

SENATE BILL NO. 258—SENATORS WASHINGTON, O’CONNELL, RAWSON,  
TOWNSEND, MCGINNESS, O’DONNELL AND RHOADS

FEBRUARY 25, 1999

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JOINT SPONSORS: ASSEMBLYMEN BROWER, HETTRICK, CEGAVSKE, HUMKE,  
NOLAN, ANGLE, CARPENTER, GUSTAVSON, TIFFANY AND VON TOBEL

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Referred to Committee on Finance

SUMMARY—Revises provisions governing charter schools. (BDR 34-43)

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.

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AN ACT relating to education; revising the provisions governing charter schools; creating the  
commission for charter schools; making appropriations; and providing other matters  
properly relating thereto.

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

- 1    **Section 1.** NRS 385.007 is hereby amended to read as follows:  
2    385.007 As used in this Title, unless the context otherwise requires:  
3    1. “Charter school” means a public school that is formed pursuant to  
4 the provisions of NRS ~~386.500 to 386.610, inclusive.~~ **386.505 to**  
5 **386.605, inclusive, and sections 4 to 10, inclusive, of this act.**  
6    2. “Department” means the department of education.  
7    3. “Public schools” means all kindergartens and elementary schools,  
8 junior high schools and middle schools, high schools, charter schools and  
9 any other schools, classes and educational programs which receive their  
10 support through public taxation and, except for charter schools, whose  
11 textbooks and courses of study are under the control of the state board.  
12    4. “State board” means the state board of education.

1     **Sec. 2.** NRS 385.110 is hereby amended to read as follows:

2     385.110   1. Except as otherwise provided in subsections 2 and 3, the  
3     state board shall prescribe and cause to be enforced the courses of study for  
4     the public schools of this state.

5     2. For those courses of study prescribed by the state board:

6     (a) High schools may have modified courses of study, subject to the  
7     approval of the state board; and

8     (b) Any high school offering courses normally accredited as being  
9     beyond the level of the 12th grade shall, before offering such courses, have  
10    them approved by the state board.

11    3. A charter school is not required to offer the courses of study  
12    prescribed by the state board . ~~except for those courses of study which are~~  
13    ~~required for promotion to the next grade or graduation from high school.~~

14    **Sec. 3.** Chapter 386 of NRS is hereby amended by adding thereto the  
15    provisions set forth as sections 4 to 10, inclusive, of this act.

16    **Sec. 4. 1. *The commission for charter schools consisting of five***  
17    ***members is hereby created. The governor shall appoint:***

18    ***(a) Two members who represent private business and industry;***

19    ***(b) Two members with experience and knowledge in the field of***  
20    ***education; and***

21    ***(c) One member of the general public.***

22    ***2. The governor shall select a chairman from among the members of***  
23    ***the commission.***

24    ***3. After the initial terms, the members of the commission for charter***  
25    ***schools serve terms of 4 years. A vacancy in the membership of the***  
26    ***commission must be filled for the remainder of the unexpired term in the***  
27    ***same manner as the original appointment. A member may not serve***  
28    ***more than two consecutive full terms.***

29    ***4. Each member of the commission for charter schools serves***  
30    ***without compensation, except that for each day or portion of a day***  
31    ***during which a member attends a meeting of the commission or is***  
32    ***otherwise engaged in the business of the commission, he is entitled to***  
33    ***receive the per diem allowance and travel expenses provided for state***  
34    ***officers and employees generally.***

35    ***5. The commission for charter schools shall hold at least nine***  
36    ***meetings each year and may meet at other times by a call of the***  
37    ***chairman.***

38    **Sec. 5. *The commission for charter schools shall:***

39    ***1. Carry out the duties prescribed to the commission pursuant to***  
40    ***NRS 386.505 to 386.605, inclusive, and sections 4 to 10, inclusive, of this***  
41    ***act.***

1     2.   Exercise general supervision in accordance with NRS 386.505 to  
2   386.605, inclusive, and sections 4 to 10, inclusive, of this act over the  
3   charter schools that the commission sponsors.

4     **Sec. 6.**   1.   Except as otherwise provided in subsection 3, if the  
5   board of trustees of a school district or the commission for charter  
6   schools approves an application to form a charter school, it shall grant a  
7   written charter to the applicant. The entity that approves the application  
8   shall be deemed the sponsor of the charter school. A written charter must  
9   be for a term of 6 years unless the governing body of a charter school  
10   renews its initial charter after 3 years of operation pursuant to subsection  
11   2 of NRS 386.530. A written charter must include all conditions of  
12   operation set forth in paragraphs (a) to (o), inclusive, of subsection 5 of  
13   NRS 386.520. As a condition of the issuance of a written charter  
14   pursuant to this subsection, the charter school must agree to comply with  
15   all conditions of operation set forth in NRS 386.550.

16   2.   The governing body of a charter school may submit to the sponsor  
17   of the charter school a written request for an amendment of the written  
18   charter of the charter school. If the proposed amendment complies with  
19   the provisions of this section, NRS 386.505 to 386.605, inclusive, and  
20   sections 4 to 10, inclusive, of this act and any other statute or regulation  
21   applicable to charter schools, the sponsor shall amend the written charter  
22   in accordance with the proposed amendment.

23   3.   If the board of trustees of a school district or the commission for  
24   charter schools is considering an application to form a charter school  
25   and determines that the applicant is not yet eligible for the issuance of a  
26   charter pursuant to subsection 1, it may, if applicable, hold the  
27   application in abeyance and grant a conditional charter to the applicant  
28   if the applicant:

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

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

34   An entity that grants a conditional charter pursuant to this subsection  
35   shall provide written notice to the state board of its action.

36   4.   A conditional charter expires 1 year after its issuance and is  
37   nonrenewable. The holder of a conditional charter shall not operate a  
38   charter school and is not eligible to receive any public school money for  
39   the operation of a charter school. Before the expiration of a conditional  
40   charter, the holder of the conditional charter may submit a supplemental  
41   application and request the entity that granted the conditional charter to  
42   determine whether the holder is eligible for the issuance of a charter

1 *pursuant to subsection 1. The entity shall consider such a request as soon*  
2 *as is practicable.*

3 **Sec. 7. 1.** *The governing body of a charter school may consist of,*  
4 *without limitation, teachers, parents and representatives of nonprofit*  
5 *organizations and businesses.*

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

11 **Sec. 8. 1.** *The governing body of a charter school shall designate a*  
12 *person to draw all orders for the payment of money belonging to the*  
13 *charter school. The orders must be listed on cumulative voucher sheets.*

14 **2.** *The governing body of a charter school shall prescribe the*  
15 *procedures by which the orders must be approved and the cumulative*  
16 *voucher sheets signed.*

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

20 **4.** *An action may not be maintained against any governing body of a*  
21 *charter school to collect upon any bill not presented for payment to the*  
22 *governing body within 6 months after the bill was incurred.*

23 **Sec. 9.** *The governing body of a charter school shall adopt rules for*  
24 *the academic retention of pupils who are enrolled in the charter school.*  
25 *The rules must prescribe the conditions under which a pupil may be*  
26 *retained in the same grade rather than promoted to the next higher grade*  
27 *for the immediately succeeding school year.*

28 **Sec. 10.** *If a pupil has successfully completed equivalent courses at a*  
29 *charter school, the pupil must be allowed to transfer the credit that he*  
30 *received at the charter school as applicable toward advancement to the*  
31 *next grade at any other public school or toward graduation from any*  
32 *other public school.*

33 **Sec. 11.** NRS 386.350 is hereby amended to read as follows:

34 386.350 Each board of trustees is hereby given such reasonable and  
35 necessary powers, not conflicting with the constitution and the laws of the  
36 State of Nevada, as may be requisite to attain the ends for which the public  
37 schools , *excluding charter schools*, are established and to promote the  
38 welfare of school children, including the establishment and operation of  
39 schools and classes deemed necessary and desirable.

40 **Sec. 12.** NRS 386.450 is hereby amended to read as follows:

41 386.450 The rules and regulations adopted by the association ~~[shall]~~  
42 *must* provide for the membership of *charter schools*, private *schools* and  
43 parochial schools , which may elect to join the association.

1     **Sec. 13.** NRS 386.460 is hereby amended to read as follows:  
2     386.460 ~~{Any}~~ ***If a charter school***, private ***school*** or parochial school  
3 ~~{which}~~ elects to become a member of the association ~~{shall be}~~, ***the***  
4 ***school is*** subject to the same regulations and requirements and ~~{shall be}~~ ***is***  
5 liable for the same fees and charges as ~~{public}~~ ***other*** schools within the  
6 association.

7     **Sec. 14.** NRS 386.505 is hereby amended to read as follows:  
8     386.505 ~~{1.}~~ The legislature hereby declares that by authorizing the  
9 formation of charter schools in this state ~~{:~~

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

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

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

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

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

19 ~~—(4) A procedure by which the positive results achieved by charter~~  
20 ~~schools may be replicated and the negative results may be identified and~~  
21 ~~eliminated.~~

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

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

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

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

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

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

34 ~~—(6) Create new professional opportunities for teachers and other~~  
35 ~~educational personnel, including, without limitation, the opportunity to~~  
36 ~~increase the accessibility and responsibility of teachers and other~~  
37 ~~educational personnel for the program of learning offered.~~

38 ~~—2.— The legislature declares that by authorizing the formation of charter~~  
39 ~~schools it is not authorizing:~~

40 ~~—(a) The establishment of a charter school as a justification to keep open~~  
41 ~~an existing public school that would otherwise be closed;~~

42 ~~—(b) A means for providing financial assistance for private schools or~~  
43 ~~programs \_\_\_\_\_ of \_\_\_\_\_ home \_\_\_\_\_ study; \_\_\_\_\_ or~~

1 ~~—(c) The~~ *it is not authorizing the* formation of charter schools on the  
2 basis of a single race, religion or ethnicity.

3 **Sec. 15.** NRS 386.520 is hereby amended to read as follows:

4 386.520 1. A committee to form a charter school must consist of at  
5 least ~~{three}~~ *two* licensed teachers alone or in combination with:

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

7 (b) Representatives of an organization devoted to service to the general  
8 public;

9 (c) Representatives of a private business; or

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

12 2. A committee to form a charter school may ~~{not}~~ submit an  
13 application to form a charter school ~~{that}~~ *to the board of trustees of a*  
14 *school district or the commission for charter schools.*

15 *3. An application may propose to convert a private school into a*  
16 *charter school if the private school is nonsectarian. If such an*  
17 *application is approved and the school operates as a charter school, the*  
18 *school is no longer governed by chapter 394 of NRS and shall comply*  
19 *with NRS 386.505 to 386.605, inclusive, and sections 4 to 10, inclusive,*  
20 *of this act and any other statute or regulation applicable to charter*  
21 *schools.*

22 *4. The board of trustees or the commission for charter schools shall*  
23 *deny an application if the application* proposes to convert ~~{a private~~  
24 ~~school or}~~ a program of study at home into a charter school.

25 ~~{3. — Before a committee}~~

26 *5. An application* to form a charter school ~~{may submit an application~~  
27 ~~to the board of trustees of a school district, it must submit the application to~~  
28 ~~the department. The application}~~ must include : ~~{all information prescribed~~  
29 ~~by the department by regulation and:}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

15 ~~—(k) The procedure for evaluation of the teachers and other employees of~~  
16 ~~the charter school, if different from the procedure prescribed in NRS~~  
17 ~~391.3125.~~

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

21 ~~—(m) A written description of the location of the charter school and the~~  
22 ~~facilities and equipment available to the charter school. The description~~  
23 ~~must include the procedures that will be followed for the disposition of~~  
24 ~~facilities and equipment upon dissolution or nonrenewal of the charter.~~

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

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

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

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

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

39 ~~—4. The department shall review an application to form a charter school~~  
40 ~~to determine whether it is complete. The department shall provide written~~  
41 ~~notice to the applicant of its approval or denial of the application. If the~~  
42 ~~department denies an application, the department shall include in the~~  
43 ~~written notice the reason for the denial and the deficiencies in the~~



~~application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.] NRS 386.505 to 386.605, inclusive, and sections 4 to 10, inclusive, of this act.~~

*(b) If the proposal for a charter school includes the conversion of an existing public school:*

*(1) Evidence of support from the teachers who are employed full time at the public school that will be converted, demonstrated by:*

*(I) A petition signed by more than 50 percent of those teachers; or*

*(II) The written results of an election, in which more than 50 percent of those teachers approved, by secret ballot or otherwise, the proposed conversion; and*

*(2) Evidence of support from parents and legal guardians and the community in which the proposed charter school will be located, at a level deemed sufficient by the entity to whom the application was submitted.*

*(c) If the proposal for a charter school includes the conversion of a private school:*

*(1) Evidence of support from the teachers who are employed full time at the private school that will be converted, demonstrated by:*

*(I) A petition signed by more than 50 percent of those teachers; or*

*(II) The written results of an election, in which more than 50 percent of those teachers approved, by secret ballot or otherwise, the proposed conversion; and*

*(2) Evidence of support from parents and legal guardians of pupils who are enrolled in the private school, at a level deemed sufficient by the entity to whom the application was submitted.*

*(d) If the proposed charter school does not include the conversion of an existing public school or private school, evidence of support from teachers, parents and the community in which the proposed charter school will be located, at a level deemed sufficient by the entity to whom the application was submitted.*

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

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

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

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

*(4) Establishing accountability of public schools;*



- 1     (5) *Providing a method for public schools to measure achievement*  
2 *based upon the performance of the schools; or*  
3     (6) *Creating new professional opportunities for teachers.*  
4     (f) *The projected enrollment of pupils in the charter school.*  
5     (g) *The proposed dates of enrollment for the charter school.*  
6     (h) *The proposed system of governance for the charter school,*  
7 *including, without limitation, the number of persons who will govern, the*  
8 *method of selecting the persons who will govern and the term of office*  
9 *for each person.*  
10    (i) *The method by which disputes will be resolved between the*  
11 *governing body of the charter school and the sponsor of the charter*  
12 *school.*  
13    (j) *The proposed curriculum for the charter school.*  
14    (k) *The textbooks that will be used at the charter school.*  
15    (l) *The qualifications of the persons who will provide instruction at*  
16 *the charter school.*  
17    (m) *The process by which the governing body of the charter school*  
18 *will negotiate employment contracts with the employees of the charter*  
19 *school.*  
20    (n) *A financial plan for the operation of the charter school. The plan*  
21 *must include, without limitation, procedures for the audit of the*  
22 *programs and finances of the charter school and guidelines for*  
23 *determining the financial liability if the charter school is unsuccessful.*  
24    (o) *The proposed plan for the transportation of pupils to and from the*  
25 *charter school.*

26    **Sec. 16.** NRS 386.525 is hereby amended to read as follows:

27    386.525 1. ~~{Upon approval of an application by the department, a~~  
28 ~~committee to form a charter school may submit the application to the board~~  
29 ~~of trustees of the school district in which the proposed charter school will~~  
30 ~~be located. The}~~ *If the board of trustees of a school district or the*  
31 *commission for charter schools receives an application to form a charter*  
32 *school, it shall consider the application at {a public meeting for which} its*  
33 *next regularly scheduled meeting or 14 days after the receipt of the*  
34 *application, whichever occurs later, and ensure that notice of the meeting*  
35 *has been provided pursuant to chapter 241 of NRS. The board of trustees*  
36 *or the commission for charter schools shall {review the application to*  
37 ~~determine whether it is complete in accordance with the regulations of the~~  
38 ~~department. The board of trustees shall approve an application if it is~~  
39 ~~complete. The}~~ *not deny an application unless the application does not:*  
40    (a) *Comply with the provisions of NRS 386.505 to 386.605, inclusive,*  
41 *and sections 4 to 10, inclusive, of this act or any other statute applicable*  
42 *to* *schools.*

1 (b) *Ensure that a uniform system of public education will continue to*  
2 *be offered throughout this state, including, without limitation, for*  
3 *purposes of apportionment from the state distributive school account.*

4 *Not more than 10 days after the meeting, the board of trustees or the*  
5 *commission for charter schools shall provide written notice to the*  
6 *applicant of its approval or denial of the application.*

7 2. *If the board of trustees or the commission for charter schools*  
8 *denies such an application, it shall include in the written notice the reasons*  
9 *for the denial and the deficiencies in the application* ~~[The applicant must~~  
10 ~~be granted]~~ *, including, without limitation, each provision of NRS*  
11 *386.505 to 386.605, inclusive, and sections 4 to 10, inclusive, of this act*  
12 *or any other statute with which the application does not comply. If the*  
13 *board of trustees or the commission for charter schools denies such an*  
14 *application, the applicant may, not later than 30 days after receipt of the*  
15 *written notice* ~~[to correct any deficiencies identified in the written notice~~  
16 ~~and resubmit the application.~~

17 ~~—2.]~~ *of the denial, appeal the denial to the district court of the county in*  
18 *which the proposed charter school will be located.*

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

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

33 ~~—4.— Upon request of the governing body of a charter school and the~~  
34 ~~approval of the board of trustees of the school district that granted the~~  
35 ~~written charter, the written charter may be amended if such amendment will~~  
36 ~~grant to the charter school a greater ability to achieve its educational goals~~  
37 ~~and objectives. An amendment must not authorize an extension of the~~  
38 ~~duration of the term of the written charter.]~~ *the board of trustees shall, not*  
39 *more than 10 days after the approval, provide written notice to the state*  
40 *board and to the commission for charter schools of its approval and the*  
41 *date of the approval. If the commission for charter schools approves such*  
42 *an application, the commission shall, not more than 10 days after the*

1 *approval, provide written notice to the state board of its approval and the*  
2 *date of the approval.*

3 **Sec. 17.** NRS 386.530 is hereby amended to read as follows:

4 386.530 1. Except as otherwise provided in subsection 2, an  
5 application for renewal of a written charter may be submitted to the sponsor  
6 of the charter school not less than 90 days before the expiration of the  
7 charter. ~~The application must include the information prescribed by the~~  
8 ~~regulations of the department. The sponsor shall conduct an intensive~~  
9 ~~review and evaluation of the charter school in accordance with the~~  
10 ~~regulations of the department.]~~ The sponsor shall renew the charter unless it  
11 finds the existence of any ground for revocation set forth in NRS 386.535.  
12 The sponsor shall provide written notice of its determination not fewer than  
13 30 days before the expiration of the charter. If the sponsor intends not to  
14 renew the charter, the written notice must:

15 (a) Include a statement of the deficiencies or reasons upon which the  
16 action of the sponsor is based; and

17 (b) Prescribe a period of not less than 30 days during which the charter  
18 school may correct any such deficiencies.

19 If the charter school corrects the deficiencies to the satisfaction of the  
20 sponsor within the time prescribed in paragraph (b), the sponsor shall  
21 renew the charter of the charter school.

22 2. A charter school may submit an application for renewal of its initial  
23 charter after 3 years of operation of the charter school. ~~The application~~  
24 ~~must include the information prescribed by the regulations of the~~  
25 ~~department. The sponsor shall conduct an intensive review and evaluation~~  
26 ~~of the charter school in accordance with the regulations of the department.]~~

27 The sponsor shall renew the charter unless it finds the existence of any  
28 ground for revocation set forth in NRS 386.535. The sponsor shall provide  
29 written notice of its determination. If the sponsor intends not to renew the  
30 charter, the written notice must:

31 (a) Include a statement of the deficiencies or reasons upon which the  
32 action of the sponsor is based; and

33 (b) Prescribe a period of not less than 30 days during which the charter  
34 school may correct any such deficiencies.

35 If the charter school corrects the deficiencies to the satisfaction of the  
36 sponsor within the time prescribed in paragraph (b), the sponsor shall  
37 renew the charter of the charter school.

38 **Sec. 18.** NRS 386.535 is hereby amended to read as follows:

39 386.535 1. The ~~board of trustees of a school district]~~ *sponsor of a*  
40 *charter school* may revoke the written charter of the charter school before

41 the expiration of the charter if ~~a majority of the members of the board of~~  
42 ~~trustees]~~ *the sponsor* determines that ~~[the]~~ :

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

3     ~~**[1.] (1)** The terms and conditions of the written charter **[including,**~~  
4 ~~**without limitation, the times by which certain academic or educational**~~  
5 ~~**results would be achieved;**~~  
6 ~~**—2. Generally accepted standards of accounting and fiscal management;**~~  
7 ~~**or**~~  
8 ~~**—3.] ; or**~~

9     **(2)** The provisions of NRS ~~**[386.500 to 386.610,]**~~ **386.505 to 386.605,**  
10 inclusive, **and sections 4 to 10, inclusive, of this act** or any other statute or  
11 regulation applicable to charter schools ~~**[.] ;**~~

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

15     **(c) There is reasonable cause to believe that revocation is necessary to**  
16 **protect the health and safety of the pupils who are enrolled in the charter**  
17 **school or persons who are employed by the charter school from jeopardy,**  
18 **or to prevent damage to or loss of the property of the school district or the**  
19 **community in which the charter school is located.**

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

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

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

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

30     **Sec. 19.** NRS 386.545 is hereby amended to read as follows:

31     386.545 The ~~**[department]**~~ **commission for charter schools** and the  
32 board of trustees of a school district shall:

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

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

37     3. Maintain a list available for public inspection of any buildings or  
38 facilities that may be suitable for the operation of a charter school;

39     4. Provide reasonable assistance to an applicant for a charter school  
40 and to a charter school in carrying out the provisions of NRS ~~**[386.500 to**~~  
41 ~~**386.610, inclusive; and]**~~ **386.505 to 386.605, inclusive, and sections 4 to**  
42 **10, inclusive, of this act;**

1 5. Provide technical and other reasonable assistance to a charter school  
2 for the operation of the charter school ~~1-1~~; and

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

6 **Sec. 20.** NRS 386.547 is hereby amended to read as follows:

7 386.547 **1.** The state board shall:

8 ~~1-1~~ **(a)** Review all statutes and regulations from which charter schools  
9 are exempt and determine whether such exemption assisted or impeded the  
10 charter schools in achieving their educational goals and objectives.

11 ~~1-2~~ **(b)** Make available information concerning the formation and  
12 operation of charter schools in this state to pupils, parents and legal  
13 guardians of pupils, teachers and other educational personnel and members  
14 of the general public.

15 **(c) Adopt regulations that:**

16 ***(1) Require each charter school to submit to the board of trustees of***  
17 ***the school district in which the charter school is located information for***  
18 ***inclusion in the report required of the board of trustees pursuant to NRS***  
19 ***385.347; and***

20 ***(2) Prescribe the procedures for accounting, budgeting and annual***  
21 ***audits of charter schools.***

22 **2.** ***The state board may adopt such additional regulations as it***  
23 ***determines are necessary to carry out the provisions of NRS 386.505 to***  
24 ***386.605, inclusive, and sections 4 to 10, inclusive, of this act.***

25 **Sec. 21.** NRS 386.550 is hereby amended to read as follows:

26 386.550 **1.** A charter school shall:

27 ~~1-1~~ **(a)** Comply with all laws and regulations relating to discrimination  
28 and civil rights.

29 ~~1-2~~ **(b)** Remain nonsectarian, including, without limitation, in its  
30 educational programs, policies for admission and employment practices.

31 ~~1-3~~ **(c)** Refrain from charging tuition or fees, levying taxes or issuing  
32 bonds.

33 ~~1-4~~ **(d)** Comply with any plan for desegregation ordered by a court that  
34 is in effect in the school district in which the charter school is located.

35 ~~1-5~~ **(e)** Comply with the provisions of chapter 241 of NRS.

36 ~~1-6~~ **(f)** Schedule and provide annually at least as many days of  
37 instruction as are required of other public schools located in the same  
38 school district as the charter school is located.

39 ~~1-7~~ **(g)** Cooperate with the board of trustees of the school district in the  
40 administration of the achievement and proficiency examinations  
41 administered pursuant to NRS 389.015 to the pupils who are enrolled in the  
42 charter school.

1 ~~[8.]~~ *(h)* Comply with applicable statutes and regulations governing the  
2 achievement and proficiency of pupils in this state.

3 ~~[9.— Provide at least the courses of instruction that are required of pupils  
4 by statute or regulation for promotion to the next grade or graduation from  
5 a public high school and require the pupils who are enrolled in the charter  
6 school to take those courses of study. This subsection does not preclude a  
7 charter school from offering, or requiring the pupils who are enrolled in the  
8 charter school to take, other courses of study that are required by statute or  
9 regulation.~~

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

13 ~~—11.— Adhere to the same transportation policy that is in effect in the  
14 school district in which the charter school is located.]~~

15 *(i) Refrain from using public money to purchase real property or  
16 buildings without the approval of the sponsor.*

17 *(j) Obtain liability insurance as may be required of other public  
18 schools located in the same school district as the charter school is  
19 located. An action at law may not be maintained against the sponsor of a  
20 charter school for any cause of action for which the charter school has  
21 obtained liability insurance.*

22 *(k) Provide written notice to the parents or legal guardians of pupils  
23 in grades 9 to 12, inclusive, who are enrolled in the charter school of  
24 whether the charter school is accredited by the Commission on Schools  
25 of the Northwest Association of Schools and Colleges.*

26 *2. A charter school is not required to adopt a final budget pursuant  
27 to NRS 354.598 or otherwise comply with the provisions of chapter 354  
28 of NRS.*

29 **Sec. 22.** NRS 386.560 is hereby amended to read as follows:

30 386.560 1. ~~[A]~~ *The governing body of a* charter school may contract  
31 with the board of trustees of the school district in which the charter school  
32 is located *or the University and Community College System of Nevada for  
33 the provision of facilities to operate the charter school or* to perform any  
34 service relating to the operation of the charter school, including, without  
35 limitation, transportation and the provision of health services for the pupils  
36 who are enrolled in the charter school.

37 2. A charter school may use any public facility located within the  
38 school district in which the charter school is located. ~~[A charter school may  
39 use school buildings owned by the school district only upon approval of the  
40 board of trustees of the school district and during times that are not regular  
41 school hours.]~~

42 *3. Upon the request of a parent or legal guardian of a pupil who is  
43 enrolled in a charter school, the board of trustees of the school district in*



1 *which the charter school is located shall authorize the pupil to participate*  
2 *in a class or extracurricular activity, including, without limitation,*  
3 *competitive sports and scholastic activities and events at a public school*  
4 *within the school district if:*

5 *(a) The charter school is located within the zone of attendance of the*  
6 *public school established pursuant to NRS 388.040;*

7 *(b) Space for the pupil in the class or extracurricular activity is*  
8 *available; and*

9 *(c) The parent or legal guardian demonstrates to the satisfaction of*  
10 *the board of trustees that the pupil is qualified to participate in the class*  
11 *or extracurricular activity.*

12 *If the board of trustees of a school district authorizes a pupil to*  
13 *participate in a class or extracurricular activity pursuant to this*  
14 *subsection, the board of trustees is not required to provide transportation*  
15 *for the pupil to attend the class or activity.*

16 **Sec. 23.** NRS 386.565 is hereby amended to read as follows:

17 386.565 The board of trustees of a school district ~~that approves the~~  
18 ~~formation of~~ *in which* a charter school *is located* shall not:

19 1. Assign any pupil who is enrolled in a public school in the school  
20 district or any employee who is employed in a public school in the school  
21 district to a charter school.

22 2. Interfere with the operation and management of the charter school  
23 except as authorized by the written charter, NRS ~~386.500 to 386.610,~~  
24 *386.505 to 386.605*, inclusive, *and sections 4 to 10, inclusive, of this act*  
25 and any other statute or regulation applicable to charter schools or its  
26 officers or employees.

27 **Sec. 24.** NRS 386.570 is hereby amended to read as follows:

28 386.570 1. ~~[Pupils who are]~~ *Each pupil who is* enrolled in a charter  
29 school, including, without limitation, ~~[pupils who are]~~ *a pupil who is*  
30 enrolled in ~~[programs]~~ *a program* of special education in a charter school,  
31 must be included in the count of pupils in the school district for the  
32 purposes of apportionments and allowances from the state distributive  
33 school account pursuant to NRS 387.121 to 387.126, inclusive ~~[ ]~~, *unless*  
34 *the pupil is exempt from compulsory attendance pursuant to NRS*

35 *392.070.* A charter school is entitled to receive its proportionate share of  
36 any other money available from federal, state or local sources that the  
37 school or the pupils who are enrolled in the school are eligible to receive.

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

41 3. To determine the amount of money for distribution to a charter  
42 school in its first year of operation, the count of pupils who are enrolled in  
43 the charter school must initially be determined 30 days before the



beginning of the school year ~~[3.]~~ *of the school district*, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils *who are enrolled in the charter school* must be revised on the last day of the first *school* month of the school *district in which the charter school is located for the school* year, based on the actual number of pupils who are enrolled in the charter school.

*Pursuant to subsection 2 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.*

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

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

**Sec. 25.** NRS 386.580 is hereby amended to read as follows:

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

~~—2.]~~ An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this state. *Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.* If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

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

- (a) Race;
- (b) Gender;

- 1 (c) Religion;
- 2 (d) Ethnicity; or
- 3 (e) Disability,
- 4 of a pupil.

5 ~~[4.]~~ 3. If the governing body of a charter school determines that the  
6 charter school is unable to provide an appropriate special education  
7 program and related services for a particular disability of a pupil who is  
8 enrolled in the charter school, the governing body may request that the  
9 board of trustees of the school district of the county in which the pupil  
10 resides transfer that pupil to an appropriate school.

11 ~~[5.]~~ 4. This section does not preclude the formation of a charter school  
12 that is dedicated to provide educational services exclusively to pupils:

- 13 (a) With disabilities; *or*
- 14 (b) Who pose such severe disciplinary problems that they warrant an  
15 educational program specifically designed to serve a single gender and  
16 emphasize personal responsibility and rehabilitation . ~~[-or~~

17 ~~-(c) Who are at risk.]~~

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

21 **Sec. 26.** NRS 386.590 is hereby amended to read as follows:

22 386.590 1. At least ~~[75]~~ *50* percent of the teachers who provide  
23 instruction at a charter school must be licensed teachers.

24 2. A *governing body of a* charter school ~~[may employ persons who are~~  
25 ~~not licensed teachers to provide instruction at the charter school if not more~~  
26 ~~than 25 percent of teachers who provide instruction at the charter school~~  
27 ~~are not licensed. A person who is employed pursuant to this subsection~~  
28 ~~must:~~

- 29 ~~—(a) Possess a temporary license to teach during the time that he is~~  
30 ~~fulfilling the requirements for full licensure;~~
- 31 ~~—(b) Possess a baccalaureate degree or higher degree; or~~
- 32 ~~—(c) Have at least 8 years of experience in the field in which he is~~  
33 ~~employed and possess exemplary skills in that field.~~

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

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

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

41 *(a) If the charter school offers instruction in kindergarten or grade 1,*  
42 *2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those*  
43 *grades.*

1     ***(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or***  
2     ***12, a licensed teacher to teach pupils who are enrolled in those grades for***  
3     ***the following courses of study:***

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

5         ***(2) Mathematics;***

6         ***(3) Science; and***

7         ***(4) Social studies.***

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

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

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

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

19     ***3. A charter school may employ a person who is not licensed***  
20     ***pursuant to the provisions of chapter 391 of NRS to teach a course of***  
21     ***study for which a licensed teacher is not required pursuant to subsection***  
22     ***2 if the person has:***

23         ***(a) A degree in the field for which he is employed to teach at the***  
24         ***charter school; or***

25         ***(b) At least 5 years of experience in that field.***

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

28         ***(a) A master's degree in school administration, public administration or***  
29         ***business administration; or***

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

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

35     ***6. As used in this section, "social studies" means history, geography,***  
36     ***economics and government.***

37     **Sec. 27.** NRS 386.595 is hereby amended to read as follows:

38     386.595 1. ~~Except as otherwise provided in this subsection and~~  
39     ~~subsection 2, the provisions of the collective bargaining agreement entered~~  
40     ~~into by the board of trustees of the school district in which the charter~~  
41     ~~school is located apply to the terms and conditions of employment of~~  
42     ~~employees of the charter school. If a written charter is renewed, the~~

1 ~~employees of the charter school may, at the time of renewal, apply for~~  
2 ~~recognition as a bargaining unit pursuant to NRS 288.160.~~

3 ~~—2.— A teacher or a governing body of a charter school may request that~~  
4 ~~the board of trustees of the school district and other persons who entered~~  
5 ~~into the collective bargaining agreement grant a waiver from specific~~  
6 ~~provisions of the collective bargaining agreement for the teacher or~~  
7 ~~governing body.~~

8 ~~—3.1~~ *The process by which the governing body of a charter school must*  
9 *negotiate employment contracts with persons who are employed by the*  
10 *governing body must be in accordance with the process set forth in the*  
11 *application submitted pursuant to paragraph (m) of subsection 5 of NRS*  
12 *386.520. The salary of each person who is employed by a charter school*  
13 *must be determined by the governing body of the charter school and the*  
14 *employee. An employee of a charter school retains the right to bargain*  
15 *collectively or to refrain from bargaining collectively pursuant to chapter*  
16 *288 of NRS. Employees of a charter school may remain part of the*  
17 *appropriate existing bargaining unit of a school district if the choice to*  
18 *remain is specifically agreed upon by more than 50 percent of the*  
19 *employees of the charter school and the governing body of the charter*  
20 *school.*

21 *2. The salary of each person who is employed by a charter school,*  
22 *the term of his employment and any other conditions of employment*  
23 *agreed upon by the governing body of the charter school and the*  
24 *employee must be embodied in a written contract between the governing*  
25 *body and the employee.*

26 *3. If an employee of a charter school is on a leave of absence that is*  
27 *legally authorized by the board of trustees of the school district in which*  
28 *he is employed, he may be employed by a charter school without loss of*  
29 *seniority in the school district for not more than 6 years. Such an*  
30 *employee is not a member of the bargaining unit of the employees of the*  
31 *school district unless otherwise specifically agreed to by the governing*  
32 *body and the employee.*

33 *4. Each applicant for employment pursuant to this section must, as a*  
34 *condition to employment, submit to the governing body of the charter*  
35 *school a full set of his fingerprints and written permission authorizing*  
36 *the governing body to forward the fingerprints to the Federal Bureau of*  
37 *Investigation and the central repository for Nevada records of criminal*  
38 *history for their reports on the criminal history of the applicant.*

39 *5. All employees of a charter school shall be deemed public*  
40 *employees.*

41 ~~[4.— The governing body of a charter school may make all employment~~  
42 ~~decisions with regard to its employees pursuant to NRS 391.311 to~~  
43 ~~391.3197, inclusive, unless the applicable collective bargaining agreement~~

1 contains separate provisions relating to the discipline of licensed employees  
2 of a school.

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

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

24 ~~—7.]~~ 6. An employee who is on a leave of absence from a school district  
25 pursuant to this section shall contribute to and be eligible for all benefits for  
26 which he would otherwise be entitled, including, without limitation,  
27 participation in the public employees' retirement system and accrual of  
28 time for the purposes of leave and retirement. The time during which such  
29 an employee is on leave of absence and employed in a charter school does  
30 not count toward the acquisition of permanent status with the school  
31 district.

32 ~~[8.]~~ 7. Upon the return of a teacher to employment in the school  
33 district, he is entitled to the same level of retirement, salary and any other  
34 benefits to which he would otherwise be entitled if he had not taken a leave  
35 of absence to teach in a charter school.

36 ~~[9.]~~ 8. An employee of a charter school who is not on a leave of  
37 absence from a school district is eligible for all benefits for which he would  
38 be eligible for employment in a public school, including, without limitation,  
39 participation in the public employees' retirement system.

40 ~~[10.— For all employees of a charter school:~~

41 ~~—(a) The compensation that a teacher or other school employee would~~  
42 ~~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.}]~~

**9. Upon the request of the governing body of a charter school, the board of trustees of the school district in which the charter school is located shall offer the same group insurance to the employees of the charter school that the board of trustees offers to its employees if the governing body of the charter school:**

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

**(b) Provides, 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. 28.** 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 (q) 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 during the school year. 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

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

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

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

(1) Governor;

(2) State board;

(3) Department;

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

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

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

~~5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted pursuant to NRS 354.598.~~

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

**Sec. 29.** NRS 387.1233 is hereby amended to read as follows:

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

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

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

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school *district for the school* year, including, without limitation, the count of pupils who reside in the county



1 and are enrolled in any charter school ~~in~~ *on the last day of the first school*  
2 *month of the school district for the school year.*

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

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

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

17 (b) Multiplying the number of special education program units  
18 maintained and operated by the amount per program established for that  
19 school year.

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

21 2. If the enrollment of pupils *in a school district or a charter school*  
22 *that is located within the school district* on the last day of the first school  
23 month of the school *district for the school* year ~~in a school district or a~~  
24 ~~charter school~~ is less than the enrollment of pupils in the same school  
25 district or charter school on the last day of the first school month *of the*  
26 *school district* for the immediately preceding school year, the larger  
27 number must be used for purposes of apportioning money from the state  
28 distributive school account to that school district or charter school pursuant  
29 to NRS 387.124.

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

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

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

1     **Sec. 30.** NRS 387.124 is hereby amended to read as follows:

2     387.124 Except as otherwise provided in NRS 387.528:

3     1. On or before August 1, November 1, February 1 and May 1 of each  
4 year, the superintendent *of public instruction* shall , *except as otherwise*  
5 *provided in subsections 2 and 3*, apportion the state distributive school  
6 account in the state general fund among the several county school districts  
7 and charter schools in amounts approximating one-fourth of their respective  
8 yearly apportionments less any amount set aside as a reserve. The  
9 apportionment to a school district, computed on a yearly basis, equals the  
10 difference between the basic support and the local funds available pursuant  
11 to NRS 387.1235, minus all the funds attributable to pupils who reside in  
12 the county but attend a charter school. No apportionment may be made to a  
13 school district if the amount of the local funds exceeds the amount of basic  
14 support. The apportionment to a charter school, computed on a yearly  
15 basis, is equal to the sum of the basic support per pupil in the county in  
16 which the pupil resides plus the amount of local funds available per pupil  
17 pursuant to NRS 387.1235 and all other funds available for public schools  
18 in the county in which the pupil resides. If the apportionment per pupil to a  
19 charter school is more than the amount to be apportioned to the school  
20 district in which a pupil who is enrolled in the charter school resides, the  
21 school district in which the pupil resides shall pay the difference directly to  
22 the charter school.

23     2. *The governing body of a charter school may submit a written*  
24 *request to the superintendent of public instruction to receive, in the first*  
25 *year of operation of the charter school, an apportionment 30 days before*  
26 *the apportionment is required to be made pursuant to subsection 1. Upon*  
27 *receipt of such a request, the superintendent of public instruction may*  
28 *make the apportionment 30 days before the apportionment is required to*  
29 *be made. A charter school may receive all four apportionments in*  
30 *advance in its first year of operation.*

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

38     **Sec. 31.** NRS 387.1243 is hereby amended to read as follows:

39     387.1243 1. The first apportionment based on an estimated number  
40 of pupils and special education program units and succeeding  
41 apportionments are subject to adjustment from time to time as the need  
42 therefor may

appear.

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

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

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

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

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

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

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

4. If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any

1 school district or charter school is less than the actual amount paid to the  
2 school district or charter school during the school year, the difference must  
3 be repaid to the state distributive school account in the state general fund  
4 by the school district or charter school before September 25.

5 **Sec. 32.** NRS 387.185 is hereby amended to read as follows:

6 387.185 1. Except as otherwise provided in subsection 2 and NRS  
7 387.528, all school money due each county school district must be paid  
8 over by the state treasurer to the county treasurer on August 1, November  
9 1, February 1 and May 1 of each year or as soon thereafter as the county  
10 treasurer may apply for it, upon the warrant of the state controller drawn in  
11 conformity with the apportionment of the superintendent of public  
12 instruction as provided in NRS 387.124.

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

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

24 4. ~~[(A)]~~ *Except as otherwise provided in this subsection, all* school  
25 money due each charter school must be paid over by the state treasurer to  
26 the governing body of the charter school on August 1, November 1,  
27 February 1 and May 1 of each year or as soon thereafter as the governing  
28 body may apply for it, upon the warrant of the state controller drawn in  
29 conformity with the apportionment of the superintendent of public  
30 instruction as provided in NRS 387.124. *If the superintendent of public*  
31 *instruction has approved, pursuant to subsection 2 of NRS 387.124, a*  
32 *request for payment of an apportionment 30 days before the*  
33 *apportionment is otherwise required to be made, the money due to the*  
34 *charter school must be paid over by the state treasurer to the governing*  
35 *body of the charter school on July 1, October 1, January 1 or April 1, as*  
36 *applicable.*

37 **Sec. 33.** NRS 388.020 is hereby amended to read as follows:

38 388.020 1. An elementary school is a public school in which ~~no~~  
39 grade work is *not* given above that included in the eighth grade, according  
40 to the regularly adopted state course of study.

41 2. A junior high or middle school is a public school in which the sixth,  
42 seventh, eighth and ninth grades are taught under a course of study  
43 prescribed and approved by the state board. The school is an elementary or

1 secondary school for the purpose of ~~teachers' certifications.~~ *the licensure*  
2 *of teachers.*

3 3. A high school is a public school in which subjects above the eighth  
4 grade, according to the state course of study, may be taught. The school is a  
5 secondary school for the purpose of ~~teachers' certifications.~~ *the licensure*  
6 *of teachers.*

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

9 5. A charter school is a public school that is formed pursuant to the  
10 provisions of NRS ~~386.500 to 386.610, inclusive.~~ *386.505 to 386.605,*  
11 *inclusive, and sections 4 to 10, inclusive, of this act.*

12 **Sec. 34.** NRS 388.367 is hereby amended to read as follows:

13 388.367 1. There is hereby created in the state treasury the fund for  
14 the school to careers program to be administered by the state board. The  
15 superintendent may accept gifts and grants of money from any source for  
16 deposit in the fund. All legislative appropriations, gifts and grants made to  
17 the fund become a part of the principal of the fund which may be reduced  
18 only by specific legislative action. The interest and income earned on the  
19 money in the fund, after deducting any applicable charges, must be credited  
20 to the fund.

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

24 3. Money in the fund must not be:

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

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

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

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

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

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

41 (a) School districts with approved applications in proportion to the total  
42 number of pupils enrolled in grades 7 to 12, inclusive, within the district on

1 the last day of the first *school* month of the school *district for the school*  
2 year preceding the school year for which the money is being provided;

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

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

11 **Sec. 35.** NRS 388.700 is hereby amended to read as follows:

12 388.700 1. Except as otherwise provided in subsections 2 ~~and 3,~~ 3  
13 *and 6*, after the last day of the first month of the school year, the ratio in  
14 each school district of pupils per class in kindergarten and grades 1, 2 and 3  
15 per licensed teacher designated to teach those classes full time must not  
16 exceed 15 to 1 in classes where core curriculum is taught. In determining  
17 this ratio, all licensed educational personnel who teach kindergarten or  
18 grade 1, 2 or 3 must be counted except teachers of art, music, physical  
19 education or special education, counselors, librarians, administrators, deans  
20 and specialists.

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

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

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

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

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

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

40 (a) The number of teachers employed;

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

43 (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.**

**Sec. 36.** NRS 389.020 is hereby amended to read as follows:

389.020 1. ~~But~~ **Except as otherwise provided in subsection 3, in** all public schools, the Caliente youth center and the Nevada youth training center, instruction must be given in American government, including ~~but not limited to~~, **without limitation**, the essentials of the Constitution of the United States, the constitution of the State of Nevada, the origin and history of the constitutions and the study of and devotion to American institutions and ideals.

2. The instruction required in subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

**3. The provisions of this section do not apply to charter schools.**

**Sec. 37.** NRS 389.025 is hereby amended to read as follows:

389.025 1. ~~The~~ **Except as otherwise provided in subsection 3, the** state board may, by regulation, require to be included in the existing course of study for American government at the secondary level, instruction relating to violent and other crimes.

2. The instruction may be developed respectively by the board of trustees of each school district and may include information regarding those acts that constitute violent and other crimes in the State of Nevada, the maximum punishments established by law for the commission of such acts and the physiological and psychological effects which a victim, and the family of a victim, of a violent crime may suffer.

**3. The provisions of this section do not apply to charter schools.**

**Sec. 38.** NRS 389.030 is hereby amended to read as follows:

389.030 **1. Except as otherwise provided in subsection 2,** American history, including the history of the State of Nevada, must be taught in all of the public schools in the State of Nevada for a period of at least 1 year.

**2. The provisions of this section do not apply to charter schools.**

**Sec. 39.** NRS 389.035 is hereby amended to read as follows:

389.035 ~~No~~

**1. Except as otherwise provided in subsection 2, no** pupil in any public high school, the Caliente youth center or the Nevada youth training center may receive a certificate or diploma of graduation without having passed a course in American government and American history as required

by NRS 389.020 and 389.030.



1     **2. The provisions of this section do not apply to pupils who are**  
2     **enrolled in charter schools.**

3     **Sec. 40.** NRS 389.040 is hereby amended to read as follows:

4     389.040   ~~{There shall be}~~

5     **1. Except as otherwise provided in subsection 2,** at least 1 hour **must**  
6     **be** set aside each school week in all graded schools and high schools in the  
7     State of Nevada for the purpose of holding patriotic exercises.

8     **2. The provisions of this section do not apply to charter schools.**

9     **Sec. 41.** NRS 389.050 is hereby amended to read as follows:

10    389.050   1. ~~{All}~~ **Except as otherwise provided in subsection 3, all**  
11    school officers in control of public high schools in ~~{the}~~ **this** state shall  
12    provide for courses of instruction designed to prepare the pupils for the  
13    duties of citizenship, both in time of peace and in time of war. Such  
14    instruction ~~{shall}~~ **must** include:

15    (a) Physical training designed to secure the health, vigor and physical  
16    soundness of the pupil.

17    (b) Instruction relative to the duties of citizens in the service of their  
18    country.

19    ~~{It shall be the}~~ **The** aim of such instruction **must be** to inculcate a love of  
20    country and a disposition to serve the country effectively and loyally.

21    2. Boards of trustees of school districts offering a 4-year high school  
22    course are empowered to employ teachers of physical training who shall  
23    devote all or part of their time to physical instruction for both boys and  
24    girls.

25    **3. The provisions of this section do not apply to charter schools.**

26    **Sec. 42.** NRS 389.060 is hereby amended to read as follows:

27    389.060   1. Except as otherwise provided in ~~{subsection 2,}~~  
28    **subsections 2 and 3,** physiology and hygiene must be taught in the public  
29    schools of this state, and special attention must be given to the effects of  
30    controlled substances upon the human system. The instruction must include  
31    the basic emergency care of a person in cardiac arrest, including the  
32    administering of cardiopulmonary resuscitation, in accordance with the  
33    standards of the American Heart Association or the American National Red  
34    Cross. The certification of pupils in the techniques of administering  
35    cardiopulmonary resuscitation is not required.

36    2. A pupil may be excused from instruction in the basic emergency  
37    care of a person in cardiac arrest if a parent or guardian of the pupil  
38    submits to the board of trustees of the school district a written statement  
39    indicating that such instruction is not in conformity with the religious  
40    beliefs of the parent or guardian.

41    **3. The provisions of this section do not apply to charter schools.**

1     **Sec. 43.** NRS 389.063 is hereby amended to read as follows:

2     389.063   1. The state board shall establish a program of instruction  
3 regarding the prevention of suicide.

4     2. ~~{The}~~ *Except as otherwise provided in subsection 3, the* instruction  
5 must be provided to each pupil by the completion of grade 12 as a part of a  
6 required course of study.

7     3. *The provisions of this section do not apply to pupils who are*  
8 *enrolled in charter schools.*

9     **Sec. 44.** NRS 389.065 is hereby amended to read as follows:

10    389.065   1. The board of trustees of a school district shall establish a  
11 course or unit of a course of:

12    (a) Factual instruction concerning acquired immune deficiency  
13 syndrome; and

14    (b) Instruction on the human reproductive system, related communicable  
15 diseases and sexual responsibility.

16    2. Each board of trustees shall appoint an advisory committee  
17 consisting of:

18    (a) Five parents of children who attend schools in the district; and

19    (b) Four representatives, one from each of four of the following  
20 professions or occupations:

21       (1) Medicine or nursing;

22       (2) Counseling;

23       (3) Religion;

24       (4) Pupils who attend schools in the district; or

25       (5) Teaching.

26 This committee shall advise the district concerning the content of and  
27 materials to be used in a course of instruction established pursuant to this  
28 section, and the recommended ages of the pupils to whom the course is  
29 offered. The final decision on these matters must be that of the board of  
30 trustees.

31    3. The subjects of the courses may be taught only by a teacher or  
32 school nurse whose qualifications have been previously approved by the  
33 board of trustees.

34    4. The parent or guardian of each pupil to whom a course is offered  
35 must first be furnished written notice that the course will be offered. The  
36 notice must be given in the usual manner used by the local district to  
37 transmit written material to parents, and must contain a form for the  
38 signature of the parent or guardian of the pupil consenting to his  
39 attendance. Upon receipt of the written consent of the parent or guardian,  
40 the pupil may attend the course. If the written consent of the parent or  
41 guardian is not received, he must be excused from such attendance without  
42 any penalty as to credits or academic standing. Any course offered pursuant  
43 to this section is not a requirement for graduation.

1 5. All instructional materials to be used in a course must be available  
2 for inspection by parents or guardians of pupils at reasonable times and  
3 locations before the course is taught, and appropriate written notice of the  
4 availability of the material must be furnished to all parents and guardians.

5 **6. *The provisions of this section do not apply to charter schools.***

6 **Sec. 45.** NRS 389.075 is hereby amended to read as follows:

7 389.075 1. The board of trustees of a school district shall establish a  
8 program of instruction relating to child abuse for pupils in kindergarten and  
9 grades 1 to 6, inclusive.

10 2. The program must include, without limitation, instruction relating to  
11 the types of child abuse and the methods used to recognize, report, prevent  
12 and stop child abuse.

13 **3. *The program of instruction established by the board of trustees of***  
14 ***a school district does not apply to a charter school within the school***  
15 ***district.***

16 **Sec. 46.** NRS 389.080 is hereby amended to read as follows:

17 389.080 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, the***  
18 ***economics of the American system of free enterprise must be taught in all***  
19 ***of the public high schools in this state.***

20 2. The lessons must:

21 (a) Emphasize the benefits of free enterprise as compared to other  
22 economic systems;

23 (b) Teach the principles of the profit motive and competition and the  
24 way in which investments generate progress and growth in the economy;

25 (c) Introduce pupils to the principles of owning and operating a small  
26 business; and

27 (d) Provide instruction in personal finance, including the services  
28 available from financial institutions and the methods of obtaining and using  
29 those services.

30 3. Administrators and teachers who are charged with providing the  
31 instruction required by this section may communicate with persons in the  
32 community who are engaged in business, and with labor organizations,  
33 chambers of commerce and other service organizations to obtain speakers  
34 and other assistance in carrying out the requirements of this section.

35 4. The superintendent of ***schools of*** each school district in this state  
36 shall determine the manner in which the instruction required by this section  
37 will be provided in the high schools of his school district.

38 **5. *The provisions of this section do not apply to charter schools.***

39 **Sec. 47.** NRS 389.110 is hereby amended to read as follows:

40 389.110 ~~[Instruction]~~

41 **1. *Except as otherwise provided in subsection 2, instruction***  
42 ***concerning the preservation and protection of our environment, the***  
43 ***principles of ecology and the principles of conservation of our natural and***

1 human resources ~~{shall}~~ **must** be included in the curriculum of all  
2 elementary and secondary schools of ~~{the}~~ **this** state.

3 **2. The provisions of this section do not apply to charter schools.**

4 **Sec. 48.** NRS 389.160 is hereby amended to read as follows:

5 389.160 1. A pupil enrolled in high school , **including, without**  
6 **limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school,**  
7 who successfully completes a course of education offered by a community  
8 college or university in this state which has been approved pursuant to  
9 subsection 2, must be allowed to apply the credit received for the course so  
10 completed to the total number of credits required for graduation from high  
11 school ~~{.}~~ **or the charter school in which the pupil is enrolled.**

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

17 **Sec. 49.** NRS 389.170 is hereby amended to read as follows:

18 389.170 1. The state board shall, by regulation, establish a course of  
19 study in technology.

20 2. The course of study may:

21 (a) Include such subjects as the latest technological advances in the  
22 areas of:

- 23 (1) Agriculture;
- 24 (2) Medicine;
- 25 (3) Processing and preserving food;
- 26 (4) Processing information;
- 27 (5) Photography;
- 28 (6) Graphic and electronic communications;
- 29 (7) Construction;
- 30 (8) Energy; and
- 31 (9) Manufacturing and transportation; and

32 (b) Provide pupils with the opportunity to design, develop, maintain and  
33 operate technological systems in these areas.

34 3. ~~{The}~~ **Except as otherwise provided in subsection 5, the** instruction  
35 required by this section must be made available to each pupil before his  
36 completion of the ~~{8th}~~ **eighth** grade. The board of trustees of a school  
37 district may direct that the course of study be given over a 3-year period  
38 during the ~~{6th, 7th and 8th}~~ **sixth, seventh and eighth** grades.

39 4. The board of trustees ~~{in}~~ **of** each school district shall incorporate  
40 into the curriculum the course of study within the limits of money made  
41 available to the district by the legislature for that purpose.

42 **5. The provisions of this section do not apply to charter schools.**

1     **Sec. 50.** NRS 389.180 is hereby amended to read as follows:

2     389.180 1. The state board shall, by regulation, establish a course of  
3 study in occupational guidance and counseling.

4     2. The board of trustees of each school district shall establish the  
5 curriculum for the course of study in that district. The curriculum must be  
6 organized and, with the assistance of teachers, administrators, pupils,  
7 parents and the business community, coordinated by licensed school  
8 counselors who shall provide instruction and activities designed to:

9     (a) Promote normal growth and development.

10    (b) Promote positive mental and physical health.

11    (c) Provide each pupil with knowledge and skills which permit him to  
12 control his own destiny.

13    (d) Assist each pupil to plan, monitor and manage his personal,  
14 educational and occupational development.

15    (e) Meet the immediate needs and concerns of each pupil, whether his  
16 needs or concerns require counseling, consultation, referral or information.

17    (f) Provide counselors, teachers and support staff with the knowledge  
18 and skills required to maintain and improve the course.

19    (g) Provide such other related assistance and instruction as is deemed  
20 necessary.

21    3. ~~[The]~~ *Except as otherwise provided in subsection 5, the* instruction  
22 required by this section must be made available for each pupil in grades 7  
23 to 12, inclusive.

24    4. The board of trustees in each school district shall organize and offer  
25 the curriculum within the limits of money made available to the district by  
26 the legislature for that purpose.

27    ***5. The provisions of this section do not apply to charter schools.***

28     **Sec. 51.** NRS 389.190 is hereby amended to read as follows:

29     389.190 1. The state board shall, by regulation, establish a course of  
30 study in adult roles and responsibilities. The course of study must be  
31 designed to prepare pupils for their potential roles as parents and as  
32 members of family groups.

33     2. The board of trustees of each school district shall establish the  
34 curriculum for the course of study in that district. The curriculum must be  
35 organized with the assistance of teachers, administrators, licensed school  
36 counselors, pupils and parents, and include instruction in the following  
37 areas:

38     (a) Personal and family management, including identifying values,  
39 setting goals, understanding oneself, developing personal assets and  
40 balancing the responsibilities of work and family;

41     (b) Skills for daily living and coping with stress, including problem  
42 solving, decision making, positive communication and conflict resolution;

1 (c) Money management, including identifying personal assets, financial  
2 goals and effective consumer practices relating to credit, taxes, savings and  
3 investments;

4 (d) Establishing and maintaining relationships, including marriage,  
5 relationships at a job and within the community, and relationships with  
6 friends, peers, family and extended family; and

7 (e) Skills and knowledge relating to the relationship between a parent  
8 and child, including the growth and development of children, skills needed  
9 to be an effective parent ~~and~~ and the responsibilities of parenthood.

10 3. ~~3. The~~ *Except as otherwise provided in subsection 4, the* instruction  
11 required by this section:

12 (a) Must be made available to each pupil at some time after his  
13 completion of grade 5 and before his completion of grade 12; and

14 (b) May be included as a part of an existing course of study or presented  
15 as a separate course of study.

16 **4. *The provisions of this section do not apply to charter schools.***

17 **Sec. 52.** NRS 391.060 is hereby amended to read as follows:

18 391.060 1. Except as otherwise provided in NRS 391.070, it is  
19 unlawful for:

20 (a) The superintendent of public instruction to issue a license to, or a  
21 board of trustees of a school district *or a governing body of a charter*  
22 *school* to employ, any teacher, instructor, principal or superintendent of  
23 schools who is not a citizen of the United States or a person who has filed a  
24 valid declaration to become a citizen or valid petition for naturalization, or  
25 who is not a lawful permanent resident of the United States.

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

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

33 **Sec. 53.** NRS 391.070 is hereby amended to read as follows:

34 391.070 ~~[Nothing in NRS 391.060 or in any other law prohibits the~~  
35 ~~employment, by a]~~ *The* board of trustees of a school district ~~[, of]~~ *or the*  
36 *governing body of a charter school, may employ* any teacher or instructor  
37 authorized to teach in the United States under the teacher exchange  
38 programs authorized by laws of the Congress of the United States.

39 **Sec. 54.** NRS 391.200 is hereby amended to read as follows:

40 391.200 The salaries of ~~[the teachers]~~ :

41 **1. *Teachers*** and other licensed ~~[personnel]~~ *employees* in a school  
42 district, as determined by the contracts between the teachers and other  
43 licensed employees and the board of trustees ; *and*



1     **2. Teachers in a charter school as agreed upon pursuant to NRS**  
2     **386.595,**

3     are prior claims upon the school district fund.

4     **Sec. 55.** NRS 391.230 is hereby amended to read as follows:

5     391.230 1. ~~Upon~~ **Except as otherwise provided in subsection 3,**  
6     **upon** the opening of any public school in this state, every teacher and other  
7     licensed employee employed for that school shall file with the  
8     superintendent of the county school district a Nevada license entitling the  
9     holder to teach or perform other educational functions in the school in  
10    which he will be employed, and any other report that the superintendent of  
11    public instruction requires.

12    2. The superintendent of the county school district shall acknowledge  
13    the receipt of each license and shall make a proper record thereof in his  
14    office. The license must remain on file and be safely kept in the office of  
15    the superintendent of the county school district.

16    **3. This section does not apply to unlicensed teachers who are**  
17    **employed by a charter school pursuant to the provisions of NRS 386.595.**

18    **Sec. 56.** NRS 391.240 is hereby amended to read as follows:

19    391.240 ~~Each~~

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

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

28    **Sec. 57.** NRS 391.273 is hereby amended to read as follows:

29    391.273 1. ~~Unless specifically exempted pursuant to subsection 4,~~  
30    **Except as otherwise provided in subsections 4 and 9,** the unlicensed  
31    personnel of a school district must be directly supervised by licensed  
32    personnel in all duties which are instructional in nature. To the extent  
33    practicable, the direct supervision must be such that the unlicensed  
34    personnel are in the immediate location of the licensed personnel and are  
35    readily available during such times when supervision is required.

36    2. Unlicensed personnel who are exempted pursuant to subsection 4  
37    must be under administrative supervision when performing duties which are  
38    instructional in nature.

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

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

- 1 (a) The duties are within the employee's special expertise or training;
- 2 (b) The duties relate to the humanities or an elective course of study, or
- 3 are supplemental to the basic curriculum of a school;
- 4 (c) The performance of the duties does not result in the replacement of a
- 5 licensed employee or prevent the employment of a licensed person willing
- 6 to perform those duties;
- 7 (d) The secondary or combined school in which the duties will be
- 8 performed has less than 100 pupils enrolled and is at least 30 miles from a
- 9 school in which the duties are performed by licensed personnel; and
- 10 (e) The unlicensed employee submits his fingerprints for an
- 11 investigation pursuant to NRS 391.033.

12 5. The superintendent of public instruction shall file a record of all  
13 exempt personnel with the clerk of the board of trustees of each local  
14 school district ~~H~~ and advise the clerk of any changes therein. The record  
15 must contain:

- 16 (a) The name of the exempt employee;
- 17 (b) The specific instructional duties he may perform;
- 18 (c) Any terms or conditions of the exemption deemed appropriate by the
- 19 superintendent of public instruction; and
- 20 (d) The date the exemption expires or a statement that the exemption is
- 21 valid as long as the employee remains in the same position at the same
- 22 school.

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

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

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

- 38 (a) The number of days on which the violation occurred;
- 39 (b) The number of pupils in the classroom taught by the teacher's aide;
- 40 and
- 41 (c) The number of dollars of basic support apportioned to the district per
- 42 pupil per day pursuant to NRS 387.1233.

1     **9. The provisions of this section do not apply to unlicensed personnel**  
2 **who are employed by the governing body of a charter school pursuant to**  
3 **the provisions of NRS 386.595.**

4     **Sec. 58.** NRS 391.3116 is hereby amended to read as follows:  
5     391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, do  
6 not apply to a teacher, administrator ~~H~~ or other licensed employee who has  
7 entered into a contract with ~~the~~ :

8     **1. The** board negotiated pursuant to chapter 288 of NRS , if the  
9 contract contains separate provisions relating to the ~~board's~~ right **of the**  
10 **board** to dismiss or refuse to reemploy the employee or demote an  
11 administrator.

12     **2. The governing body of a charter school pursuant to the provisions**  
13 **of NRS 386.595.**

14     **Sec. 59.** 393.010 is hereby amended to read as follows:

15     393.010 The board of trustees of a school district shall:

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

18     2. Have the custody and safekeeping of the district schoolhouses, their  
19 sites and appurtenances.

20     **Sec. 60.** NRS 286.070 is hereby amended to read as follows:

21     286.070 1. "Public employer" means the state, one of its agencies or  
22 one of its political subdivisions, the system, irrigation districts created  
23 under the laws of the State of Nevada, a nonprofit corporation to which a  
24 public hospital has been conveyed or leased pursuant to NRS 450.500, a  
25 public or quasi-public organization or agency that is funded, at least in part,  
26 by public money, including a regional transportation commission, **a**  
27 **governing body of a charter school** and a council of governments created  
28 pursuant to the laws of the State of Nevada.

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

33     **Sec. 61.** NRS 463.385 is hereby amended to read as follows:

34     463.385 1. In addition to any other license fees and taxes imposed by  
35 this chapter, there is hereby imposed upon each slot machine operated in  
36 this state an annual excise tax of \$250. If a slot machine is replaced by  
37 another, the replacement is not considered a different slot machine for the  
38 purpose of imposing this tax.

39     2. The commission shall:

40     (a) Collect the tax annually on or before June 20, as a condition  
41 precedent to the issuance of a state gaming license to operate any slot  
42 machine for the ensuing fiscal year beginning July 1, from a licensee whose  
43 operation is continuing.

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

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

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

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

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

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

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

21 5. There is hereby appropriated from the balance in the special capital  
22 construction fund for higher education on July 31 of each year the amount  
23 necessary to pay the principal and interest due in that fiscal year on the  
24 bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979,  
25 as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the  
26 bonds authorized to be issued by section 2 of chapter 643, Statutes of  
27 Nevada 1987, the bonds authorized to be issued by section 2 of chapter  
28 614, Statutes of Nevada 1989, the bonds authorized to be issued by section  
29 2 of chapter 718, Statutes of Nevada 1991 and the bonds authorized to be  
30 issued by section 2 of chapter 629, Statutes of Nevada 1997. If in any year  
31 the balance in that fund is not sufficient for this purpose, the remainder  
32 necessary is hereby appropriated on July 31 from the capital construction  
33 fund for higher education. The balance remaining unappropriated in the  
34 capital construction fund for higher education on August 1 of each year and  
35 all amounts received thereafter during the fiscal year must be transferred to  
36 the state general fund for the support of higher education. If bonds  
37 described in this subsection are refunded and if the amount required to pay  
38 the principal of and interest on the refunding bonds in any fiscal year  
39 during the term of the bonds is less than the amount that would have been  
40 required in the same fiscal year to pay the principal of and the interest on  
41 the original bonds if they had not been refunded, there is appropriated to  
42 the University and Community College System of Nevada an amount  
43 sufficient to pay the principal of and interest on the original bonds, as if

1 they had not been refunded. The amount required to pay the principal of  
2 and interest on the refunding bonds must be used for that purpose from the  
3 amount appropriated. The amount equal to the saving realized in that fiscal  
4 year from the refunding must be used by the University and Community  
5 College System of Nevada to defray, in whole or in part, the expenses of  
6 operation and maintenance of the facilities acquired in part with the  
7 proceeds of the original bonds.

8 6. After the requirements of subsection 5 have been met for each fiscal  
9 year, when specific projects are authorized by the legislature, money in the  
10 capital construction fund for higher education and the special capital  
11 construction fund for higher education must be transferred by the state  
12 controller and the state treasurer to the state public works board for the  
13 construction of capital improvement projects for the University and  
14 Community College System of Nevada, including, but not limited to,  
15 capital improvement projects for the community colleges of the University  
16 and Community College System of Nevada. As used in this subsection,  
17 “construction” includes, but is not limited to, planning, designing, acquiring  
18 and developing a site, construction, reconstruction, furnishing, equipping,  
19 replacing, repairing, rehabilitating, expanding and remodeling. Any money  
20 remaining in either fund at the end of a fiscal year does not revert to the  
21 state general fund but remains in those funds for authorized expenditure.

22 7. The money deposited in the state distributive school account in the  
23 state general fund ~~funder~~ pursuant to this section must be apportioned as  
24 provided in NRS 387.030 among the several school districts ~~and charter~~  
25 ~~schools~~ of ~~the~~ this state at the times and in the manner provided by law.

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

32 **Sec. 62.** 1. There is hereby appropriated from the state general fund  
33 to the commission for charter schools the sum of \$25,000 for the payment  
34 of per diem allowances and travel expenses pursuant to subsection 4 of  
35 section 4 of this act.

36 2. Any remaining balance of the appropriation made by subsection 1  
37 must not be committed for expenditure after June 30, 2001, and reverts to  
38 the state general fund as soon as all payments of money committed have  
39 been made.

40 **Sec. 63.** 1. There is hereby appropriated from the state general fund  
41 to the commission for charter schools, created by section 4 of this act, to  
42 pay the salary, travel expenses, administrative and equipment expenses of a

1 part-time employee responsible for carrying out the administrative duties of  
2 the commission:

3 For the fiscal year 1999-2000.....\$36,950

4 For the fiscal year 2000-2001.....\$33,117

5 2. Any balance of the sums appropriated by subsection 1 remaining at  
6 the end of the respective fiscal years must not be committed for expenditure  
7 after June 30 and reverts to the state general fund as soon as all payments  
8 of money committed have been made.

9 **Sec. 64.** NRS 386.500, 386.510, 386.515, 386.540 and 386.610 are  
10 hereby repealed.

11 **Sec. 65.** Not later than July 1, 1999, the governor shall:

12 1. Appoint two members to the commission for charter schools in  
13 accordance with section 4 of this act to terms expiring on June 30, 2002.

14 2. Appoint three members to the commission for charter schools in  
15 accordance with section 4 of this act to terms expiring on June 30, 2003.

16 **Sec. 66.** 1. Notwithstanding the amendatory provisions of this act,  
17 the board of trustees of a school district that has entered into a written  
18 charter with a charter school before July 1, 1999, shall continue to sponsor  
19 the charter school. The governing body of a charter school may submit a  
20 written request for an amendment of the written charter of the charter  
21 school in accordance with the amendatory provisions of this act. If the  
22 proposed amendment complies with NRS 386.505 to 386.605, inclusive,  
23 and sections 4 to 10, inclusive, of this act and any other statute or  
24 regulation applicable to charter schools, the sponsor of the charter school  
25 shall amend the written charter in accordance with the proposed  
26 amendment.

27 2. A charter school that has entered into a written charter with the  
28 board of trustees of a school district before July 1, 1999, may, upon the  
29 expiration of its written charter, apply for renewal of the charter to the  
30 board of trustees of the school district or the commission for charter  
31 schools in accordance with the amendatory provisions of this act.

32 **Sec. 67.** 1. This section and sections 62, 63 and 65 of this act  
33 become effective upon passage and approval.

34 2. Section 4 of this act becomes effective upon passage and approval  
35 for the purpose of appointing members to the commission for charter  
36 schools pursuant to that section and on July 1, 1999, for all other purposes.

37 3. Section 37 of this act becomes effective on June 30, 1999.

38 4. Sections 1 to 36, inclusive, 38 to 61, inclusive, and 64 and 66 of this  
39 act become effective on July 1, 1999.



## **LEADLINES OF REPEALED SECTIONS**

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**386.500 “Pupil ‘at risk’” defined.**

**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.**

**386.515 Sponsorship of charter schools by board of trustees: Application; public notice of sponsorship.**

**386.540 Regulations.**

**386.610 Written reports evaluating progress: Submission by sponsor and governing body.**

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