

SENATE BILL NO. 431—SENATORS PORTER, WASHINGTON,
WIENER AND JAMES

MARCH 15, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing charter schools. (BDR 34-1098)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; authorizing a charter school to offer independent study to pupils; requiring a charter school to obtain liability insurance; revising provisions regarding the educational personnel of a charter school; authorizing a school district to donate surplus property to a charter school; revising various other provisions governing charter schools; 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 386.505 is hereby amended to read as follows:
2 386.505 1. The legislature hereby declares that by authorizing the
3 formation of charter schools in this state:
4 (a) The primary consideration of the legislature is to serve the best
5 interests of pupils who are at risk.
6 (b) The intention of the legislature is to provide:
7 (1) The board of trustees of school districts with a method to
8 experiment with providing a variety of independent public schools to the
9 pupils of this state;
10 (2) A framework for such experimentation;
11 (3) A mechanism by which the results achieved by charter schools
12 may be measured and analyzed; and
13 (4) A procedure by which the positive results achieved by charter
14 schools may be replicated and the negative results may be identified and
15 eliminated.

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

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

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

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

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

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

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

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

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

(b) A means for providing financial assistance for private schools ~~for~~ ;

(c) A means for providing financial assistance for programs of home study ~~for~~ ;

—(e)—, except for a charter school that offers independent study to pupils who are enrolled in the charter school, including, without limitation, the use of computer programs to provide instruction at home; or

(d) The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 2. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three licensed teachers alone or in combination with:

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

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

(c) Representatives of a private business; or

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

2. A committee to form a charter school may not submit an application to form a charter school that proposes to convert a private school or a program of study at home into a charter school. ***This subsection does not***

prohibit a committee to form a charter school from submitting an

1 *application that proposes to offer independent study to pupils who are*
2 *enrolled in the charter school, including, without limitation, the use of*
3 *computer programs to provide instruction at home.*

4 3. Before a committee to form a charter school may submit an
5 application to the board of trustees of a school district, it must submit the
6 application to the department. The application must include all information
7 prescribed by the department by regulation and:

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

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

12 (c) *If the charter school proposes to offer independent study to pupils*
13 *who are enrolled in the charter school, including, without limitation, the*
14 *use of computer programs to provide instruction at home, a written*
15 *description of:*

16 (1) *The plan for independent study; and*

17 (2) *The method by which the charter school will comply with the*
18 *provisions of NRS 386.500 to 386.610, inclusive, and any other statute or*
19 *regulation applicable to charter schools.*

20 (d) A written description of the level and type of educational services
21 that will be provided to pupils who are at risk.

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

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

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

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

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

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

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

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

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

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

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

~~[(h)]~~ **(m)** The written rules of behavior required of pupils who are enrolled in the charter school, including, without limitation, disciplinary policies and procedures for the charter school.

~~[(m)]~~ **(n)** A written description of the location of the charter school and the facilities and equipment available to the charter school. The description must include the procedures that will be followed for the disposition of facilities and equipment upon dissolution or nonrenewal of the charter.

~~[(n)]~~ **(o)** Guidelines for determining who is liable if the charter school is dissolved or its application for renewal is not approved.

~~[(o)]~~ **(p)** Procedures for auditing the programs and finances of the charter school.

~~[(p)]~~ **(q)** An agreement that the curriculum of the charter school will focus on the intellectual development of pupils, including, without limitation, the acquisition of identifiable academic and technical skills.

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

~~[(r)]~~ **(s)** An agreement that a pupil must achieve a specified level of performance appropriate for his grade level before he is promoted to the next grade.

4. The department shall review an application to form a charter school to determine whether it is complete. The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the 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.

Sec. 3. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. The board of trustees shall consider the application at a public meeting for which notice has been provided pursuant to chapter 241 of NRS. The board of trustees shall review the application to determine whether it is complete in accordance with the regulations of the department. The board of trustees shall approve an application if it is complete. The board of trustees shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees denies an application, it

1 shall include in the written notice the reasons for the denial and the
2 deficiencies in the application. The applicant must be granted 30 days after
3 receipt of the written notice to correct any deficiencies identified in the
4 written notice and resubmit the application.

5 2. If an application is approved by the board of trustees, the board of
6 trustees and the applicant shall enter into a written agreement concerning
7 the methods and procedures for the board of trustees to monitor the
8 progress of the charter school. The written agreement must authorize the
9 board of trustees and the department to physically inspect the school at any
10 time. *If the board of trustees of a school district approves an application
11 that proposes to offer independent study to pupils who are enrolled in the
12 charter school, including, without limitation, the use of computer
13 programs to provide instruction at home, the board of trustees shall
14 include in the written agreement any conditions for the operation of the
15 charter school that the board of trustees determines are necessary.* The
16 contents of the application set forth in NRS 386.520 and the written
17 agreement entered into pursuant to this subsection shall be deemed the
18 written charter of the charter school. A written charter is for a term of 6
19 years unless the governing body of the charter school renews its initial
20 charter after 3 years of operation pursuant to subsection 2 of NRS 386.530.

21 3. If an application is approved by the board of trustees, the committee
22 to form a charter school that submitted the application shall be deemed the
23 governing body of the charter school.

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

30 **Sec. 4.** NRS 386.545 is hereby amended to read as follows:

31 386.545 The department and the board of trustees of a school district
32 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

42 ~~[5.]~~ 4. Provide technical and other reasonable assistance to a charter
43 school for the operation of the charter school.

1 **Sec. 5.** NRS 386.550 is hereby amended to read as follows:

2 386.550 A charter school shall:

3 1. Comply with all laws and regulations relating to discrimination and
4 civil rights.

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

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

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

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

11 6. Schedule and provide annually at least as many ~~{days}~~ *hours* of
12 instruction as are required of other public schools located in the same
13 school district as the charter school is located.

14 7. Cooperate with the board of trustees of the school district in the
15 administration of the achievement and proficiency examinations
16 administered pursuant to NRS 389.015 to the pupils who are enrolled in the
17 charter school.

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

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

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

30 11. Adhere to the same transportation policy that is in effect in the
31 school district in which the charter school is located.

32 ***12. Obtain liability insurance as may be required of other public***
33 ***schools located in the same school district as the charter school is located***
34 ***and otherwise hold harmless, indemnify and defend the sponsor of the***
35 ***charter school against any claim or liability arising from an act or***
36 ***omission by the governing body of the charter school or an employee or***
37 ***officer of the charter school. An action at law may not be maintained***
38 ***against the sponsor of a charter school for any cause of action for which***
39 ***the charter school has obtained liability insurance.***

40 **Sec. 6.** NRS 386.560 is hereby amended to read as follows:

41 386.560 1. A charter school may contract with the board of trustees
42 of the school district in which the charter school is located to perform any

1 service relating to the operation of the charter school, including, without
2 limitation, transportation and the provision of health services for the pupils
3 who are enrolled in the charter school.

4 2. A charter school may use any public facility located within the
5 school district in which the charter school is located. A charter school may
6 use school buildings owned by the school district only upon approval of the
7 board of trustees of the school district and during times that are not regular
8 school hours.

9 **3. *The board of trustees of a school district may donate surplus***
10 ***personal property of the school district to a charter school that is located***
11 ***within the school district.***

12 **Sec. 7.** NRS 386.595 is hereby amended to read as follows:

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

20 2. A teacher or a governing body of a charter school may request that
21 the board of trustees of the school district and other persons who entered
22 into the collective bargaining agreement grant a waiver from specific
23 provisions of the collective bargaining agreement for the teacher or
24 governing body.

25 3. All employees of a charter school shall be deemed public
26 employees.

27 4. The governing body of a charter school may make all employment
28 decisions with regard to its employees pursuant to NRS 391.311 to
29 391.3197, inclusive, unless the applicable collective bargaining agreement
30 contains separate provisions relating to the discipline of licensed employees
31 of a school.

32 5. If the written charter of a charter school is revoked, the employees of
33 the charter school must be reassigned to employment within the school
34 district in accordance with the collective bargaining agreement.

35 6. The board of trustees of a school district that is a sponsor of a
36 charter school shall grant a leave of absence, not to exceed 6 years, to any
37 employee who is employed by the board of trustees who requests such a
38 leave of absence to accept employment with the charter school. After the
39 first school year in which an employee is on a leave of absence, he may
40 return to his former teaching position with the board of trustees. After the
41 third school year, an employee who is on a leave of absence may submit a
42 written request to the board of trustees to return to a comparable teaching
43 position with the board of trustees. After the sixth school year, an employee

1 shall either submit a written request to return to a comparable teaching
2 position or resign from the position for which his leave was granted. The
3 board of trustees shall grant a written request to return to a comparable
4 position pursuant to this subsection even if the return of the employee
5 requires the board of trustees to reduce the existing work force of the
6 school district. The board of trustees may require that a request to return to
7 a teaching position submitted pursuant to this subsection be submitted at
8 least 90 days before the employee would otherwise be required to report to
9 duty.

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

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

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

26 10. For all employees of a charter school ~~the~~
27 ~~—(a) The~~, ~~the~~ compensation that a teacher or other school employee
28 would have received if he were employed by the school district must be
29 used to determine the appropriate levels of contribution required of the
30 employee and employer for purposes of the public employees' retirement
31 system.

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

36 **Sec. 8.** NRS 389.155 is hereby amended to read as follows:

37 389.155 1. The state board shall, by regulation, establish a program
38 pursuant to which a pupil enrolled full time in high school may complete
39 any required or elective course by independent study outside of the normal
40 classroom setting. *This subsection does not prohibit a pupil who is*
41 *enrolled in a charter school and who is not enrolled in high school from*
42 *completing a course by independent study.*

43 2. The regulations must require that:

1 (a) The teacher of the course assign to the pupil the work assignments
2 necessary to complete the course; and

3 (b) The pupil and teacher meet or otherwise communicate with each
4 other at least once each week during the course to discuss the pupil's
5 progress.

6 3. The board of trustees in each school district may, in accordance with
7 the regulations adopted pursuant to subsections 1 and 2, provide for
8 independent study by pupils enrolled full time in high schools in its district.
9 A board of trustees that chooses to allow such study may provide that:

10 (a) The pupils participating in the independent study be given
11 instruction individually or in a group.

12 (b) The independent study be offered during the regular school day.

13 **4. A charter school that offers independent study to pupils who are**
14 **enrolled in the charter school is not required to comply with the**
15 **regulations of the state board or any rule or regulation of the board of**
16 **trustees of the school district established pursuant to this section.**

17 **Sec. 9.** NRS 286.520 is hereby amended to read as follows:

18 286.520 1. Except as otherwise provided in ~~{subsections 4, 5 and 6}~~
19 **this section** and NRS 286.525, the consequences of the employment of a
20 retired employee are:

21 (a) A retired employee who accepts employment or an independent
22 contract with a public employer under this system is disqualified from
23 receiving any allowances under this system for the duration of that
24 employment or contract if:

25 (1) He accepted the employment or contract within 90 calendar days
26 after the effective date of his retirement; or

27 (2) He is employed in a position which is eligible to participate in this
28 system.

29 (b) If a retired employee accepts employment or an independent contract
30 with a public employer under this system more than 90 calendar days after
31 the effective date of his retirement in a position which is not eligible to
32 participate in this system his allowance under this system terminates upon
33 his earning an amount equal to one-half of the average salary for
34 participating public employees who are not police officers or firemen in
35 any fiscal year, for the duration of that employment or contract.

36 (c) If a retired employee accepts employment with an employer who is
37 not a public employer under this system, the employee is entitled to the
38 same allowances as a retired employee who has no employment.

39 2. The retired employee and the public employer shall notify the
40 system:

41 (a) Within 10 days after the first day of an employment or contract
42 governed by paragraph (a) ~~of~~ **of subsection 1;**

1 (b) Within 30 days after the first day of an employment or contract
2 governed by paragraph (b) ~~H~~ of subsection 1; and

3 (c) Within 10 days after a retired employee earns more than one-half of
4 the average salary for participating public employees who are not police
5 officers or firemen in any fiscal year from an employment or contract
6 governed by paragraph (b) ~~H~~ of subsection 1.

7 3. For the purposes of this section, the average salary for participating
8 public employees who are not police officers or firemen must be computed
9 on the basis of the most recent actuarial valuation of the system.

10 4. If a retired employee is chosen by election or appointment to fill an
11 elective public office, he is entitled to the same allowances as a retired
12 employee who has no employment, unless he is serving in the same office
13 in which he served and for which he received service credit as a member.

14 5. The system may waive for one period of 30 days or less a retired
15 employee's disqualification under this section if the public employer
16 certifies in writing, in advance, that the retired employee is recalled to meet
17 an emergency and that no other qualified person is immediately available.

18 6. A person who accepts employment or an independent contract with
19 either house of the legislature or by the legislative counsel bureau is exempt
20 from the provisions of subsections 1 and 2 for the duration of that
21 employment or contract.

22 **7. A retired employee who accepts employment with a charter school**
23 **as a teacher is exempt from the provisions of subsections 1 and 2 for the**
24 **duration of that employment if the majority of his years of service credit**
25 **were earned from employment as a teacher.**

26 **Sec. 10.** NRS 332.185 is hereby amended to read as follows:

27 332.185 1. Except as otherwise provided in NRS 334.070 ~~H~~ and
28 subsection 2, all sales or leases of personal property of the local
29 government must be made, as nearly as possible, under the same conditions
30 and limitations as required by this chapter in the purchase of personal
31 property; but the governing body or its authorized representative may sell
32 any such personal property at public auction if it deems such a sale
33 desirable and in the best interests of the local government.

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

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

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

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

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

41 (3) **The selling or leasing of personal property by contract or at a**
42 **public**

auction.

- 1 **3.** The provisions of this chapter do not apply to the purchase, sale,
- 2 lease or transfer of real property by the governing body.
- 3 **Sec. 11.** This act becomes effective on July 1, 1999.

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