

ASSEMBLY BILL NO. 224—COMMITTEE ON EDUCATION  
(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 22, 2001

Referred to Concurrent Committees on Education  
and Ways and Means

SUMMARY—Makes various changes regarding charter schools. (BDR 34-833)

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

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

AN ACT relating to education; revising provisions governing the contents of an application to form a charter school and a written charter of a charter school; revising provisions governing the requirements of a charter school to provide special education; clarifying provisions governing the reassignment of employees of a charter school upon revocation of the written charter; providing that a charter school may offer independent study in accordance with the regulations of the state board of education; specifying that charter schools are included within a school district's program for the statewide automated system of information concerning pupils; making an appropriation to the legislative fund for a consultant to conduct case study evaluations of certain 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 386.520 is hereby amended to read as follows:  
2     386.520 1. A committee to form a charter school must consist of at  
3     least three teachers, as defined in NRS 391.311, alone or in combination  
4     with:  
5         (a) Ten or more members of the general public;  
6         (b) Representatives of an organization devoted to service to the general  
7     public;  
8         (c) Representatives of a private business; or  
9         (d) Representatives of a college or university within the University and  
10    Community College System of Nevada.  
11    2. Before a committee to form a charter school may submit an  
12    application to the board of trustees of a school district, it must submit the



- 1 application to the department. The application must include all information  
2 prescribed by the department by regulation and:
- 3 (a) A written description of how the charter school will carry out the  
4 provisions of NRS 386.500 to 386.610, inclusive.
- 5 (b) A written description of the mission and goals for the charter school.
- 6 A charter school must have as its stated purpose at least one of the  
7 following goals:
- 8 (1) Improving the opportunities for pupils to learn;
- 9 (2) Encouraging the use of effective methods of teaching;
- 10 (3) Providing an accurate measurement of the educational  
11 achievement of pupils;
- 12 (4) Establishing accountability of public schools;
- 13 (5) Providing a method for public schools to measure achievement  
14 based upon the performance of the schools; or
- 15 (6) Creating new professional opportunities for teachers.
- 16 (c) The projected enrollment of pupils in the charter school.
- 17 (d) The proposed dates of enrollment for the charter school.
- 18 (e) The proposed system of governance for the charter school,  
19 including, without limitation ~~the~~ :
- 20 (1) *The* number of persons who will govern ~~the~~ ;
- 21 (2) *The* method of selecting the persons who will govern ~~and the~~ ;
- 22 (3) *The* term of office for each person ~~the~~ ; and
- 23 (4) *A mechanism for the removal of a member of the governing*  
24 *body of the charter school for inefficiency, neglect of duty or other just*  
25 *cause.*
- 26 (f) The method by which disputes will be resolved between the  
27 governing body of the charter school and the sponsor of the charter school.
- 28 (g) The proposed curriculum for the charter school.
- 29 (h) The textbooks that will be used at the charter school.
- 30 (i) The qualifications of the persons who will provide instruction at the  
31 charter school.
- 32 (j) Except as otherwise required by NRS 386.595, the process by which  
33 the governing body of the charter school will negotiate employment  
34 contracts with the employees of the charter school.
- 35 (k) A financial plan for the operation of the charter school. The plan  
36 must include, without limitation, procedures for the audit of the programs  
37 and finances of the charter school and guidelines for determining the  
38 financial liability if the charter school is unsuccessful.
- 39 (l) A statement of whether the charter school will provide for the  
40 transportation of pupils to and from the charter school. If the charter school  
41 will provide transportation, the application must include the proposed plan  
42 for the transportation of pupils. If the charter school will not provide  
43 transportation, the application must include a statement that the charter  
44 school will work with the parents and guardians of pupils enrolled in the  
45 charter school to develop a plan for transportation to ensure that pupils  
46 have access to transportation to and from the charter school.
- 47 (m) The procedure for the evaluation of teachers of the charter school, if  
48 different from the procedure prescribed in NRS 391.3125. If the procedure  
49 is different from the procedure prescribed in NRS 391.3125, the procedure



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1 for the evaluation of teachers of the charter school must provide the same  
2 level of protection and otherwise comply with the standards for evaluation  
3 set forth in NRS 391.3125.

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

6 *(o) A written assurance that the charter school will comply with all*  
7 *applicable federal laws and regulations governing the education of pupils*  
8 *with disabilities and a written procedure for carrying out and*  
9 *documenting the charter school's compliance with those laws and*  
10 *regulations.*

11 *(p) A statement of whether the charter school will offer a program of*  
12 *independent study. If the charter school will offer a program of*  
13 *independent study, the application must include a written assurance that*  
14 *the charter school will comply with NRS 389.155.*

15 3. The department shall review an application to form a charter school  
16 to determine whether it is complete. The department shall provide written  
17 notice to the applicant of its approval or denial of the application. If the  
18 department denies an application, the department shall include in the  
19 written notice the reason for the denial and the deficiencies in the  
20 application. The applicant must be granted 30 days after receipt of the  
21 written notice to correct any deficiencies identified in the written notice  
22 and resubmit the application.

23 **Sec. 2.** NRS 386.527 is hereby amended to read as follows:

24 386.527 1. Except as otherwise provided in subsection 3, if the board  
25 of trustees of a school district approves an application to form a charter  
26 school, it shall grant a written charter to the applicant. The board of  
27 trustees shall, not later than 10 days after the approval of the application,  
28 provide written notice to the department of the approval and the date of the  
29 approval. The board of trustees that approves the application shall be  
30 deemed the sponsor of the charter school. A written charter must be for a  
31 term of 6 years unless the governing body of a charter school renews its  
32 initial charter after 3 years of operation pursuant to subsection 2 of NRS  
33 386.530. A written charter must include all conditions of operation set  
34 forth in paragraphs (a) to ~~+(n)+~~ (p), inclusive, of subsection 2 of NRS  
35 386.520. As a condition of the issuance of a written charter pursuant to this  
36 subsection, the charter school must agree to comply with all conditions of  
37 operation set forth in NRS 386.550.

38 2. The governing body of a charter school may submit to the sponsor  
39 of the charter school a written request for an amendment of the written  
40 charter of the charter school. If the proposed amendment complies with the  
41 provisions of this section, NRS 386.500 to 386.610, inclusive, and any  
42 other statute or regulation applicable to charter schools, the sponsor shall  
43 amend the written charter in accordance with the proposed amendment.

44 3. If the board of trustees of a school district is considering an  
45 application to form a charter school and determines that the applicant is not  
46 yet eligible for the issuance of a charter pursuant to subsection 1, it may, if  
47 applicable, hold the application in abeyance and grant a conditional charter  
48 to the applicant if the applicant:



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

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

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

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

18 **Sec. 3.** NRS 386.565 is hereby amended to read as follows:

19 386.565 1. The board of trustees of a school district in which a  
20 charter school is located shall not:

21 ~~1-1~~ (a) Assign any pupil who is enrolled in a public school in the  
22 school district or any employee who is employed in a public school in the  
23 school district to a charter school.

24 ~~1-2~~ (b) Interfere with the operation and management of the charter  
25 school except as authorized by the written charter, NRS 386.500 to  
26 386.610, inclusive, and any other statute or regulation applicable to charter  
27 schools or its officers or employees.

28 2. *For purposes of the Individuals with Disabilities Education Act,*  
29 *20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive, a*  
30 *charter school shall be deemed a public school of the local educational*  
31 *agency if the local educational agency is the school district that sponsors*  
32 *the charter school.*

33 3. *As used in this section, "local educational agency" has the*  
34 *meaning ascribed to it in 20 U.S.C. § 1401(15).*

35 **Sec. 4.** NRS 386.595 is hereby amended to read as follows:

36 386.595 1. Except as otherwise provided in this subsection and  
37 subsections 2 and 3, the provisions of the collective bargaining agreement  
38 entered into by the board of trustees of the school district in which the  
39 charter school is located apply to the terms and conditions of employment  
40 of employees of the charter school. If a written charter is renewed, the  
41 employees of the charter school may, at the time of renewal, apply for  
42 recognition as a bargaining unit pursuant to NRS 288.160.

43 2. A charter school is exempt from the specific provisions of the  
44 collective bargaining agreement that controls the:

45 (a) Periods of preparation time for teachers, provided that the charter  
46 school allows at least the same amount of time for preparation as the  
47 school district;

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

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



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- 1 (d) Number of hours and days that a teacher may work in 1 week; and  
2 (e) Number of hours and days that a teacher may work in 1 year.

3 If a teacher works more than the number of hours or days prescribed in the  
4 collective bargaining agreement, the teacher must be compensated for the  
5 additional hours or days in an amount calculated by prorating the salary for  
6 the teacher that is set forth in the collective bargaining agreement.

7 3. A teacher or a governing body of a charter school may request that  
8 the board of trustees of the school district and other persons who entered  
9 into the collective bargaining agreement grant a waiver from specific  
10 provisions of the collective bargaining agreement for the teacher or  
11 governing body.

12 4. All employees of a charter school shall be deemed public  
13 employees.

14 5. The governing body of a charter school may make all employment  
15 decisions with regard to its employees pursuant to NRS 391.311 to  
16 391.3197, inclusive, unless the applicable collective bargaining agreement  
17 contains separate provisions relating to the discipline of licensed  
18 employees of a school.

19 6. If the written charter of a charter school is revoked, the employees  
20 of the charter school *who are on leave of absence from the school district*  
21 *pursuant to this section* must be reassigned to employment within the  
22 school district in accordance with the collective bargaining agreement.

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

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



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

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

9 11. For all employees of a charter school:

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

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

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

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

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

30 **Sec. 5.** NRS 386.650 is hereby amended to read as follows:

31 386.650 1. The department shall establish and maintain a statewide  
32 automated system of information concerning pupils. The system must be  
33 designed to improve the ability of the department, school districts and the  
34 public schools in this state, *including, without limitation, charter schools,*  
35 to account for the pupils who are enrolled in the public schools ~~H~~ ,  
36 *including, without limitation, charter schools.*

37 2. The board of trustees of each school district shall:

38 (a) Adopt and maintain the program for the collection, maintenance and  
39 transfer of data from the records of individual pupils to the statewide  
40 automated system of information, including, without limitation, the  
41 development of plans for the educational technology which is necessary to  
42 adopt and maintain the program;

43 (b) Provide to the department electronic data concerning pupils as  
44 required by the superintendent of public instruction pursuant to subsection  
45 3; and

46 (c) Ensure that an electronic record is maintained in accordance with  
47 subsection 3 of NRS 386.655.

48 3. The superintendent of public instruction shall:



- 1 (a) Prescribe the data to be collected and reported to the department by  
2 each school district pursuant to subsection 2 ~~H~~ , *including, without*  
3 *limitation, data relating to each charter school located within a school*  
4 *district;*  
5 (b) Prescribe the format for the data;  
6 (c) Prescribe the date by which each school district shall report the data;  
7 (d) *Prescribe the date by which each charter school located within a*  
8 *school district shall report the data to the school district for incorporation*  
9 *into the report of the school district;*  
10 (e) Provide technical assistance to each school district to ensure that the  
11 data from each *public* school in the *school* district , *including, without*  
12 *limitation, each charter school located within the school district,* is  
13 compatible with the statewide automated system of information and  
14 comparable to the data reported by other school districts; and  
15 ~~H(e)~~ (f) Provide for the analysis and reporting of the data in the  
16 statewide automated system of information.  
17 **Sec. 6.** NRS 386.655 is hereby amended to read as follows:  
18 386.655 1. The department, the school districts and the public  
19 schools , *including, without limitation, charter schools,* shall, in operating  
20 the statewide automated system of information established pursuant to  
21 NRS 386.650, comply with the provisions of:  
22 (a) For all pupils, the Family Educational Rights and Privacy Act, 20  
23 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and  
24 (b) For pupils with disabilities who are enrolled in programs of special  
25 education, the provisions governing access to education records and  
26 confidentiality of information prescribed in the Individuals with  
27 Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations  
28 adopted pursuant thereto.  
29 2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other  
30 applicable federal law, a public school , *including, without limitation, a*  
31 *charter school,* shall not release the education records of a pupil to a  
32 person or an agency of a federal, state or local government without the  
33 written consent of the parent or legal guardian of the pupil.  
34 3. In addition to the record required pursuant to 20 U.S.C. §  
35 1232g(b)(4)(A), each school district shall maintain within the statewide  
36 automated system of information an electronic record of all persons and  
37 agencies who have requested the education record of a pupil or obtained  
38 access to the education record of a pupil, or both, pursuant to 20 U.S.C. §  
39 1232g. The electronic record must be maintained and may only be  
40 disclosed in accordance with the provisions of 20 U.S.C. § 1232g. *A*  
41 *charter school shall provide to the school district in which the charter*  
42 *school is located such information as is necessary for the school district*  
43 *to carry out the provisions of this subsection.*  
44 4. The right accorded to a parent or legal guardian of a pupil pursuant  
45 to subsection 2 devolves upon the pupil on the date on which he attains the  
46 age of 18 years.  
47 5. As used in this section, unless the context otherwise requires,  
48 "education records" has the meaning ascribed to it in 20 U.S.C. §  
49 1232g(a)(4).



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1     **Sec. 7.** NRS 389.155 is hereby amended to read as follows:  
2     389.155 1. The state board shall, by regulation, establish a program  
3     pursuant to which a pupil enrolled full time in high school may complete  
4     any required or elective course by independent study outside of the normal  
5     classroom setting.  
6     2. The regulations must require that:  
7     (a) The teacher of the course assign to the pupil the work assignments  
8     necessary to complete the course; and  
9     (b) The pupil and teacher meet or otherwise communicate with each  
10    other at least once each week during the course to discuss the pupil's  
11    progress.  
12    3. The board of trustees in each school district may, in accordance with  
13    the regulations adopted pursuant to subsections 1 and 2, provide for  
14    independent study by pupils enrolled full time in high schools in its district.  
15    *The governing body of a charter school that provides a program of*  
16    *instruction for pupils enrolled in the grade levels for high school may, in*  
17    *accordance with the regulations adopted pursuant to subsections 1 and 2,*  
18    *provide for independent study by pupils enrolled full time in the charter*  
19    *school in a grade level for high school. A board of trustees or a governing*  
20    *body that chooses to allow such study may provide that:*  
21    (a) The pupils participating in the independent study be given  
22    instruction individually or in a group.  
23    (b) The independent study be offered during the regular school day.  
24    **Sec. 8.** 1. There is hereby appropriated from the state general fund  
25    to the legislative fund the sum of \$10,000 for use by the legislative bureau  
26    of educational accountability and program evaluation to hire a consultant to  
27    conduct case study evaluations of charter schools within this state.  
28    2. The consultant hired by the legislative bureau of educational  
29    accountability and program evaluation shall conduct on-site evaluations of  
30    not more than eight charter schools within this state selected by the bureau  
31    for evaluation. On or before February 1, 2003, the consultant shall submit a  
32    written report to the legislative bureau of educational accountability and  
33    program evaluation that includes for each charter school that was  
34    evaluated:  
35    (a) A description of the charter school;  
36    (b) A description of the academic achievement and progress of pupils  
37    who are enrolled in the charter school;  
38    (c) A description of the demographics of the pupils who are enrolled in  
39    the charter school;  
40    (d) An overview of the curriculum for each grade level taught at the  
41    charter school;  
42    (e) A description of the system of governance of the charter school,  
43    including, without limitation, an explanation of the process by which  
44    decisions are made;  
45    (f) A description of the financial plan for the charter school;  
46    (g) An identification and evaluation of the accomplishments of the  
47    charter school;





1 (h) An identification and evaluation of the factors that hindered the  
2 progress of the charter school in achieving the academic or educational  
3 results set forth in its application to form a charter school;

4 (i) A summary of the practices of the charter school that offer an  
5 example for other charter schools within this state; and

6 (j) Any recommendations for legislation based upon the results of the  
7 evaluation.

8 3. The legislative bureau of educational accountability and program  
9 evaluation shall submit a copy of the written evaluation, including any  
10 recommendations for legislation, to the 72nd session of the Nevada  
11 legislature.

12 **Sec. 9.** This act becomes effective on July 1, 2001.

