsection.*
4 *The superintendent of public instruction may grant such a request if the*
5 *governing body demonstrates to the satisfaction of the superintendent*
6 *that:*

7 (a) *Extenuating circumstances exist to justify the waiver; and*
8 (b) *The charter school will provide at least as many hours or minutes*
9 *of instruction as would be provided under a program consisting of 180*
10 *days.*

11 7. Cooperate with the board of trustees of the school district in the
12 administration of the achievement and proficiency examinations
13 administered pursuant to NRS 389.015 and the examinations required
14 pursuant to section 11 of ~~this act~~ *Senate Bill No. 466 of this session* to
15 the pupils who are enrolled in the charter school.

16 8. Comply with applicable statutes and regulations governing the
17 achievement and proficiency of pupils in this state.

18 9. Provide at least the courses of instruction that are required of pupils
19 by statute or regulation for promotion to the next grade or graduation from
20 a public high school and require the pupils who are enrolled in the charter
21 school to take those courses of study. This subsection does not preclude a
22 charter school from offering, or requiring the pupils who are enrolled in the
23 charter school to take, other courses of study that are required by statute or
24 regulation.

25 10. ~~Provide instruction on acquired immune deficiency syndrome and~~
26 ~~the human reproductive system, related to communicable diseases and~~
27 ~~sexual responsibility in accordance with NRS 389.065.~~

28 ~~—11.— Adhere to the same transportation policy that is in effect in the~~
29 ~~[school district in which the charter school is located.~~

30 ~~—12.] Refrain from using public money to purchase real property or~~
31 ~~buildings without the approval of the sponsor.~~

32 11. *Hold harmless, indemnify and defend the sponsor of the charter*
33 *school against any claim or liability arising from an act or omission by*
34 *the governing body of the charter school or an employee or officer of the*
35 *charter school. An action at law may not be maintained against the*
36 *sponsor of a charter school for any cause of action for which the charter*
37 *school has obtained liability insurance.*

38 12. *Provide written notice to the parents or legal guardians of pupils*
39 *in grades 9 to 12, inclusive, who are enrolled in the charter school of*
40 *whether the charter school is accredited by the Commission on Schools*
41 *of the Northwest Association of Schools and Colleges.*

42 13. Adopt a final budget in accordance with the regulations adopted by
43 the department. A charter school is not required to adopt a final budget

1 pursuant to NRS 354.598 or otherwise comply with the provisions of
2 chapter 354 of NRS.

3 **Sec. 18.** NRS 386.560 is hereby amended to read as follows:

4 386.560 1. ~~[A]~~ *The governing body of a* charter school may contract
5 with the board of trustees of the school district in which the charter school
6 is located *or the University and Community College System of Nevada for*
7 *the provision of facilities to operate the charter school or* to perform any
8 service relating to the operation of the charter school, including, without
9 limitation, transportation and the provision of health services for the pupils
10 who are enrolled in the charter school.

11 2. A charter school may use any public facility located within the
12 school district in which the charter school is located. A charter school may
13 use school buildings owned by the school district only upon approval of the
14 board of trustees of the school district and during times that are not regular
15 school hours.

16 3. *The board of trustees of a school district may donate surplus*
17 *personal property of the school district to a charter school that is located*
18 *within the school district.*

19 4. *Upon the request of a parent or legal guardian of a pupil who is*
20 *enrolled in a charter school, the board of trustees of the school district in*
21 *which the charter school is located shall authorize the pupil to participate*
22 *in a class that is not available to the pupil at the charter school or*
23 *participate in an extracurricular activity, excluding sports, at a public*
24 *school within the school district if:*

25 (a) *Space for the pupil in the class or extracurricular activity is*
26 *available; and*

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

30 *If the board of trustees of a school district authorizes a pupil to*
31 *participate in a class or extracurricular activity, excluding sports,*
32 *pursuant to this subsection, the board of trustees is not required to*
33 *provide transportation for the pupil to attend the class or activity.*

34 5. *Upon the request of a parent or legal guardian of a pupil who is*
35 *enrolled in a charter school, the board of trustees of the school district in*
36 *which the charter school is located shall authorize the pupil to participate*
37 *in sports at the public school that he would otherwise be required to*
38 *attend within the school district, or upon approval of the board of*
39 *trustees, any public school within the same zone of attendance as the*
40 *charter school if:*

41 (a) *Space is available for the pupil to participate; and*

42 (b) *The parent or legal guardian demonstrates to the satisfaction of*
43 *the board of trustees that the pupil is qualified to participate.*

1 *If the board of trustees of a school district authorizes a pupil to*
2 *participate in sports pursuant to this subsection, the board of trustees is*
3 *not required to provide transportation for the pupil to participate.*

4 *6. The board of trustees of a school district may revoke its approval*
5 *for a pupil to participate in a class, extracurricular activity or sports at a*
6 *public school pursuant to subsections 4 and 5 if the board of trustees or*
7 *the public school determines that the pupil has failed to comply with*
8 *applicable statutes, or applicable rules and regulations of the board of*
9 *trustees, the public school or an association for interscholastic activities.*
10 *If the board of trustees so revokes its approval, neither the board of*
11 *trustees nor the public school are liable for any damages relating to the*
12 *denial of services to the pupil.*

13 **Sec. 19.** NRS 386.565 is hereby amended to read as follows:

14 386.565 The board of trustees of a school district ~~{that approves the~~
15 ~~formation of}~~ *in which* a charter school *is located* shall not:

16 1. Assign any pupil who is enrolled in a public school in the school
17 district or any employee who is employed in a public school in the school
18 district to a charter school.

19 2. Interfere with the operation and management of the charter school
20 except as authorized by the written charter, NRS 386.500 to 386.610,
21 inclusive, *and sections 3 to 8, inclusive, of this act* and any other statute or
22 regulation applicable to charter schools or its officers or employees.

23 **Sec. 20.** NRS 386.570 is hereby amended to read as follows:

24 386.570 1. ~~{Pupils who are}~~ *Each pupil who is* enrolled in a charter
25 school, including, without limitation, ~~{pupils who are}~~ *a pupil who is*
26 enrolled in ~~{programs}~~ *a program* of special education in a charter school,
27 must be included in the count of pupils in the school district for the
28 purposes of apportionments and allowances from the state distributive
29 school account pursuant to NRS 387.121 to 387.126, inclusive ~~{ }~~, *unless*
30 *the pupil is exempt from compulsory attendance pursuant to NRS*
31 *392.070.* A charter school is entitled to receive its proportionate share of
32 any other money available from federal, state or local sources that the
33 school or the pupils who are enrolled in the school are eligible to receive.

34 2. The governing body of a charter school may negotiate with the
35 board of trustees of the school district and the state board for additional
36 money to pay for services which the governing body wishes to offer.

37 3. To determine the amount of money for distribution to a charter
38 school in its first year of operation, the count of pupils who are enrolled in
39 the charter school must initially be determined 30 days before the
40 beginning of the school year ~~{ }~~ *of the school district*, based on the number
41 of pupils whose applications for enrollment have been approved by the
42 charter school. The count of pupils *who are enrolled in the charter school*
43 must be revised on the last day of the first *school* month of the school

1 *district in which the charter school is located for the school* year, based
2 on the actual number of pupils who are enrolled in the charter school.
3 *Pursuant to subsection 2 of NRS 387.124, the governing body of a*
4 *charter school may request that the apportionments made to the charter*
5 *school in its first year of operation be paid to the charter school 30 days*
6 *before the apportionments are otherwise required to be made.*

7 4. The governing body of a charter school may solicit and accept
8 donations, money, grants, property, loans, personal services or other
9 assistance for purposes relating to education from members of the general
10 public, corporations or agencies. The governing body may comply with
11 applicable federal laws and regulations governing the provision of federal
12 grants for charter schools.

13 5. *If a charter school uses money received from this state to purchase*
14 *real property, buildings, equipment or facilities, the governing body of*
15 *the charter school shall assign a security interest in the property,*
16 *buildings, equipment and facilities to the State of Nevada.*

17 **Sec. 21.** NRS 386.575 is hereby amended to read as follows:

18 386.575 1. If a charter school files a voluntary petition of bankruptcy
19 or is declared bankrupt during a school year, the governing body of the
20 charter school shall make an assignment of all real property and other
21 property of the charter school to the State of Nevada for the repayment of
22 all money received by the charter school from this state for the operation of
23 the charter school during that year. The governing body shall make full
24 settlement with this state for such repayment, and the state may take any
25 lawful action necessary to recover the money.

26 2. *If a charter school files a voluntary petition of bankruptcy or is*
27 *declared bankrupt during a school year, neither the State of Nevada nor*
28 *the sponsor of the charter school may be held liable for any claims*
29 *resulting from the bankruptcy.*

30 **Sec. 22.** NRS 386.580 is hereby amended to read as follows:

31 386.580 1. ~~{The policies for admission to a charter school must be~~
32 ~~consistent with the provisions of the written charter of the charter school~~
33 ~~and must be directly related to the goals and missions of the charter school.~~

34 ~~—2.}~~ An application for enrollment in a charter school may be submitted
35 to the governing body of the charter school by the parent or legal guardian
36 of any child who resides in this state. *Except as otherwise provided in this*
37 *subsection, a charter school shall enroll pupils who are eligible for*
38 *enrollment in the order in which the applications are received.* If the
39 board of trustees of the school district in which the charter school is located
40 has established zones of attendance pursuant to NRS 388.040, the charter
41 school shall, if practicable, ensure that the racial composition of pupils
42 enrolled in the charter school does not differ by more than 10 percent from
43 the racial composition of pupils who attend public schools in the zone in

1 which the charter school is located. If more pupils *who are eligible for*
2 *enrollment* apply for enrollment in the charter school than the number of
3 spaces which are available, the charter school shall determine which
4 applicants to enroll on the basis of a lottery system.

5 ~~{3.}~~ 2. Except as otherwise provided in subsection ~~{5.}~~ 4, a charter
6 school shall not accept applications for enrollment in the charter school or
7 otherwise discriminate based on the:

- 8 (a) Race;
- 9 (b) Gender;
- 10 (c) Religion;
- 11 (d) Ethnicity; or
- 12 (e) Disability,
- 13 of a pupil.

14 ~~{4.}~~ 3. If the governing body of a charter school determines that the
15 charter school is unable to provide an appropriate special education
16 program and related services for a particular disability of a pupil who is
17 enrolled in the charter school, the governing body may request that the
18 board of trustees of the school district of the county in which the pupil
19 resides transfer that pupil to an appropriate school.

20 ~~{5.}~~ 4. This section does not preclude the formation of a charter school
21 that is dedicated to provide educational services exclusively to pupils:

- 22 (a) With disabilities;
- 23 (b) Who pose such severe disciplinary problems that they warrant an
24 educational program specifically designed to serve a single gender and
25 emphasize personal responsibility and rehabilitation; or
- 26 (c) Who are at risk.

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

30 **Sec. 23.** NRS 386.590 is hereby amended to read as follows:

31 386.590 1. ~~{At least 75}~~ *Except as otherwise provided in this*
32 *subsection, at least 70* percent of the teachers who provide instruction at a
33 charter school must be licensed teachers. *If a charter school is a*
34 *vocational school, the charter school shall, to the extent practicable,*
35 *ensure that at least 70 percent of the teachers who provide instruction at*
36 *the school are licensed teachers, but in no event may more than 50*
37 *percent of the teachers who provide instruction at the school be*
38 *unlicensed teachers.*

39 2. A *governing body of a* charter school ~~{may employ persons who are~~
40 ~~not licensed teachers to provide instruction at the charter school if not more~~
41 ~~than 25 percent of teachers who provide instruction at the charter school~~
42 ~~are not licensed. A person who is employed pursuant to this subsection~~
43 ~~must:~~

~~—(a) Possess a temporary license to teach during the time that he is fulfilling the requirements for full licensure;~~

~~—(b) Possess a baccalaureate degree or higher degree; or~~

~~—(c) Have at least 8 years of experience in the field in which he is employed and possess exemplary skills in that field.~~

~~—3.— A person who is employed pursuant to paragraph (b) or (c) of subsection 2:~~

~~—(a) Must provide instruction at a charter school only under the direction of a licensed teacher. The licensed teacher must be responsible for all instructional activities of the unlicensed teacher.~~

~~—(b) May only be selected for employment based upon his qualifications, as determined by the charter school.]~~ **shall employ:**

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes only the subjects of history, geography, economics and government.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

1 (a) A master's degree in school administration, public administration or
2 business administration; or

3 (b) If the person has at least 5 years of experience in administration, a
4 baccalaureate degree.

5 5. A charter school shall not employ a person pursuant to this section if
6 his license to teach or provide other educational services has been revoked
7 or suspended in this state or another state.

8 **Sec. 24.** NRS 386.595 is hereby amended to read as follows:

9 386.595 1. Except as otherwise provided in this subsection and
10 ~~{subsection 2.}~~ *subsections 2 and 3*, the provisions of the collective
11 bargaining agreement entered into by the board of trustees of the school
12 district in which the charter school is located apply to the terms and
13 conditions of employment of employees of the charter school. If a written
14 charter is renewed, the employees of the charter school may, at the time of
15 renewal, apply for recognition as a bargaining unit pursuant to NRS
16 288.160.

17 2. *A charter school is exempt from the specific provisions of the*
18 *collective bargaining agreement that controls the:*

19 (a) *Periods of preparation time for teachers, provided that the charter*
20 *school allows at least the same amount of time for preparation as the*
21 *school district;*

22 (b) *Times of day that a teacher may work;*

23 (c) *Number of hours that a teacher may work in 1 day;*

24 (d) *Number of hours and days that a teacher may work in 1 week; and*

25 (e) *Number of hours and days that a teacher may work in*
26 *1 year.*

27 *If a teacher works more than the number of hours or days prescribed in*
28 *the collective bargaining agreement, the teacher must be compensated*
29 *for the additional hours or days in an amount calculated by prorating the*
30 *salary for the teacher that is set forth in the collective bargaining*
31 *agreement.*

32 3. A teacher or a governing body of a charter school may request that
33 the board of trustees of the school district and other persons who entered
34 into the collective bargaining agreement grant a waiver from specific
35 provisions of the collective bargaining agreement for the teacher or
36 governing body.

37 ~~{3.}~~ 4. All employees of a charter school shall be deemed public
38 employees.

39 ~~{4.}~~ 5. The governing body of a charter school may make all
40 employment decisions with regard to its employees pursuant to NRS
41 391.311 to 391.3197, inclusive, unless the applicable collective bargaining
42 agreement contains separate provisions relating to the discipline of licensed
43 employees of a school.

~~15.1~~ 6. If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.

~~16.1~~ 7. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~17.1~~ 8. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~18.1~~ 9. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~19.1~~ 10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~110.1~~ 11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 25. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before April 15 of each year, the governing body of each charter school shall submit the **information concerning the charter school that is contained in the** report required pursuant to subsection 2 of NRS 385.347 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to NRS 218.5352; and

(e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body **that is contained in the report** pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the governing body of each charter school shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based;

and

1 (II) The identification of any problems or factors at the charter
2 school that are revealed by the review and analysis.

3 (2) A written procedure to improve the achievement of pupils who are
4 enrolled in the charter school, including, but not limited to, a description of
5 the efforts the governing body has made to correct any deficiencies
6 identified in the written report required pursuant to subparagraph (1). The
7 written procedure must describe sources of data that will be used by the
8 governing body to evaluate the effectiveness of the written procedure.

9 (b) Submit copies of the written report and written procedure required
10 pursuant to paragraph (a) to the:

11 (1) Governor;

12 (2) State board;

13 (3) Department;

14 (4) Legislative committee on education created pursuant to NRS
15 218.5352; and

16 (5) Legislative bureau of educational accountability and program
17 evaluation created pursuant to NRS 218.5356.

18 4. The department shall maintain a record of the information that it
19 receives from each charter school pursuant to this section in such a manner
20 as will allow the department to create for each charter school a yearly
21 profile of information.

22 5. The governing body of each charter school shall ensure that a copy
23 of the written report and written procedure required pursuant to paragraph
24 (a) of subsection 3 is included with the final budget of the charter school
25 adopted by the governing body of the charter school ~~and~~ *pursuant to the*
26 *regulations of the department.*

27 6. The legislative bureau of educational accountability and program
28 evaluation created pursuant to NRS 218.5356 may authorize a person or
29 entity with whom it contracts pursuant to NRS 385.359 to review and
30 analyze information submitted by charter schools pursuant to this section,
31 consult with the governing bodies of charter schools and submit written
32 reports concerning charter schools pursuant to NRS 385.359.

33 **Sec. 26.** NRS 387.123 is hereby amended to read as follows:

34 387.123 1. The count of pupils for apportionment purposes includes
35 all pupils who are enrolled in programs of instruction of the school district
36 or pupils who reside in the county in which the school district is located
37 and are enrolled in any charter school for:

38 (a) Pupils in the kindergarten department.

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

40 (c) Pupils not included under paragraph (a) or (b) who are receiving
41 special education pursuant to the provisions of NRS 388.440 to 388.520,
42 inclusive.

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(e) *Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560.*

(f) *Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.*

(g) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma ~~H~~, *excluding those pupils who are included in paragraphs (e) and (f).*

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

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

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

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. A charter school is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.

1 **Sec. 27.** NRS 387.1233 is hereby amended to read as follows:

2 387.1233 1. Except as otherwise provided in subsection 2, basic
3 support of each school district must be computed by:

4 (a) Multiplying the basic support guarantee per pupil established for that
5 school district for that school year by the sum of:

6 (1) Six-tenths the count of pupils enrolled in the kindergarten
7 department on the last day of the first school month of the school *district*
8 *for the school* year, including, without limitation, the count of pupils who
9 reside in the county and are enrolled in any charter school ~~in a school district or a~~
10 *district for the school* year.

11 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the
12 last day of the first school month of the school *district for the school* year,
13 including, without limitation, the count of pupils who reside in the county
14 and are enrolled in any charter school ~~in a school district or a~~
15 *month of the school district for the school* year.

16 (3) The count of pupils not included under subparagraph (1) or (2)
17 who are receiving special education pursuant to the provisions of NRS
18 388.440 to 388.520, inclusive, on the last day of the first school month of
19 the school *district for the school* year, excluding the count of pupils who
20 have not attained the age of 5 years and who are receiving special
21 education pursuant to subsection 1 of NRS 388.490 on that day.

22 (4) Six-tenths the count of pupils who have not attained the age of 5
23 years and who are receiving special education pursuant to subsection 1 of
24 NRS 388.490 on the last day of the first school month of the school *district*
25 *for the school* year.

26 (5) The count of children detained in detention homes, alternative
27 programs and juvenile forestry camps receiving instruction pursuant to the
28 provisions of NRS 388.550, 388.560 and 388.570 on the last day of the
29 first school month of the school *district for the school* year.

30 (6) *The count of pupils who are enrolled in classes for at least one*
31 *semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of*
32 *NRS 392.070, expressed as a percentage of the total time services are*
33 *provided to those pupils per school day in proportion to the total time*
34 *services are provided during a school day to pupils who are counted*
35 *pursuant to subparagraph (2).*

36 (b) Multiplying the number of special education program units
37 maintained and operated by the amount per program established for that
38 school year.

39 (c) Adding the amounts computed in paragraphs (a) and (b).

40 2. If the enrollment of pupils *in a school district or a charter school*
41 *that is located within the school district* on the last day of the first school
42 month of the school *district for the school* year ~~in a school district or a~~
43 ~~charter school~~ is less than the enrollment of pupils in the same school

1 district or charter school on the last day of the first school month *of the*
2 *school district* for the immediately preceding school year, the larger
3 number must be used for purposes of apportioning money from the state
4 distributive school account to that school district or charter school pursuant
5 to NRS 387.124.

6 3. Pupils who are excused from attendance at examinations or have
7 completed their work in accordance with the rules of the board of trustees
8 must be credited with attendance during that period.

9 4. Pupils who are incarcerated in a facility or institution operated by
10 the department of prisons must not be counted for the purpose of
11 computing basic support pursuant to this section. The average daily
12 attendance for such pupils must be reported to the department of education.

13 5. Part-time pupils who are enrolled in courses which are approved by
14 the department as meeting the requirements for an adult to earn a high
15 school diploma must not be counted for the purpose of computing basic
16 support pursuant to this section. The average daily attendance for such
17 pupils must be reported to the department.

18 **Sec. 28.** NRS 387.124 is hereby amended to read as follows:

19 387.124 Except as otherwise provided in NRS 387.528:

20 1. On or before August 1, November 1, February 1 and May 1 of each
21 year, the superintendent *of public instruction* shall, *except as otherwise*
22 *provided in subsections 2 and 3*, apportion the state distributive school
23 account in the state general fund among the several county school districts
24 and charter schools in amounts approximating one-fourth of their respective
25 yearly apportionments less any amount set aside as a reserve. The
26 apportionment to a school district, computed on a yearly basis, equals the
27 difference between the basic support and the local funds available pursuant
28 to NRS 387.1235, minus all the funds attributable to pupils who reside in
29 the county but attend a charter school. No apportionment may be made to a
30 school district if the amount of the local funds exceeds the amount of basic
31 support. The apportionment to a charter school, computed on a yearly
32 basis, is equal to the sum of the basic support per pupil in the county in
33 which the pupil resides plus the amount of local funds available per pupil
34 pursuant to NRS 387.1235 and all other funds available for public schools
35 in the county in which the pupil resides. If the apportionment per pupil to a
36 charter school is more than the amount to be apportioned to the school
37 district in which a pupil who is enrolled in the charter school resides, the
38 school district in which the pupil resides shall pay the difference directly to
39 the charter school.

40 2. *The governing body of a charter school may submit a written*
41 *request to the superintendent of public instruction to receive, in the first*
42 *year of operation of the charter school, an apportionment 30 days before*
43 *the apportionment is required to be made pursuant to subsection 1. Upon*

1 *receipt of such a request, the superintendent of public instruction may*
2 *make the apportionment 30 days before the apportionment is required to*
3 *be made. A charter school may receive all four apportionments in*
4 *advance in its first year of operation.*

5 3. If the state controller finds that such an action is needed to maintain
6 the balance in the state general fund at a level sufficient to pay the other
7 appropriations from it, he may pay out the apportionments monthly, each
8 approximately one-twelfth of the yearly apportionment less any amount set
9 aside as a reserve. If such action is needed, the state controller shall submit
10 a report to the department of administration and the fiscal analysis division
11 of the legislative counsel bureau documenting reasons for the action.

12 **Sec. 29.** NRS 387.1243 is hereby amended to read as follows:

13 387.1243 1. The first apportionment based on an estimated number
14 of pupils and special education program units and succeeding
15 apportionments are subject to adjustment from time to time as the need
16 therefor may appear.

17 2. The apportionments to a school district may be adjusted during a
18 fiscal year by the department of education, upon approval by the board of
19 examiners and the interim finance committee, if the department of taxation
20 and the county assessor in the county in which the school district is located
21 certify to the department of education that the school district will not
22 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property
23 of the Federal Government located within the county if:

24 (a) The leasehold interest, possessory interest, beneficial interest or
25 beneficial use of the property is subject to taxation pursuant to NRS
26 361.157 and 361.159 and one or more lessees or users of the property are
27 delinquent in paying the tax; and

28 (b) The total amount of tax owed but not paid for the fiscal year by any
29 such lessees and users is at least 5 percent of the proceeds that the school
30 district would have received from the tax levied pursuant to subsection 1 of
31 NRS 387.195.

32 If a lessee or user pays the tax owed after the school district's
33 apportionment has been increased in accordance with the provisions of this
34 subsection to compensate for the tax owed, the school district shall repay to
35 the distributive school account in the state general fund an amount equal to
36 the tax received from the lessee or user for the year in which the school
37 district received an increased apportionment, not to exceed the increase in
38 apportionments made to the school district pursuant to this subsection.

39 3. *On or before August 1 of each year, the board of trustees of a*
40 *school district shall provide to the department, in a format prescribed by*
41 *the department, the count of pupils calculated pursuant to subparagraph*
42 *(6) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at*
43 *least one semester during the immediately preceding school year. The*

1 *count of pupils submitted to the department must be included in the final*
2 *adjustment computed pursuant to subsection 4.*

3 **4.** A final adjustment *for each school district and charter school* must
4 be computed as soon as practicable following the close of the school year,
5 but not later than August 25. The final computation must be based upon the
6 actual counts of pupils required to be made for the computation of basic
7 support and the limits upon the support of special education programs,
8 except that for any year when the total enrollment of pupils and children *in*
9 *a school district or a charter school located within the school district*
10 described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS
11 387.123 is greater on the last day of any school month *of the school district*
12 after the second school month *of the school district* and the increase in
13 enrollment shows at least:

14 (a) A 3 percent gain, basic support as computed from first month
15 enrollment *for the school district or charter school* must be increased by 2
16 percent.

17 (b) A 6 percent gain, basic support as computed from first month
18 enrollment *for the school district or charter school* must be increased by
19 an additional 2 percent.

20 ~~[4.]~~ **5.** If the final computation of apportionment for any school district
21 or charter school exceeds the actual amount paid to the school district or
22 charter school during the school year, the additional amount due must be
23 paid before September 1. If the final computation of apportionment for any
24 school district or charter school is less than the actual amount paid to the
25 school district or charter school during the school year, the difference must
26 be repaid to the state distributive school account in the state general fund
27 by the school district or charter school before September 25.

28 **Sec. 30.** NRS 387.185 is hereby amended to read as follows:

29 387.185 1. Except as otherwise provided in subsection 2 and NRS
30 387.528, all school money due each county school district must be paid
31 over by the state treasurer to the county treasurer on August 1, November
32 1, February 1 and May 1 of each year or as soon thereafter as the county
33 treasurer may apply for it, upon the warrant of the state controller drawn in
34 conformity with the apportionment of the superintendent of public
35 instruction as provided in NRS 387.124.

36 2. Except as otherwise provided in NRS 387.528, if the board of
37 trustees of a school district establishes and administers a separate account
38 pursuant to the provisions of NRS 354.603, all school money due that
39 school district must be paid over by the state treasurer to the school district
40 on August 1, November 1, February 1 and May 1 of each year or as soon
41 thereafter as the school district may apply for it, upon the warrant of the
42 state controller drawn in conformity with the apportionment of the
43 superintendent of public instruction as provided in NRS 387.124.

1 3. No county school district may receive any portion of the public
2 school money unless that school district has complied with the provisions
3 of this Title and regulations adopted pursuant thereto.

4 4. ~~{A}~~ *Except as otherwise provided in this subsection, all* school
5 money due each charter school must be paid over by the state treasurer to
6 the governing body of the charter school on August 1, November 1,
7 February 1 and May 1 of each year or as soon thereafter as the governing
8 body may apply for it, upon the warrant of the state controller drawn in
9 conformity with the apportionment of the superintendent of public
10 instruction as provided in NRS 387.124. *If the superintendent of public*
11 *instruction has approved, pursuant to subsection 2 of NRS 387.124, a*
12 *request for payment of an apportionment 30 days before the*
13 *apportionment is otherwise required to be made, the money due to the*
14 *charter school must be paid by the state treasurer to the governing body*
15 *of the charter school on July 1, October 1, January 1 or April 1, as*
16 *applicable.*

17 **Sec. 31.** NRS 388.020 is hereby amended to read as follows:

18 388.020 1. An elementary school is a public school in which ~~{no}~~
19 grade work is *not* given above that included in the eighth grade, according
20 to the regularly adopted state course of study.

21 2. A junior high or middle school is a public school in which the sixth,
22 seventh, eighth and ninth grades are taught under a course of study
23 prescribed and approved by the state board. The school is an elementary or
24 secondary school for the purpose of ~~{teachers' certifications.}~~ *the licensure*
25 *of teachers.*

26 3. A high school is a public school in which subjects above the eighth
27 grade, according to the state course of study, may be taught. The school is a
28 secondary school for the purpose of ~~{teachers' certifications.}~~ *the licensure*
29 *of teachers.*

30 4. A special school is an organized unit of instruction operating with
31 approval of the state board.

32 5. A charter school is a public school that is formed pursuant to the
33 provisions of NRS 386.500 to 386.610, inclusive ~~{,}~~ *, and sections 3 to 8,*
34 *inclusive, of this act.*

35 **Sec. 32.** NRS 388.367 is hereby amended to read as follows:

36 388.367 1. There is hereby created in the state treasury the fund for
37 the school to careers program to be administered by the state board. The
38 superintendent may accept gifts and grants of money from any source for
39 deposit in the fund. All legislative appropriations, gifts and grants made to
40 the fund become a part of the principal of the fund which may be reduced
41 only by specific legislative action. The interest and income earned on the
42 money in the fund, after deducting any applicable charges, must be credited
43 to the fund.

2. Money in the fund must be used for the program to provide pupils with the skills to make the transition from school to careers adopted pursuant to NRS 388.368.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board shall establish annually, within the limits of money available in the fund, a basic allocation of:

(a) Twenty-five thousand dollars to each school district and each university and community college within the University and Community College System of Nevada whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section.

(b) Not more than \$25,000 to each charter school whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section.

5. Any money remaining after the allocations made pursuant to subsection 4 must be allocated to:

(a) School districts with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the district on the last day of the first *school* month of the school *district for the school* year preceding the school year for which the money is being provided;

(b) Charter schools with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the charter school on the last day of the first *school* month of the school *district in which the charter school is located for the school* year preceding the school year for which the money is being provided; and

(c) Community colleges with approved applications in proportion to the total number of full-time students enrolled on October 15 of the school year preceding the school year for which the money is being provided.

Sec. 33. (Deleted by amendment.)

Sec. 34. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2 ~~and 3,~~ 3 *and 6*, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The state board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The state board shall, on or before February 1 of each odd-numbered year, report to the legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

5. The department shall, on or before November 15 of each year, report to the chief of the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils, during the current school year in kindergarten and grades 1, 2 and 3 for each school district.

6. The provisions of this section do not apply to a charter school.

Secs. 35 and 36. (Deleted by amendment.)

Sec. 37. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, ***including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school,*** who successfully completes a course of education offered by a community college or university in this state which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from high school ***or the charter school in which the pupil is enrolled.***

2. With the approval of the state board, the board of trustees of each county school district ***and the governing body of each charter school*** shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

1 **Sec. 38.** NRS 391.060 is hereby amended to read as follows:

2 391.060 1. Except as otherwise provided in NRS 391.070, it is
3 unlawful for:

4 (a) The superintendent of public instruction to issue a license to, or a
5 board of trustees of a school district *or a governing body of a charter*
6 *school* to employ, any teacher, instructor, principal or superintendent of
7 schools who is not a citizen of the United States or a person who has filed a
8 valid declaration to become a citizen or valid petition for naturalization, or
9 who is not a lawful permanent resident of the United States.

10 (b) The state controller or any county auditor to issue any warrant to any
11 teacher, instructor, principal or superintendent of schools who is not a
12 citizen of the United States or a person who has filed a valid declaration to
13 become a citizen or valid petition for naturalization, or who is not a lawful
14 permanent resident of the United States.

15 2. Any person who violates any of the provisions of this section is
16 guilty of a misdemeanor.

17 **Sec. 39.** NRS 391.070 is hereby amended to read as follows:

18 391.070 ~~[Nothing in NRS 391.060 or in any other law prohibits the~~
19 ~~employment, by a]~~ *The* board of trustees of a school district ~~[, of any]~~ *or*
20 *the governing body of a charter school, may employ a* teacher or
21 instructor authorized to teach in the United States under the teacher
22 exchange programs authorized by laws of the Congress of the United
23 States.

24 **Sec. 40.** NRS 391.200 is hereby amended to read as follows:

25 391.200 The salaries of ~~[the teachers]~~ :

26 1. *Teachers* and other licensed personnel in a school district , as
27 determined by the contracts between the teachers and other licensed
28 employees and the board of trustees ; *and*

29 2. *Teachers in a charter school,*
30 are prior claims upon the school district fund.

31 **Sec. 41.** NRS 391.230 is hereby amended to read as follows:

32 391.230 1. ~~[Upon]~~ *Except as otherwise provided in subsection 3,*
33 *upon* the opening of any public school in this state, every teacher and other
34 licensed employee employed for that school shall file with the
35 superintendent of the county school district a Nevada license entitling the
36 holder to teach or perform other educational functions in the school in
37 which he will be employed, and any other report that the superintendent of
38 public instruction requires.

39 2. The superintendent of the county school district shall acknowledge
40 the receipt of each license and shall make a proper record thereof in his
41 office. The license must remain on file and be safely kept in the office of
42 the superintendent of the county school district.

1 **3. This section does not apply to unlicensed teachers who are**
2 **employed by a charter school.**

3 **Sec. 42.** NRS 391.240 is hereby amended to read as follows:

4 391.240 ~~{Each}~~

5 **1. Except as otherwise provided in subsection 2, each** teacher in the
6 public schools shall keep a true, full and correct register of all pupils
7 attending such school as required by the board of trustees of the school
8 district in accordance with the regulations prescribed by the superintendent
9 of public instruction.

10 **2. Each teacher in a charter school shall keep a record of the**
11 **enrollment of pupils in the charter school in accordance with the**
12 **regulations prescribed by the superintendent of public instruction.**

13 **Sec. 43.** NRS 391.273 is hereby amended to read as follows:

14 391.273 1. ~~{Unless specifically exempted pursuant to subsection 4,}~~

15 **Except as otherwise provided in subsections 4 and 9,** the unlicensed
16 personnel of a school district must be directly supervised by licensed
17 personnel in all duties which are instructional in nature. To the extent
18 practicable, the direct supervision must be such that the unlicensed
19 personnel are in the immediate location of the licensed personnel and are
20 readily available during such times when supervision is required.

21 2. Unlicensed personnel who are exempted pursuant to subsection 4
22 must be under administrative supervision when performing duties which are
23 instructional in nature.

24 3. Unlicensed personnel may temporarily perform duties under
25 administrative supervision which are not primarily instructional in nature.

26 4. Upon application by a superintendent of schools, the superintendent
27 of public instruction may grant an exemption from the provisions of
28 subsection 1. The superintendent shall not grant an exemption unless:

29 (a) The duties are within the employee's special expertise or training;

30 (b) The duties relate to the humanities or an elective course of study, or
31 are supplemental to the basic curriculum of a school;

32 (c) The performance of the duties does not result in the replacement of a
33 licensed employee or prevent the employment of a licensed person willing
34 to perform those duties;

35 (d) The secondary or combined school in which the duties will be
36 performed has less than 100 pupils enrolled and is at least 30 miles from a
37 school in which the duties are performed by licensed personnel; and

38 (e) The unlicensed employee submits his fingerprints for an
39 investigation pursuant to NRS 391.033.

40 5. The superintendent of public instruction shall file a record of all
41 exempt personnel with the clerk of the board of trustees of each local
42 school district ~~H~~ and advise the clerk of any changes therein. The record
43 must

contain:

- 1 (a) The name of the exempt employee;
- 2 (b) The specific instructional duties he may perform;
- 3 (c) Any terms or conditions of the exemption deemed appropriate by the
- 4 superintendent of public instruction; and
- 5 (d) The date the exemption expires or a statement that the exemption is
- 6 valid as long as the employee remains in the same position at the same
- 7 school.

8 6. The superintendent of public instruction may adopt regulations
9 prescribing the procedure to apply for an exemption pursuant to this section
10 and the criteria for the granting of such exemptions.

11 7. Except in an emergency, it is unlawful for the board of trustees of a
12 school district to allow a person employed as a teacher's aide to serve as a
13 teacher unless the person is a legally qualified teacher licensed by the
14 superintendent of public instruction. As used in this subsection,
15 "emergency" means an unforeseen circumstance which requires immediate
16 action and includes the fact that a licensed teacher or substitute teacher is
17 not immediately available.

18 8. If the superintendent of public instruction determines that the board
19 of trustees of a school district has violated the provisions of subsection 7,
20 he shall take such actions as are necessary to reduce the amount of money
21 received by the district pursuant to NRS 387.124 by an amount equal to the
22 product when the following numbers are multiplied together:

- 23 (a) The number of days on which the violation occurred;
- 24 (b) The number of pupils in the classroom taught by the teacher's aide;
- 25 and
- 26 (c) The number of dollars of basic support apportioned to the district per
- 27 pupil per day pursuant to NRS 387.1233.

28 **9. *The provisions of this section do not apply to unlicensed personnel***
29 ***who are employed by the governing body of a charter school.***

30 **Sec. 44.** NRS 392.035 is hereby amended to read as follows:

31 392.035 1. In determining the mobility of pupils in a school, for any
32 purpose, the department shall divide the sum of the following numbers by
33 the cumulative enrollment in the school:

- 34 (a) The number of late entries or transfers into a school from another
- 35 school, school district or state, after the beginning of the school year;
- 36 (b) The number of pupils reentering the school after having withdrawn
- 37 from the same school; and
- 38 (c) The number of pupils who withdraw for any reason or who are
- 39 dropped for nonattendance.

40 2. To determine the cumulative enrollment of the school pursuant to
41 subsection 1, the department shall add the total number of pupils enrolled
42 in programs of instruction in the school who are included in the count for
43 apportionment purposes pursuant to paragraphs (a), (b) , ~~and~~ (c) , (e) and

1 (f) of subsection 1 of NRS 387.123 and the number of pupils included in
2 paragraphs (a) and (b) of subsection 1.

3 3. The department shall develop and distribute to the county school
4 districts a form upon which the information necessary to the formula may
5 be submitted by the individual schools.

6 **Sec. 45.** NRS 392.070 is hereby amended to read as follows:

7 392.070 **1.** Attendance required by the provisions of NRS 392.040
8 ~~{shall}~~ **must** be excused when satisfactory written evidence is presented to
9 the board of trustees of the school district in which the child resides that the
10 child is receiving at home or in some other school equivalent instruction of
11 the kind and amount approved by the state board . ~~{of education.}~~

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

17 (a) **Only if a child would otherwise be eligible for participation in**
18 **programs of special education and related services pursuant to NRS**
19 **388.440 to 388.520, inclusive;**

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

24 (c) **In accordance with the same requirements set forth in 20 U.S.C. §**
25 **1412 which relate to the participation of pupils with disabilities who are**
26 **enrolled in private schools within the school district voluntarily by their**
27 **parents or legal guardians.**

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

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

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

41 **If the board of trustees of a school district authorizes a child to**
42 **participate in a class or extracurricular activity, excluding sports,**

1 *pursuant to this subsection, the board of trustees is not required to*
2 *provide transportation for the child to attend the class or activity.*

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

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

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

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

19 **Sec. 46.** NRS 392.466 is hereby amended to read as follows:

20 392.466 1. Except as otherwise provided in this section, any pupil
21 who commits a battery which results in the bodily injury of an employee of
22 the school, sells or distributes any controlled substance or is found in
23 possession of a dangerous weapon, while on the premises of any public
24 school, at an activity sponsored by a public school or on any school bus
25 must, for the first occurrence, be suspended or expelled from that school,
26 although he may be placed in another kind of school, for at least a period
27 equal to one semester for that school. For a second occurrence, the pupil
28 must:

29 (a) Be permanently expelled from that school; and

30 (b) Receive equivalent instruction authorized by the state board pursuant
31 to *subsection 1 of* NRS 392.070.

32 2. Except as otherwise provided in this section, any pupil who is found
33 in possession of a firearm while on the premises of any public school, at an
34 activity sponsored by a public school or on any school bus must, for the
35 first occurrence, be expelled from the school for a period of not less than 1
36 year, although he may be placed in another kind of school for a period not
37 to exceed the period of the expulsion. For a second occurrence, the pupil
38 must:

39 (a) Be permanently expelled from the school; and

40 (b) Receive equivalent instruction authorized by the state board pursuant
41 to *subsection 1 of* NRS 392.070.

1 The superintendent of schools of a school district may, in a particular case
2 in that school district, allow an exception to the expulsion requirement of
3 this subsection.

4 3. Except as otherwise provided in this section, if a pupil is deemed a
5 habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be
6 suspended or expelled from the school for a period equal to at least one
7 semester for that school. For the period of his suspension or expulsion, the
8 pupil must receive equivalent instruction authorized by the state board
9 pursuant to **subsection 1 of** NRS 392.070.

10 4. This section does not prohibit a pupil from having in his possession
11 a knife or firearm with the approval of the principal of the school. A
12 principal may grant such approval only in accordance with the policies or
13 regulations adopted by the board of trustees of the school district.

14 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been
15 found to have possessed a firearm in violation of subsection 2, may be
16 suspended from school or permanently expelled from school pursuant to
17 this section only after the board of trustees of the school district has
18 reviewed the circumstances and approved this action in accordance with the
19 procedural policy adopted by the board for such issues.

20 6. A pupil who is participating in a program of special education
21 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
22 may, in accordance with the procedural policy adopted by the board of
23 trustees of the school district for such matters, be:

24 (a) Suspended from school pursuant to this section for not more than 10
25 days. Such a suspension may be imposed pursuant to this paragraph for
26 each occurrence of conduct proscribed by subsection 1.

27 (b) Suspended from school for more than 10 days or permanently
28 expelled from school pursuant to this section only after the board of
29 trustees of the school district has reviewed the circumstances and
30 determined that the action is in compliance with the Individuals with
31 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

32 7. As used in this section:

33 (a) “Battery” has the meaning ascribed to it in paragraph (a) of
34 subsection 1 of NRS 200.481.

35 (b) “Dangerous weapon” includes, without limitation, a blackjack, slung
36 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,
37 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or
38 any other knife described in NRS 202.350, or any other object which is
39 used, or threatened to be used, in such a manner and under such
40 circumstances as to pose a threat of, or cause, bodily injury to a person.

1 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,
2 explosive substance or device, and any other item included within the
3 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on
4 July 1, 1995.

5 **Sec. 47.** NRS 393.010 is hereby amended to read as follows:

6 393.010 The board of trustees of a school district shall:

7 1. Manage and control the school property within its district ~~H~~, **except**
8 **for any property belonging to a charter school.**

9 2. Have the custody and safekeeping of the district schoolhouses, their
10 sites and appurtenances.

11 **Sec. 48.** NRS 394.103 is hereby amended to read as follows:

12 394.103 "Private schools" means private elementary and secondary
13 educational institutions. The term does not include a home in which
14 instruction is provided to a child **who is** excused from compulsory
15 attendance pursuant to **subsection 1 of** NRS 392.070.

16 **Sec. 49.** NRS 41.0305 is hereby amended to read as follows:

17 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
18 "political subdivision" includes an organization that was officially
19 designated as a community action agency pursuant to 42 U.S.C. § 2790
20 before that section was repealed and is included in the definition of an
21 "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada rural housing
22 authority, an airport authority created by special act of the legislature, a
23 regional transportation commission and a fire protection district, irrigation
24 district, school district, **, governing body of a charter school** and other
25 special district that performs a governmental function, even though it does
26 not exercise general governmental powers.

27 **Sec. 50.** NRS 41.0307 is hereby amended to read as follows:

28 41.0307 As used in NRS 41.0305 to 41.039, inclusive:

29 1. "Employee" includes an employee of a ~~part-time~~ :
30 **(a) Part-time** or full-time board, commission or similar body of the state
31 or a political subdivision of the state which is created by law.

32 **(b) Charter school.**

33 2. "Employment" includes any services performed by an immune
34 contractor.

35 3. "Immune contractor" means any natural person, professional
36 corporation or professional association which:

37 (a) Is an independent contractor with the state pursuant to NRS 284.173;
38 and

39 (b) Contracts to provide medical services for the department of
40 prisons.

41 As used in this subsection, "professional corporation" and "professional
42 association ~~H~~" have the meanings ascribed to them in NRS 89.020.

1 4. “Public officer” or “officer” includes:

2 (a) A member of a part-time or full-time board, commission or similar
3 body of the state or a political subdivision of the state which is created by
4 law.

5 (b) A public defender and any deputy or assistant attorney of a public
6 defender or an attorney appointed to defend a person for a limited duration
7 with limited jurisdiction.

8 (c) A district attorney and any deputy or assistant district attorney or an
9 attorney appointed to prosecute a person for a limited duration with limited
10 jurisdiction.

11 **Sec. 51.** NRS 286.070 is hereby amended to read as follows:

12 286.070 1. “Public employer” means the state, one of its agencies or
13 one of its political subdivisions, the system, irrigation districts created
14 under the laws of the State of Nevada, a nonprofit corporation to which a
15 public hospital has been conveyed or leased pursuant to NRS 450.500, a
16 public or quasi-public organization or agency that is funded, at least in part,
17 by public money, including a regional transportation commission, *a*
18 *governing body of a charter school* and a council of governments created
19 pursuant to the laws of the State of Nevada.

20 2. State agencies are those agencies subject to state control and
21 supervision, including those whose employees are governed by chapter 284
22 of NRS, unless specifically exempted therefrom, and those which deposit
23 money with the state treasurer.

24 **Sec. 52.** NRS 332.185 is hereby amended to read as follows:

25 332.185 1. Except as otherwise provided in *subsection 3 and* NRS
26 334.070, all sales or leases of personal property of the local government
27 must be made, as nearly as possible, under the same conditions and
28 limitations as required by this chapter in the purchase of personal property;
29 but the governing body or its authorized representative may sell any such
30 personal property at public auction if it deems such a sale desirable and in
31 the best interests of the local government.

32 2. *The board of trustees of a school district may donate surplus*
33 *personal property of the school district to a charter school that is located*
34 *within the school district without regard to:*

35 (a) *The provisions of this chapter; or*

36 (b) *Any statute, regulation, ordinance or resolution that requires:*

37 (1) *The posting of notice or public advertising.*

38 (2) *The inviting or receiving of competitive bids.*

39 (3) *The selling or leasing of personal property by contract or at a*
40 *public auction.*

41 3. The provisions of this chapter do not apply to the purchase, sale,
42 lease or transfer of real property by the governing body.

Sec. 53. NRS 463.385 is hereby amended to read as follows:

463.385 1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this state an annual excise tax of \$250. If a slot machine is replaced by another, the replacement is not considered a different slot machine for the purpose of imposing this tax.

2. The commission shall:

(a) Collect the tax annually on or before June 30, as a condition precedent to the issuance of a state gaming license to operate any slot machine for the ensuing fiscal year beginning July 1, from a licensee whose operation is continuing.

(b) Collect the tax in advance from a licensee who begins operation or puts additional slot machines into play during the fiscal year, prorated monthly after July 31.

(c) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4. The commission shall pay over the tax as collected to the state treasurer to be deposited to the credit of the state distributive school account in the state general fund, and the capital construction fund for higher education and the special capital construction fund for higher education, which are hereby created in the state treasury as special revenue funds, in the amounts and to be expended only for the purposes specified in this section.

5. During each fiscal year the state treasurer shall deposit the tax paid over to him by the commission as follows:

(a) The first \$5,000,000 of the tax in the capital construction fund for higher education;

(b) Twenty percent of the tax in the special capital construction fund for higher education; and

(c) The remainder of the tax in the state distributive school account in the state general fund.

1 6. There is hereby appropriated from the balance in the special capital
2 construction fund for higher education on July 31 of each year the amount
3 necessary to pay the principal and interest due in that fiscal year on the
4 bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979,
5 as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the
6 bonds authorized to be issued by section 2 of chapter 643, Statutes of
7 Nevada 1987, at page 1503, the bonds authorized to be issued by section 2
8 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds
9 authorized to be issued by section 2 of chapter 718, Statutes of Nevada
10 1991, at page 2382, and the bonds authorized to be issued by section 2 of
11 chapter 629, Statutes of Nevada 1997, at page 3106. If in any year the
12 balance in that fund is not sufficient for this purpose, the remainder
13 necessary is hereby appropriated on July 31 from the capital construction
14 fund for higher education. The balance remaining unappropriated in the
15 capital construction fund for higher education on August 1 of each year and
16 all amounts received thereafter during the fiscal year must be transferred to
17 the state general fund for the support of higher education. If bonds
18 described in this subsection are refunded and if the amount required to pay
19 the principal of and interest on the refunding bonds in any fiscal year
20 during the term of the bonds is less than the amount that would have been
21 required in the same fiscal year to pay the principal of and the interest on
22 the original bonds if they had not been refunded, there is appropriated to
23 the University and Community College System of Nevada an amount
24 sufficient to pay the principal of and interest on the original bonds, as if
25 they had not been refunded. The amount required to pay the principal of
26 and interest on the refunding bonds must be used for that purpose from the
27 amount appropriated. The amount equal to the saving realized in that fiscal
28 year from the refunding must be used by the University and Community
29 College System of Nevada to defray, in whole or in part, the expenses of
30 operation and maintenance of the facilities acquired in part with the
31 proceeds of the original bonds.

32 7. After the requirements of subsection 6 have been met for each fiscal
33 year, when specific projects are authorized by the legislature, money in the
34 capital construction fund for higher education and the special capital
35 construction fund for higher education must be transferred by the state
36 controller and the state treasurer to the state public works board for the
37 construction of capital improvement projects for the University and
38 Community College System of Nevada, including, but not limited to,
39 capital improvement projects for the community colleges of the University
40 and Community College System of Nevada. As used in this subsection,
41 "construction" includes, but is not limited to, planning, designing, acquiring
42 and developing a site, construction, reconstruction, furnishing, equipping,
43 replacing, repairing, rehabilitating, expanding and remodeling. Any money

1 remaining in either fund at the end of a fiscal year does not revert to the
2 state general fund but remains in those funds for authorized expenditure.

3 8. The money deposited in the state distributive school account in the
4 state general fund under this section must be apportioned as provided in
5 NRS 387.030 among the several school districts *and charter schools* of the
6 state at the times and in the manner provided by law.

7 9. The board of regents of the University of Nevada may use any
8 money in the capital construction fund for higher education and the special
9 capital construction fund for higher education for the payment of interest
10 and amortization of principal on bonds and other securities, whether issued
11 before, on or after July 1, 1979, to defray in whole or in part the costs of
12 any capital project authorized by the legislature.

13 **Sec. 54.** Section 8 of Senate Bill No. 341 of this session is hereby
14 amended to read as follows:

15 **Sec. 8.** NRS 332.185 is hereby amended to read as follows:

16 332.185 1. Except as otherwise provided in *subsection 2 and*
17 NRS 334.070, all sales or leases of personal property of the local
18 government must be made, as nearly as possible, under the same
19 conditions and limitations as required by this chapter in the
20 purchase of personal property . ~~[-;but the]~~ *The* governing body or its
21 authorized representative may sell any such personal property at
22 public auction if it *determines that the property is no longer*
23 *required for public use and* deems such a sale desirable and in the
24 best interests of the local government.

25 2. The board of trustees of a school district may donate surplus
26 personal property of the school district to a charter school that is
27 located within the school district without regard to:

- 28 (a) The provisions of this chapter; or
29 (b) Any statute, regulation, ordinance or resolution that requires:
30 (1) The posting of notice or public advertising.
31 (2) The inviting or receiving of competitive bids.
32 (3) The selling or leasing of personal property by contract or
33 at a public auction.

34 3. The provisions of this chapter do not apply to the purchase,
35 sale, lease or transfer of real property by the governing body.

36 **Sec. 55.** NRS 386.510 is hereby repealed.

37 **Sec. 56.** 1. There is hereby appropriated from the state general fund
38 to the department of education for disbursement to the Andre Agassi
39 Foundation the sum of \$600,000 for the expansion of the Andre Agassi
40 Boys and Girls Club Education Center in Southern Nevada.

41 2. The superintendent of public instruction shall disburse the
42 appropriation made by subsection 1 to the Andre Agassi Foundation only if
43 the superintendent and the chief of the budget division of the department of

1 administration determine that the Andre Agassi Foundation has received
2 money from the Federal Government in an amount sufficient to assist the
3 foundation in the expansion of the Andre Agassi Boys and Girls Club
4 Education Center in Southern Nevada.

5 3. Any remaining balance of the appropriation made by subsection 1
6 must not be committed for expenditure after June 30, 2001, and reverts to
7 the state general fund as soon as all payments of money committed have
8 been made.

9 **Sec. 57.** 1. There is hereby appropriated from the state general fund
10 to the department of education:

11 For the fiscal year 1999-2000.....\$57,845

12 For the fiscal year 2000-2001.....\$59,155

13 2. The money appropriated by subsection 1 must be used for:

14 (a) The travel and operating expenses of the three members of the state
15 board of education who are appointed to the subcommittee on charter
16 schools created pursuant to section 3 of this act;

17 (b) A half-time education consultant; and

18 (c) A quarter-time Management Assistant I to assist the consultant and
19 the subcommittee with work relating to charter schools.

20 3. Any balance of the sums appropriated by subsection 1 remaining at
21 the end of the respective fiscal years must not be committed for expenditure
22 after June 30 of the respective fiscal years and reverts to the state general
23 fund as soon as all payments of money committed have been made.

24 **Sec. 58.** (Deleted by amendment.)

25 **Sec. 59.** 1. Notwithstanding the amendatory provisions of this act,
26 the board of trustees of a school district that has entered into a written
27 charter with a charter school before July 1, 1999, shall continue to sponsor
28 the charter school. The governing body of a charter school may submit a
29 written request for an amendment of the written charter of the charter
30 school in accordance with the amendatory provisions of this act. If the
31 proposed amendment complies with NRS 386.500 to 386.610 inclusive,
32 and sections 3 to 8, inclusive, of this act and any other statute or regulation
33 applicable to charter schools, the sponsor of the charter school shall amend
34 the written charter in accordance with the proposed amendment.

35 2. A charter school that has entered into a written charter with the
36 board of trustees of a school district before July 1, 1999, may, upon the
37 expiration of its written charter, apply for renewal of the charter to the
38 board of trustees of the school district in accordance with the amendatory
39 provisions of this act.

40 **Sec. 60.** 1. This section and sections 56 and 57 of this act become
41 effective upon passage and approval.

- 1 2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive,
2 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become
3 effective on July 1, 1999.
- 4 3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on
5 July 1, 1999.
- 6 4. Section 12.5 of this act becomes effective on July 1, 2001.
- 7 5. Section 55 of this act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTION

386.510 Limitation on number of charter schools that may be formed in certain counties; exception for charter schools that provide education for pupils at risk.

1. Except as otherwise provided in subsection 2:
 - (a) In a county whose population is more than 400,000, two charter schools may be formed per every 75,000 pupils who are enrolled in public schools in the county school district.
 - (b) In a county whose population is more than 100,000 but less than 400,000, two charter schools may be formed.
 - (c) In a county whose population is less than 100,000, one charter school may be formed.
2. The limitations set forth in subsection 1 do not apply to charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk.