

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **S.B. 292**

SENATE BILL NO. 292—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF NEVADA ASSOCIATION OF SCHOOL BOARDS)

MARCH 7, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing education. (BDR 34-382)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; creating the fund for charter schools; providing for the sponsorship of charter schools by the state board of education; making certain provisions related to collective bargaining applicable to charter schools and their employees; revising provisions governing the formation, operation and personnel of charter schools; authorizing the boards of trustees of school districts and the governing bodies of charter schools to provide programs of distance education for certain pupils; requiring the state board to adopt regulations prescribing the requirements of programs of distance education; revising the provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; providing that certain property of charter schools and certain property leased or rented to charter schools is exempt from taxation; 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 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in this state,
3 in cooperation with associations recognized by the state board as
4 representing licensed personnel in education in the district, shall adopt a
5 program providing for the accountability of the school district to the
6 residents of the district and to the state board for the quality of the schools
7 and the educational achievement of the pupils in the district, including,
8 without limitation, pupils enrolled in charter schools in the school district.
9 *The board of trustees of a school district shall report the information*
10 *required by subsection 2 for each charter school within the school*
11 *district, regardless of the sponsor of the charter school.*



* S B 2 9 2 R 1 *

- 1 2. The board of trustees of each school district shall, on or before
2 March 31 of each year, report to the residents of the district concerning:
3 (a) The educational goals and objectives of the school district.
4 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
5 district and the district as a whole, including, without limitation, each
6 charter school in the district.
7 Unless otherwise directed by the department, the board of trustees of the
8 district shall base its report on the results of the examinations administered
9 pursuant to NRS 389.015 and shall compare the results of those
10 examinations for the current school year with those of previous school
11 years. The report must include, for each school in the district, including,
12 without limitation, each charter school in the district, and each grade in
13 which the examinations were administered:
14 (1) The number of pupils who took the examinations;
15 (2) An explanation of instances in which a school was exempt from
16 administering or a pupil was exempt from taking an examination; and
17 (3) A record of attendance for the period in which the examinations
18 were administered, including an explanation of any difference in the
19 number of pupils who took the examinations and the number of pupils who
20 are enrolled in the school.
21 In addition, the board shall also report the results of other examinations of
22 pupil achievement administered to pupils in the school district in grades
23 other than 4, 8, 10 and 11. The results of these examinations for the current
24 school year must be compared with those of previous school years.
25 (c) The ratio of pupils to teachers in kindergarten and at each grade
26 level for each elementary school in the district and the district as a whole,
27 including, without limitation, each charter school in the district, the
28 average class size for each required course of study for each secondary
29 school in the district and the district as a whole, including, without
30 limitation, each charter school in the district, and other data concerning
31 licensed and unlicensed employees of the school district.
32 (d) The percentage of classes taught by teachers who have been
33 assigned to teach English, mathematics, science or social studies but do not
34 possess a license with an endorsement to teach in that subject area, for each
35 school in the district and the district as a whole, including, without
36 limitation, each charter school in the district.
37 (e) The total expenditure per pupil for each school in the district and the
38 district as a whole, including, without limitation, each charter school in the
39 district.
40 (f) The curriculum used by the school district, including:
41 (1) Any special programs for pupils at an individual school; and
42 (2) The curriculum used by each charter school in the district.
43 (g) Records of the attendance and truancy of pupils in all grades,
44 including, without limitation, the average daily attendance of pupils, for
45 each school in the district and the district as a whole, including, without
46 limitation, each charter school in the district.
47 (h) The annual rate of pupils who drop out of school in grades 9 to 12,
48 inclusive, for each such grade, for each school in the district and for the
49 district as a whole, excluding pupils who:



* S B 2 9 2 R 1 *

- 1 (1) Provide proof to the school district of successful completion of
- 2 the examinations of general educational development.
- 3 (2) Are enrolled in courses that are approved by the department as
- 4 meeting the requirements for an adult standard diploma.
- 5 (3) Withdraw from school to attend another school.
- 6 (i) Records of attendance of teachers who provide instruction, for each
- 7 school in the district and the district as a whole, including, without
- 8 limitation, each charter school in the district.
- 9 (j) Efforts made by the school district and by each school in the district,
- 10 including, without limitation, each charter school in the district, to
- 11 increase:
- 12 (1) Communication with the parents of pupils in the district; and
- 13 (2) The participation of parents in the educational process and
- 14 activities relating to the school district and each school, including, without
- 15 limitation, the existence of parent organizations and school advisory
- 16 committees.
- 17 (k) Records of incidents involving weapons or violence for each school
- 18 in the district, including, without limitation, each charter school in the
- 19 district.
- 20 (l) Records of incidents involving the use or possession of alcoholic
- 21 beverages or controlled substances for each school in the district,
- 22 including, without limitation, each charter school in the district.
- 23 (m) Records of the suspension and expulsion of pupils required or
- 24 authorized pursuant to NRS 392.466 and 392.467.
- 25 (n) The number of pupils who are deemed habitual disciplinary
- 26 problems pursuant to NRS 392.4655, for each school in the district and the
- 27 district as a whole, including, without limitation, each charter school in the
- 28 district.
- 29 (o) The number of pupils in each grade who are retained in the same
- 30 grade pursuant to NRS 392.125, for each school in the district and the
- 31 district as a whole, including, without limitation, each charter school in the
- 32 district.
- 33 (p) The transiency rate of pupils for each school in the district and the
- 34 district as a whole, including, without limitation, each charter school in the
- 35 district. For the purposes of this paragraph, a pupil is not transient if he is
- 36 transferred to a different school within the school district as a result of a
- 37 change in the zone of attendance by the board of trustees of the school
- 38 district pursuant to NRS 388.040.
- 39 (q) Each source of funding for the school district.
- 40 (r) The amount and sources of money received for remedial education
- 41 for each school in the district and the district as a whole, including, without
- 42 limitation, each charter school in the district.
- 43 (s) For each high school in the district, including, without limitation,
- 44 each charter school in the district, the percentage of pupils who graduated
- 45 from that high school or charter school in the immediately preceding year
- 46 and enrolled in remedial courses in reading, writing or mathematics at a
- 47 university or community college within the University and Community
- 48 College System of Nevada.



1 (t) The technological facilities and equipment available at each school,
2 including, without limitation, each charter school, and the district's plan to
3 incorporate educational technology at each school.

4 (u) For each school in the district and the district as a whole, including,
5 without limitation, each charter school in the district, the number and
6 percentage of pupils who graduate with:

7 (1) A standard high school diploma.

8 (2) An adjusted diploma.

9 (3) A certificate of attendance.

10 (v) For each school in the district and the district as a whole, including,
11 without limitation, each charter school in the district, the number and
12 percentage of pupils who did not receive a high school diploma because the
13 pupils failed to pass the high school proficiency examination.

14 (w) The number of habitual truants who are reported to a school police
15 officer or law enforcement agency pursuant to paragraph (a) of subsection
16 2 of NRS 392.144 and the number of habitual truants who are referred to
17 an advisory board to review school attendance pursuant to paragraph (b) of
18 subsection 2 of NRS 392.144, for each school in the district and for the
19 district as a whole.

20 (x) Such other information as is directed by the superintendent of public
21 instruction.

22 3. The records of attendance maintained by a school for purposes of
23 paragraph (i) of subsection 2 must include the number of teachers who are
24 in attendance at school and the number of teachers who are absent from
25 school. A teacher shall be deemed in attendance if the teacher is excused
26 from being present in the classroom by the school in which he is employed
27 for one of the following reasons:

28 (a) Acquisition of knowledge or skills relating to the professional
29 development of the teacher; or

30 (b) Assignment of the teacher to perform duties for cocurricular or
31 extracurricular activities of pupils.

32 4. The superintendent of public instruction shall:

33 (a) Prescribe forms for the reports required pursuant to subsection 2 and
34 provide the forms to the respective school districts.

35 (b) Provide statistical information and technical assistance to the school
36 districts to ensure that the reports provide comparable information with
37 respect to each school in each district and among the districts.

38 (c) Consult with a representative of the:

39 (1) Nevada State Education Association;

40 (2) Nevada Association of School Boards;

41 (3) Nevada Association of School Administrators;

42 (4) Nevada Parent Teachers Association;

43 (5) Budget division of the department of administration; and

44 (6) Legislative counsel bureau,

45 concerning the program and consider any advice or recommendations
46 submitted by the representatives with respect to the program.

47 5. The superintendent of public instruction may consult with
48 representatives of parent groups other than the Nevada Parent Teachers
49 Association concerning the program and consider any advice or



* S B 2 9 2 R 1 *

1 recommendations submitted by the representatives with respect to the
2 program.

3 6. On or before April 15 of each year, the board of trustees of each
4 school district shall submit to each *advisory* board to review school
5 attendance created in the county pursuant to NRS 392.126 the information
6 required in paragraph (g) of subsection 2.

7 **Sec. 2.** NRS 385.363 is hereby amended to read as follows:

8 385.363 *1.* The department shall, on or before April 1 of each year:

9 ~~1-1~~ *(a)* Evaluate the information submitted by each school district
10 pursuant to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and

11 ~~1-2~~ *(b)* Except as otherwise provided in subsection 3 and NRS
12 385.364, based upon its evaluation and in accordance with the criteria set
13 forth in NRS 385.365 and 385.367, designate each public school within
14 each school district as:

15 ~~1-a~~ *(1)* Demonstrating exemplary achievement;

16 ~~1-b~~ *(2)* Demonstrating high achievement;

17 ~~1-c~~ *(3)* Demonstrating adequate achievement; or

18 ~~1-d~~ *(4)* Demonstrating need for improvement.

19 ~~1-3~~ *2.* The department shall adopt regulations that set forth the
20 conditions under which the department will not designate a public school
21 pursuant to this section because the school:

22 (a) Has too few pupils enrolled in a grade level that is tested pursuant to
23 NRS 389.015;

24 (b) Serves only pupils with disabilities;

25 (c) Operates only as an alternative program for the education of pupils
26 at risk of dropping out of high school ~~1-1~~, *including, without limitation, a*
27 *program of distance education for pupils at risk of dropping out of high*
28 *school provided pursuant to sections 31 to 44, inclusive, of this act;* or

29 (d) Is operated within a:

30 (1) Youth training center;

31 (2) Youth center;

32 (3) Juvenile forestry camp;

33 (4) Detention home;

34 (5) Youth camp;

35 (6) Juvenile correctional institution; or

36 (7) Correctional institution.

37 **Sec. 3.** Chapter 386 of NRS is hereby amended by adding thereto the
38 provisions set forth as sections 4 to 7, inclusive, of this act.

39 **Sec. 4.** *In lieu of a high school diploma indicating that a pupil has*
40 *satisfied the requirements of a school district, a charter school may issue*
41 *a high school diploma which indicates that a pupil enrolled in the*
42 *charter school has satisfied the requirements of the applicable state*
43 *statutes and regulations for receipt of a high school diploma, including,*
44 *without limitation, passage of the high school proficiency examination. A*
45 *charter school that desires to issue such a diploma shall submit the form*
46 *for the diploma to the state board for approval. This section does not*
47 *preclude a charter school from imposing requirements in addition to*
48 *those required by state statutes and regulations for receipt of a high*
49 *school diploma.*



- 1 **Sec. 5.** 1. *The fund for charter schools is hereby created in the*
2 *state treasury as a revolving loan fund, to be administered by the*
3 *department.*
4 2. *The money in the revolving fund must be invested as other state*
5 *funds are invested. All interest and income earned on the money in the*
6 *revolving fund must be credited to the revolving fund. Any money*
7 *remaining in the revolving fund at the end of a fiscal year does not revert*
8 *to the state general fund, and the balance in the fund must be carried*
9 *forward.*
10 3. *All payments of principal and interest on all the loans made to a*
11 *charter school from the revolving fund must be deposited in the state*
12 *treasury for credit to the revolving fund.*
13 4. *Claims against the revolving fund must be paid as other claims*
14 *against the state are paid.*
15 5. *The department may accept gifts and grants from any source for*
16 *deposit in the revolving fund.*
17 **Sec. 6.** 1. *The department may use the money in the fund for*
18 *charter schools, including repayments of principal and interest on loans*
19 *made from the fund, and interest and income earned on money in the*
20 *fund, only to make loans at or below market rate to charter schools for*
21 *the costs incurred:*
22 (a) *In preparing a charter school to commence its first year of*
23 *operation; and*
24 (b) *To improve a charter school that has been in operation.*
25 2. *The total amount of a loan that may be made to a charter school*
26 *in 1 year must not exceed \$25,000.*
27 **Sec. 7.** 1. *If the governing body of a charter school has a written*
28 *charter issued pursuant to NRS 386.527, the governing body may submit*
29 *an application to the department for a loan from the fund for charter*
30 *schools. An application must include a written description of the manner*
31 *in which the loan will be used to prepare the charter school for its first*
32 *year of operation or to improve a charter school that has been in*
33 *operation.*
34 2. *The department shall, within the limits of money available for use*
35 *in the fund, make loans to charter schools whose applications have been*
36 *approved. If the department makes a loan from the fund, the department*
37 *shall ensure that the contract for the loan includes all terms and*
38 *conditions for repayment of the loan.*
39 3. *The state board:*
40 (a) *Shall adopt regulations that prescribe the:*
41 (1) *Annual deadline for submission of an application to the*
42 *department by a charter school that desires to receive a loan from the*
43 *fund; and*
44 (2) *Period for repayment and the rate of interest for loans made*
45 *from the fund.*
46 (b) *May adopt other regulations as it deems necessary to carry out the*
47 *provisions of this section and sections 5 and 6 of this act.*



* S B 2 9 2 R 1 *

1 **Sec. 8.** NRS 386.500 is hereby amended to read as follows:
2 386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and*
3 *sections 4 to 7, inclusive, of this act*, a pupil is "at risk" if he has an
4 economic or academic disadvantage such that he requires special services
5 and assistance to enable him to succeed in educational programs. The term
6 includes, without limitation, pupils who are members of economically
7 disadvantaged families, pupils with limited proficiency in the English
8 language, pupils who are at risk of dropping out of high school and pupils
9 who do not meet minimum standards of academic proficiency. The term
10 does not include a pupil with a disability.

11 **Sec. 9.** NRS 386.515 is hereby amended to read as follows:

12 386.515 **1.** The board of trustees of a school district may apply to the
13 department for authorization to sponsor charter schools within the school
14 district. An application must be approved by the department before the
15 board of trustees may sponsor a charter school. Not more than 180 days
16 after receiving approval to sponsor charter schools, the board of trustees
17 shall provide public notice of its ability to sponsor charter schools and
18 solicit applications for charter schools.

19 **2. The state board may sponsor a charter school.**

20 **Sec. 10.** NRS 386.520 is hereby amended to read as follows:

21 386.520 1. A committee to form a charter school must consist of at
22 least three teachers, as defined in NRS 391.311, alone or in combination
23 with:

- 24 (a) Ten or more members of the general public;
25 (b) Representatives of an organization devoted to service to the general
26 public;
27 (c) Representatives of a private business; or
28 (d) Representatives of a college or university within the University and
29 Community College System of Nevada.

30 2. Before a committee to form a charter school may submit an
31 application to the board of trustees of a school district, *the subcommittee*
32 *on charter schools or the state board*, it must submit the application to the
33 department. The application must include all information prescribed by the
34 department by regulation and:

35 (a) A written description of how the charter school will carry out the
36 provisions of NRS 386.500 to 386.610, inclusive **H**, *and sections 4 to 7,*
37 *inclusive, of this act.*

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

- 41 (1) Improving the opportunities for pupils to learn;
42 (2) Encouraging the use of effective methods of teaching;
43 (3) Providing an accurate measurement of the educational
44 achievement of pupils;
45 (4) Establishing accountability of public schools;
46 (5) Providing a method for public schools to measure achievement
47 based upon the performance of the schools; or
48 (6) Creating new professional opportunities for teachers.
49 (c) The projected enrollment of pupils in the charter school.



- 1 (d) The proposed dates of enrollment for the charter school.
2 (e) The proposed system of governance for the charter school,
3 including, without limitation, the number of persons who will govern, the
4 method of selecting the persons who will govern and the term of office for
5 each person.
6 (f) The method by which disputes will be resolved between the
7 governing body of the charter school and the sponsor of the charter school.
8 (g) The proposed curriculum for the charter school ~~and~~ *and, if applicable*
9 *to the grade level of pupils who are enrolled in the charter school,*
10 *whether those pupils will satisfy the requirements of the school district in*
11 *which the charter school is located for receipt of a high school diploma*
12 *or the minimum requirements of this state.*
13 (h) The textbooks that will be used at the charter school.
14 (i) The qualifications of the persons who will provide instruction at the
15 charter school.
16 (j) Except as otherwise required by NRS 386.595, the process by which
17 the governing body of the charter school will negotiate employment
18 contracts with the employees of the charter school.
19 (k) A financial plan for the operation of the charter school. The plan
20 must include, without limitation, procedures for the audit of the programs
21 and finances of the charter school and guidelines for determining the
22 financial liability if the charter school is unsuccessful.
23 (l) A statement of whether the charter school will provide for the
24 transportation of pupils to and from the charter school. If the charter school
25 will provide transportation, the application must include the proposed plan
26 for the transportation of pupils. If the charter school will not provide
27 transportation, the application must include a statement that the charter
28 school will work with the parents and guardians of pupils enrolled in the
29 charter school to develop a plan for transportation to ensure that pupils
30 have access to transportation to and from the charter school.
31 (m) The procedure for the evaluation of teachers of the charter school, if
32 different from the procedure prescribed in NRS 391.3125. If the procedure
33 is different from the procedure prescribed in NRS 391.3125, the procedure
34 for the evaluation of teachers of the charter school must provide the same
35 level of protection and otherwise comply with the standards for evaluation
36 set forth in NRS 391.3125.
37 (n) The time by which certain academic or educational results will be
38 achieved.
39 3. 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
44 application. The applicant must be granted 30 days after receipt of the
45 written notice to correct any deficiencies identified in the written notice
46 and resubmit the application.
47 **Sec. 11.** NRS 386.525 is hereby amended to read as follows:
48 386.525 1. Upon approval of an application by the department, a
49 committee to form a charter school may submit the application to the board



* S B 2 9 2 R 1 *

1 of trustees of the school district in which the proposed charter school will
2 be located. If *applicable, a committee may submit an application directly*
3 *to the subcommittee on charter schools pursuant to subsection 5. If* the
4 board of trustees of a school district receives an application to form a
5 charter school, it shall consider the application at ~~its next~~ a regularly
6 scheduled meeting ~~but~~ *that must be held* not later than ~~44~~ 30 days
7 after the receipt of the application, and ensure that notice of the meeting
8 has been provided pursuant to chapter 241 of NRS. The board of trustees ,
9 *the subcommittee on charter schools or the state board, as applicable,*
10 shall review ~~the~~ *an* application to determine whether the application:
11 (a) Complies with NRS 386.500 to 386.610, inclusive, *and sections 4 to*
12 *7, inclusive, of this act* and the regulations applicable to charter schools;
13 and
14 (b) Is complete in accordance with the regulations of the department.
15 2. *In addition to the considerations set forth in paragraphs (a) and*
16 *(b) of subsection 1, the board of trustees of a school district, the*
17 *subcommittee on charter schools and the state board may, in their review*
18 *of the application pursuant to paragraph (k) of subsection 2 of NRS*
19 *386.520, consider the financial viability of the proposed charter school.*
20 3. The department shall assist the board of trustees of a school district
21 in the review of an application. The board of trustees ~~shall~~ *may* approve
22 an application if it satisfies the requirements of paragraphs (a) and (b) of
23 subsection 1. The board of trustees shall provide written notice to the
24 applicant of its approval or denial of the application.
25 ~~3.4~~ 4. If the board of trustees denies an application, it shall include in
26 the written notice the reasons for the denial and the deficiencies in the
27 application. The applicant must be granted 30 days after receipt of the
28 written notice to correct any deficiencies identified in the written notice
29 and resubmit the application.
30 ~~4.4~~ 5. If the board of trustees denies an application after it has been
31 resubmitted pursuant to subsection ~~3.4~~ 4, the applicant may submit a
32 written request *for sponsorship by the state board* to the subcommittee on
33 charter schools created pursuant to NRS 386.507 ~~4~~ not more than 30 days
34 after receipt of the written notice of denial. ~~4. to direct the board of trustees~~
35 ~~to reconsider the application. The subcommittee shall consider requests for~~
36 ~~reconsideration in the order in which they are received. If an applicant~~
37 *proposes to form a charter school exclusively for the enrollment of pupils*
38 *with disabilities or gifted and talented pupils, or both, the applicant may*
39 *submit the written request and application directly to the subcommittee*
40 *without first seeking approval from the board of trustees of a school*
41 *district. Any request that is submitted pursuant to this subsection must be*
42 *accompanied by the application to form the charter school.*
43 6. If the subcommittee receives ~~such a request,~~ *a request pursuant to*
44 *subsection 5,* it shall consider the request *and the application* at ~~its next~~ a
45 regularly scheduled meeting ~~and ensure that notice~~ *that must be held not*
46 *later than 30 days after receipt of the application. Notice* of the meeting
47 ~~is~~ *must be* posted in accordance with chapter 241 of NRS. ~~Not more than~~
48 ~~30 days after the meeting, the subcommittee shall provide written notice of~~
49 ~~its determination to the applicant and to the board of trustees. If the~~



* S B 2 9 2 R 1 *

1 ~~subcommittee denies the request for reconsideration, the applicant may, not~~
2 ~~more than 30 days after the receipt of the written notice from the~~
3 ~~subcommittee, appeal the determination to the district court of the county~~
4 ~~in which the proposed charter school will be located.~~

5 ~~— 5. If the subcommittee on charter schools grants a request to direct~~
6 ~~reconsideration, the written notice to the board of trustees of the school~~
7 ~~district that denied the application must include, without limitation,~~
8 ~~instructions to the board of trustees concerning the reconsideration of the~~
9 ~~application. Not more than 30 days after receipt of the written notice from~~
10 ~~the subcommittee directing the reconsideration, the board of trustees shall~~
11 ~~reconsider the application in accordance with the instructions of the~~
12 ~~subcommittee, make a final determination on the application and provide~~
13 ~~written notice of the determination to the applicant. If, upon~~
14 ~~reconsideration of the application, the board of trustees} *The subcommittee*~~
15 *shall review the application in accordance with the factors set forth in*
16 *paragraphs (a) and (b) of subsection 1. The subcommittee may also*
17 *consider the factors set forth in subsection 2. If the proposed charter*
18 *school is designed exclusively for the enrollment of pupils with*
19 *disabilities, the subcommittee shall make a specific determination*
20 *whether the proposed operation of the charter school complies with the*
21 *requirements of the Individuals with Disabilities Education Act, 20*
22 *U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive.*

23 *7. The subcommittee shall transmit the application and the*
24 *recommendation of the subcommittee for approval or denial of the*
25 *application to the state board. Not more than 14 days after the date of the*
26 *meeting of the subcommittee pursuant to subsection 6, the state board*
27 *shall hold a meeting to consider the recommendation of the*
28 *subcommittee. Notice of the meeting must be posted in accordance with*
29 *chapter 241 of NRS. The state board shall review the application in*
30 *accordance with the factors set forth in paragraphs (a) and (b) of*
31 *subsection 1. The state board may also consider the factors set forth in*
32 *subsection 2. If the proposed charter school is designed exclusively for*
33 *the enrollment of pupils with disabilities, the state board shall make a*
34 *specific determination whether the proposed operation of the charter*
35 *school complies with the requirements of the Individuals with Disabilities*
36 *Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520,*
37 *inclusive. Not more than 30 days after the meeting, the state board shall*
38 *provide written notice of its determination to the applicant.*

39 *8. If the state board denies the application, the applicant may, not*
40 *more than 30 days after the receipt of the written notice from the* ~~board of~~
41 ~~trustees,}~~ *state board, appeal the final determination to the district court of*
42 *the county in which the proposed charter school will be located.*

43 **Sec. 12.** NRS 386.527 is hereby amended to read as follows:

44 386.527 1. ~~Except as otherwise provided in subsection 3, if~~ *If* the
45 *state board or the* board of trustees of a school district approves an
46 application to form a charter school, it shall grant a written charter to the
47 applicant. The *state board or the* board of trustees , *as applicable*, shall,
48 not later than 10 days after the approval of the application, provide written
49 notice to the department of the approval and the date of the approval. ~~The~~



* S B 2 9 2 R 1 *

1 *If the* board of trustees ~~that~~ approves the application , *the board of*
2 *trustees* shall be deemed the sponsor of the charter school. ~~1A~~ *If the state*
3 *board approves the application:*

4 (a) *The state board shall be deemed the sponsor of the charter school.*
5 (b) *Neither the State of Nevada, the state board nor the department is*
6 *an employer of the members of the governing body of the charter school*
7 *or any of the employees of the charter school.*

8 2. *Except as otherwise provided in subsection 4, a* written charter
9 must 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 2
11 of NRS 386.530. A written charter must include all conditions of operation
12 set forth in paragraphs (a) to (n), inclusive, of subsection 2 of NRS
13 386.520. As a condition of the issuance of a written charter pursuant to this
14 subsection, the charter school must agree to comply with all conditions of
15 operation set forth in NRS 386.550.

16 ~~12~~ 3. The governing body of a charter school may submit to the
17 sponsor of the charter school a written request for an amendment of the
18 written charter of the charter school. *Such an amendment may include,*
19 *without limitation, the provision of instruction and other educational*
20 *services to pupils who are enrolled in grade levels other than the grade*
21 *levels that were specified in its application if the charter school specified*
22 *grade levels in its application, regardless of whether the addition of such*
23 *grade levels expands the scope of the school.* If the proposed amendment
24 complies with the provisions of this section, NRS 386.500 to 386.610,
25 inclusive, *and sections 4 to 7, inclusive, of this act,* and any other statute
26 or regulation applicable to charter schools, the sponsor shall amend the
27 written charter in accordance with the proposed amendment.

28 ~~13. If the board of trustees of a school district is considering an~~
29 ~~application to form a charter school and determines that the applicant is not~~
30 ~~yet eligible for the issuance of a charter pursuant to subsection 1, it may, if~~
31 ~~applicable, hold the application in abeyance and grant a conditional charter~~
32 ~~to the applicant if the applicant:~~

33 ~~—(a) Has not obtained a building, equipment or personnel for the charter~~
34 ~~school; and~~

35 ~~—(b) Submits proof satisfactory to the entity which is considering the~~
36 ~~application that acceptance of the application is necessary to obtain the~~
37 ~~building, equipment or personnel for the charter school.~~

38 ~~The board of trustees of a school district that grants a conditional charter~~
39 ~~pursuant to this subsection shall provide written notice to the state board of~~
40 ~~its action.~~

41 ~~4. A conditional charter expires 1 year after its issuance and is~~
42 ~~nonrenewable. The holder of a conditional charter shall not operate a~~
43 ~~charter school and is not eligible to receive any public school money for~~
44 ~~the operation of a charter school. Before the expiration of a conditional~~
45 ~~charter, the holder of the conditional charter may submit a supplemental~~
46 ~~application and request the board of trustees that granted the conditional~~
47 ~~charter to determine whether the holder is eligible for the issuance of a~~
48 ~~charter pursuant to subsection 1. The board of trustees shall consider such a~~
49 ~~request as soon as is practicable.~~



* S B 2 9 2 R 1 *

1 4. *The state board shall adopt objective criteria for the issuance of a*
2 *written charter to an applicant that is not prepared to commence*
3 *operation on the date of issuance of the written charter. The criteria must*
4 *include, without limitation, the:*

5 (a) *Period for which such a written charter is valid; and*

6 (b) *Timelines by which the applicant must satisfy certain requirements*
7 *demonstrating its progress in preparing to commence operation.*

8 5. *The holder of a written charter that is issued pursuant to*
9 *subsection 4 shall not commence operation of the charter school and is*
10 *not eligible to receive apportionments pursuant to NRS 387.124 until the*
11 *sponsor has determined that the objective criteria prescribed by the state*
12 *board are satisfied. This subsection does not preclude a holder of such a*
13 *written charter from applying for grants of money to prepare the charter*
14 *school for operation.*

15 **Sec. 13.** NRS 386.540 is hereby amended to read as follows:

16 386.540 1. The department shall adopt regulations that prescribe:

17 (a) The process for submission of an application by the board of trustees
18 of a school district to the department for authorization to sponsor charter
19 schools and the contents of the application;

20 (b) The process for submission of an application to form a charter
21 school to the department ~~and to~~, the board of trustees of a school district
22 ~~+~~ and the *subcommittee on charter schools, and the* contents of the
23 application;

24 (c) The process for submission of an application to renew a written
25 charter; and

26 (d) The criteria and type of investigation that must be applied by the
27 board of trustees , *the subcommittee on charter schools and the state*
28 *board* in determining whether to approve an application to form a charter
29 school or an application to renew a written charter.

30 2. The department may adopt regulations as it determines are
31 necessary to carry out the provisions of NRS 386.500 to 386.610,
32 inclusive, *and sections 4 to 7, inclusive, of this act*, including, without
33 limitation, regulations that prescribe the procedures for accounting,
34 budgeting and annual audits of charter schools.

35 **Sec. 14.** NRS 386.549 is hereby amended to read as follows:

36 386.549 1. The governing body of a charter school shall consist of at
37 least three teachers, as defined in NRS 391.311, and may consist of,
38 without limitation, parents and representatives of nonprofit organizations
39 and businesses. *A majority of the members of the governing body must*
40 *reside in this state. If the membership of the governing body changes, the*
41 *governing body shall provide written notice to the sponsor of the charter*
42 *school within 10 working days after such change.*

43 2. *Each person who desires to serve on the governing body of a*
44 *charter school shall submit to the superintendent of public instruction a*
45 *complete set of his fingerprints and written permission authorizing the*
46 *superintendent to forward the fingerprints to the Federal Bureau of*
47 *Investigation and to the central repository for Nevada records of criminal*
48 *history for their reports on the criminal history of the proposed member.*
49 *A person may serve on the governing body only if the reports on the*



* S B 2 9 2 R 1 *

1 *criminal history from the Federal Bureau of Investigation and the*
2 *central repository for Nevada records of criminal history:*

3 *(a) Do not indicate that the person has been convicted of a felony or*
4 *any offense involving moral turpitude; or*

5 *(b) Indicate that the person has been convicted of a felony or an*
6 *offense involving moral turpitude, but the superintendent of public*
7 *instruction determines that the conviction is unrelated to the duties of a*
8 *member of the governing body.*

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

14 4. *The governing body of a charter school shall, during each*
15 *calendar quarter, hold at least one regularly scheduled public meeting in*
16 *the county in which the charter school is located.*

17 **Sec. 15.** NRS 386.550 is hereby amended to read as follows:

18 386.550 A charter school shall:

19 1. Comply with all laws and regulations relating to discrimination and
20 civil rights.

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

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

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

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

28 6. Except as otherwise provided in this subsection, schedule and
29 provide annually at least as many days of instruction as are required of
30 other public schools located in the same school district as the charter
31 school is located. The governing body of a charter school may submit a
32 written request to the superintendent of public instruction for a waiver from
33 providing the days of instruction required by this subsection. The
34 superintendent of public instruction may grant such a request if the
35 governing body demonstrates to the satisfaction of the superintendent that:

36 (a) Extenuating circumstances exist to justify the waiver; and

37 (b) The charter school will provide at least as many hours or minutes of
38 instruction as would be provided under a program consisting of 180 days.

39 7. 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 and the examinations required
42 pursuant to NRS 389.550 to the pupils who are enrolled in the charter
43 school.

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

46 9. Provide instruction in the core academic subjects set forth in
47 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils
48 who are enrolled in the charter school, and provide at least the courses of
49 ~~instruction~~ *study* that are required of pupils by statute or regulation for



* S B 2 9 2 R 1 *

1 promotion to the next grade or graduation from a public high school and
2 require the pupils who are enrolled in the charter school to take those
3 courses of study. This subsection does not preclude a charter school from
4 offering, or requiring the pupils who are enrolled in the charter school to
5 take, other courses of study that are required by statute or regulation.

6 10. *Except as otherwise provided in section 4 of this act, if applicable*
7 *to the grade levels of pupils who are enrolled in the charter school,*
8 *require the pupils to complete the requirements for graduation from a*
9 *public high school and receipt of a high school diploma that are required*
10 *of the other pupils who are enrolled in the public high schools of the*
11 *school district in which the charter school is located.*

12 11. *If the parent or legal guardian of a child submits an application*
13 *to enroll in kindergarten, first grade or second grade at the charter*
14 *school, comply with NRS 392.040 regarding the ages for enrollment in*
15 *those grades.*

16 12. Refrain from using public money to purchase real property or
17 buildings without the approval of the sponsor.

18 ~~13~~ 13. Hold harmless, indemnify and defend the sponsor of the
19 charter school against any claim or liability arising from an act or omission
20 by the governing body of the charter school or an employee or officer of
21 the charter school. An action at law may not be maintained against the
22 sponsor of a charter school for any cause of action for which the charter
23 school has obtained liability insurance.

24 ~~14~~ 14. Provide written notice to the parents or legal guardians of
25 pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of
26 whether the charter school is accredited by the Commission on Schools of
27 the Northwest Association of Schools and Colleges.

28 ~~15~~ 15. Adopt a final budget in accordance with the regulations
29 adopted by the department. A charter school is not required to adopt a final
30 budget pursuant to NRS 354.598 or otherwise comply with the provisions
31 of chapter 354 of NRS.

32 16. *If the charter school provides a program of distance education*
33 *pursuant to sections 31 to 44, inclusive, of this act, comply with all*
34 *statutes and regulations that are applicable to a program of distance*
35 *education for purposes of the operation of the program, regardless of*
36 *whether those statutes and regulations impose additional requirements*
37 *upon the charter school.*

38 **Sec. 16.** NRS 386.560 is hereby amended to read as follows:

39 386.560 1. The governing body of a charter school may contract with
40 the board of trustees of the school district in which the charter school is
41 located or the University and Community College System of Nevada for
42 the provision of facilities to operate the charter school or to perform any
43 service relating to the operation of the charter school, including, without
44 limitation, transportation and the provision of health services for the pupils
45 who are enrolled in the charter school.

46 2. A charter school may use any public facility located within the
47 school district in which the charter school is located. A charter school may
48 use school buildings owned by the school district only upon approval of the



* S B 2 9 2 R 1 *

1 board of trustees of the school district and during times that are not regular
2 school hours.

3 3. The board of trustees of a school district may donate surplus
4 personal property of the school district to a charter school that is located
5 within the school district.

6 4. ~~Upon~~ *Except as otherwise provided in this subsection, upon* the
7 request of a parent or legal guardian of a pupil who is enrolled in a charter
8 school, the board of trustees of the school district in which the charter
9 school is located shall authorize the pupil to participate in a class that is not
10 available to the pupil at the charter school or participate in an
11 extracurricular activity, excluding sports, at a public school within the
12 school district if:

13 (a) Space for the pupil in the class or extracurricular activity is
14 available; and

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

18 If the board of trustees of a school district authorizes a pupil to participate
19 in a class or extracurricular activity, excluding sports, pursuant to this
20 subsection, the board of trustees is not required to provide transportation
21 for the pupil to attend the class or activity. *The provisions of this*
22 *subsection do not apply to a pupil who is enrolled in a charter school and*
23 *who desires to participate on a part-time basis in a program of distance*
24 *education provided by the board of trustees of a school district pursuant*
25 *to sections 31 to 44, inclusive, of this act.*

26 5. Upon the request of a parent or legal guardian of a pupil who is
27 enrolled in a charter school, the board of trustees of the school district in
28 which the charter school is located shall authorize the pupil to participate in
29 sports at the public school that he would otherwise be required to attend
30 within the school district, or upon approval of the board of trustees, any
31 public school within the same zone of attendance as the charter school if:

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

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

35 If the board of trustees of a school district authorizes a pupil to participate
36 in sports pursuant to this subsection, the board of trustees is not required to
37 provide transportation for the pupil to participate.

38 6. The board of trustees of a school district may revoke its approval for
39 a pupil to participate in a class, extracurricular activity or sports at a public
40 school pursuant to subsections 4 and 5 if the board of trustees or the public
41 school determines that the pupil has failed to comply with applicable
42 statutes, or applicable rules and regulations of the board of trustees, the
43 public school or an association for interscholastic activities. If the board of
44 trustees so revokes its approval, neither the board of trustees nor the public
45 school are liable for any damages relating to the denial of services to the
46 pupil.

47 **Sec. 17.** NRS 386.570 is hereby amended to read as follows:

48 386.570 1. Each pupil who is enrolled in a charter school, including,
49 without limitation, a pupil who is enrolled in a program of special



* S B 2 9 2 R 1 *

1 education in a charter school, must be included in the count of pupils in the
2 school district for the purposes of apportionments and allowances from the
3 state distributive school account pursuant to NRS 387.121 to 387.126,
4 inclusive, unless the pupil is exempt from compulsory attendance pursuant
5 to NRS 392.070. A charter school is entitled to receive its proportionate
6 share of any other money available from federal, state or local sources that
7 the school or the pupils who are enrolled in the school are eligible to
8 receive. *All money received by the charter school from this state or the*
9 *board of trustees of a school district must be deposited in a bank, credit*
10 *union or other financial institution in this state.*

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

14 3. *The sponsor of a charter school may request reimbursement from*
15 *the governing body of the charter school for the administrative costs*
16 *associated with sponsorship for 1 school year. Upon receipt of such a*
17 *request, the governing body shall pay the reimbursement to the board of*
18 *trustees of the school, if the board of trustees sponsors the charter*
19 *school, or to the department if the state board sponsors the charter*
20 *school. If a governing body fails to pay the reimbursement, the charter*
21 *school shall be deemed to have violated its written charter and the*
22 *sponsor may take such action to revoke the written charter pursuant to*
23 *NRS 386.535 as it deems necessary. The amount of reimbursement that a*
24 *charter school may be required to pay pursuant to this subsection must*
25 *not exceed:*

26 (a) *For the first year of operation of the charter school, 2 percent of*
27 *the total amount of money apportioned to the charter school during the*
28 *year pursuant to NRS 387.124.*

29 (b) *For any year after the first year of operation of the charter school,*
30 *1 percent of the total amount of money apportioned to the charter school*
31 *during the year pursuant to NRS 387.124.*

32 4. To determine the amount of money for distribution to a charter
33 school in its first year of operation, the count of pupils who are enrolled in
34 the charter school must initially be determined 30 days before the
35 beginning of the school year of the school district, based on the number of
36 pupils whose applications for enrollment have been approved by the
37 charter school. The count of pupils who are enrolled in the charter school
38 must be revised on the last day of the first school month of the school
39 district in which the charter school is located for the school year, based on
40 the actual number of pupils who are enrolled in the charter school.
41 Pursuant to subsection ~~12~~ 6 of NRS 387.124, the governing body of a
42 charter school may request that the apportionments made to the charter
43 school in its first year of operation be paid to the charter school 30 days
44 before the apportionments are otherwise required to be made.

45 ~~14~~ 5. *If a charter school ceases to operate as a charter school*
46 *during a school year, the remaining apportionments that would have*
47 *been made to the charter school pursuant to NRS 387.124 for that year*
48 *must be paid on a proportionate basis to the school districts where the*
49 *pupils who were enrolled in the charter school reside.*



1 **6.** The governing body of a charter school may solicit and accept
2 donations, money, grants, property, loans, personal services or other
3 assistance for purposes relating to education from members of the general
4 public, corporations or agencies. The governing body may comply with
5 applicable federal laws and regulations governing the provision of federal
6 grants for charter schools. *The state board may assist a charter school that*
7 *operates exclusively for the enrollment of pupils with disabilities or gifted*
8 *and talented pupils, or both, in identifying sources of money that may be*
9 *available from the Federal Government or this state for the provision of*
10 *educational programs and services to such pupils.*

11 ~~15-1~~ **7.** If a charter school uses money received from this state to
12 purchase real property, buildings, equipment or facilities, the governing
13 body of the charter school shall assign a security interest in the property,
14 buildings, equipment and facilities to the State of Nevada.

15 **Sec. 18.** NRS 386.580 is hereby amended to read as follows:

16 386.580 1. An application for enrollment in a charter school may be
17 submitted to the governing body of the charter school by the parent or legal
18 guardian of any child who resides in this state. Except as otherwise
19 provided in this subsection, a charter school shall enroll pupils who are
20 eligible for enrollment in the order in which the applications are received.
21 If the board of trustees of the school district in which the charter school is
22 located has established zones of attendance pursuant to NRS 388.040, the
23 charter school shall, if practicable, ensure that the racial composition of
24 pupils enrolled in the charter school does not differ by more than 10
25 percent from the racial composition of pupils who attend public schools in
26 the zone in which the charter school is located. If more pupils who are
27 eligible for enrollment apply for enrollment in the charter school than the
28 number of spaces which are available, the charter school shall determine
29 which applicants to enroll on the basis of a lottery system.

30 2. Except as otherwise provided in subsection ~~14-1~~ **6**, a charter school
31 shall not accept applications for enrollment in the charter school or
32 otherwise discriminate based on the:

- 33 (a) Race;
34 (b) Gender;
35 (c) Religion;
36 (d) Ethnicity; or
37 (e) Disability,
38 of a pupil.

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

45 4. *Except as otherwise provided in this subsection, upon the request*
46 *of a parent or legal guardian of a child who is enrolled in a public school*
47 *of a school district or a private school, or who receives instruction at*
48 *home, the governing body of the charter school shall authorize the child*
49 *to participate in a class that is not otherwise available to the child at his*



* S B 2 9 2 R 1 *

1 *school or home school or participate in an extracurricular activity at the*
2 *charter school if:*

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

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

8 *If the governing body of a charter school authorizes a child to participate*
9 *in a class or extracurricular activity pursuant to this subsection, the*
10 *governing body is not required to provide transportation for the child to*
11 *attend the class or activity. The provisions of this subsection do not apply*
12 *to a child who desires to participate on a part-time basis in a program of*
13 *distance education provided by the governing body of a charter school*
14 *pursuant to sections 31 to 44, inclusive, of this act.*

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

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

24 *(a) With disabilities;*

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

28 *(c) Who are at risk.*

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

32 **Sec. 19.** NRS 386.590 is hereby amended to read as follows:

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

40 2. A governing body of a charter school shall employ:

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

44 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or
45 12, a licensed teacher to teach pupils who are enrolled in those grades for
46 the following courses of study:

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

48 (2) Mathematics;

49 (3) Science; and



* S B 2 9 2 R 1 *

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

A licensed teacher may be employed pursuant to this paragraph to teach a course of study, regardless of whether he holds an endorsement in a subject area related to that course of study only if the charter school complies with paragraph (c).

(c) In addition to the requirements of paragraphs (a) and (b) ~~HH~~, *for each course of study identified in paragraph (b), at least one licensed teacher who holds an endorsement in a subject area related to that course of study. A teacher employed pursuant to this paragraph may provide instruction in the course of study for which he holds an endorsement or may supervise the instruction in that course of study provided by other licensed teachers who do not hold such an endorsement, or both.*

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

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

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

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

3. ~~IA~~ *Except as otherwise provided in subsection 4, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:*

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

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

4. *A charter school may enter into contracts to provide instruction at the charter school with teachers, professors and instructors who are currently employed at a university or community college within the University and Community College System of Nevada or any other accredited college or university that was originally established in, and organized under, the laws of this state. A person who enters into a contract pursuant to this subsection must provide instruction at the charter school in the subject area for which he is currently employed at the university or college.*

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

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

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



1 ~~15-1~~ 6. A charter school shall not employ a person pursuant to this
2 section if his license to teach or provide other educational services has been
3 revoked or suspended in this state or another state.

4 **Sec. 20.** NRS 386.595 is hereby amended to read as follows:

5 386.595 1. Except as otherwise provided in this subsection and
6 subsections 2, 3 and ~~13-1~~ 4, the provisions of the collective bargaining
7 agreement entered into by the board of trustees of the school district in
8 which the charter school is located apply to the terms and conditions of
9 employment of employees of the charter school ~~1- If a written charter is~~
10 ~~renewed, the employees of the charter school may, at the time of renewal,~~
11 ~~apply for recognition as a bargaining unit pursuant to NRS 288.160.1~~ ,
12 *regardless of the sponsor of the charter school. An employee of a charter*
13 *school is not a member of the same bargaining unit as an employee of*
14 *the school district and is not entitled to representation by the employee*
15 *organization that is a party to the collective bargaining agreement of the*
16 *school district. However, during the time that the collective bargaining*
17 *agreement of the school district remains applicable to the employees of*
18 *the charter school, the employee organization that is a party to the*
19 *agreement may, but is not required to, represent an employee of the*
20 *charter school in a grievance proceeding or other dispute arising out of*
21 *the agreement.*

22 2. A charter school is exempt from the specific provisions of the
23 collective bargaining agreement *of the school district* that controls the:

24 (a) Periods of preparation time for teachers, provided that the charter
25 school allows at least the same amount of time for preparation as the
26 school district;

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

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

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

30 (e) Number of hours and days that a teacher may work in 1
31 year.

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

36 3. A teacher or a governing body of a charter school may request that
37 the ~~board of trustees of the school district and other persons~~ *parties* who
38 entered into the collective bargaining agreement *of the school district* grant
39 a waiver from specific provisions of the ~~collective bargaining~~ agreement
40 for the teacher or governing body.

41 4. *The collective bargaining agreement of a school district in which a*
42 *charter school is located ceases to apply to the employees in any*
43 *bargaining unit recognized by the governing body of the charter school*
44 *pursuant to chapter 288 of NRS if, pursuant to that chapter, an employee*
45 *organization is recognized as the exclusive bargaining agent for those*
46 *employees and a new collective bargaining agreement is entered into*
47 *between the governing body and the employee organization. The*
48 *employee organization that is a party to the collective bargaining*
49 *agreement of the school district may seek recognition on the same basis*



* S B 2 9 2 R 1 *

1 *as any other employee organization. This subsection does not preclude*
2 *the employees of a charter school from negotiating individual contracts*
3 *of employment.*

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

6 ~~5.1~~ 6. The governing body of a charter school may make all
7 employment decisions with regard to its employees pursuant to NRS
8 391.311 to 391.3197, inclusive, unless the applicable collective bargaining
9 agreement contains separate provisions relating to the discipline of licensed
10 employees of a school.

11 ~~6.1~~ 7. If the written charter of a charter school is revoked, the
12 employees of the charter school must be reassigned to employment within
13 the school district in accordance with the *applicable* collective bargaining
14 agreement.

15 ~~7.1~~ *A school district is not required to reassign an employee of a*
16 *charter school pursuant to this subsection if the employee:*

17 *(a) Was not granted a leave of absence by the school district to teach*
18 *at the charter school pursuant to subsection 8; or*

19 *(b) Was granted a leave of absence by the school district and did not*
20 *submit a written request to return to employment with the school district*
21 *in accordance with subsection 8.*

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

40 ~~8.1~~ 9. An employee who is on a leave of absence from a school
41 district pursuant to this section shall contribute to and be eligible for all
42 benefits for which he would otherwise be entitled, including, without
43 limitation, participation in the public employees' retirement system and
44 accrual of time for the purposes of leave and retirement. The time during
45 which such an employee is on leave of absence and employed in a charter
46 school does not count toward the acquisition of permanent status with the
47 school district.

48 ~~9.1~~ 10. Upon the return of a teacher to employment in the school
49 district, he is entitled to the same level of retirement, salary and any other



1 benefits to which he would otherwise be entitled if he had not taken a leave
2 of absence to teach in a charter school.

3 ~~110~~ **11.** An employee of a charter school who is not on a leave of
4 absence from a school district is eligible for all benefits for which he would
5 be eligible for employment in a public school, including, without
6 limitation, participation in the public employees' retirement system.

7 ~~111~~ **12.** For all employees of a charter school:

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

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

16 ~~112~~ **13.** If the board of trustees of a school district in which a charter
17 school is located manages a plan of group insurance for its employees, the
18 governing body of the charter school may negotiate with the board of
19 trustees to participate in the same plan of group insurance that the board of
20 trustees offers to its employees. If the employees of the charter school
21 participate in the plan of group insurance managed by the board of trustees,
22 the governing body of the charter school shall:

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

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

28 **Sec. 21.** NRS 386.605 is hereby amended to read as follows:

29 386.605 1. On or before ~~April 15~~ **January 1** of each year, the
30 governing body of each charter school shall submit the information
31 concerning the charter school that is ~~contained in the report~~ required
32 pursuant to subsection 2 of NRS 385.347 to the ~~f~~:

33 ~~—(a) Governor;~~

34 ~~—(b) State board;~~

35 ~~—(c) Department;~~

36 ~~—(d) Legislative committee on education created pursuant to NRS~~
37 ~~218.5352; and~~

38 ~~—(e) Legislative bureau of educational accountability and program~~
39 ~~evaluation created pursuant to NRS 218.5356; **board of trustees of the**~~
40 ~~**school district in which the charter school is located, regardless of the**~~
41 ~~**sponsor of the charter school, for inclusion in the report of the school**~~
42 ~~**district pursuant to that section. The information must be submitted by**~~
43 ~~**the charter school in a format prescribed by the board of trustees.**~~

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



* S B 2 9 2 R 1 *

1 3. On or before June 15 of each year, the governing body of each
2 charter school shall:
3 (a) Prepare:
4 (1) A separate written report summarizing the effectiveness of the
5 charter school's program of accountability. The report must include:
6 (I) A review and analysis of the data upon which the report
7 required pursuant to subsection 2 of NRS 385.347 is based and a review
8 and analysis of any data that is more recent than the data upon which the
9 report is based; and
10 (II) The identification of any problems or factors at the charter
11 school that are revealed by the review and analysis.
12 (2) A written procedure to improve the achievement of pupils who
13 are enrolled in the charter school, including, but not limited to, a
14 description of the efforts the governing body has made to correct any
15 deficiencies identified in the written report required pursuant to
16 subparagraph (1). The written procedure must describe sources of data that
17 will be used by the governing body to evaluate the effectiveness of the
18 written procedure.
19 (b) Submit copies of the written report and written procedure required
20 pursuant to paragraph (a) to the:
21 (1) Governor;
22 (2) State board;
23 (3) Department;
24 (4) Legislative committee on education created pursuant to NRS
25 218.5352; ~~and~~
26 (5) Legislative bureau of educational accountability and program
27 evaluation created pursuant to NRS 218.5356 ~~H~~; and
28 (6) *Board of trustees of the school district in which the charter*
29 *school is located.*
30 4. The department shall maintain a record of the information that it
31 receives from each charter school pursuant to this section in such a manner
32 as will allow the department to create for each charter school a yearly
33 profile of information.
34 5. The governing body of each charter school shall ensure that a copy
35 of the written report and written procedure required pursuant to paragraph
36 (a) of subsection 3 is included with the final budget of the charter school
37 adopted by the governing body of the charter school pursuant to the
38 regulations of the department.
39 6. The legislative bureau of educational accountability and program
40 evaluation created pursuant to NRS 218.5356 may authorize a person or
41 entity with whom it contracts pursuant to NRS 385.359 to review and
42 analyze information submitted by charter schools pursuant to this section,
43 consult with the governing bodies of charter schools and submit written
44 reports concerning charter schools pursuant to NRS 385.359.
45 **Sec. 22.** NRS 386.610 is hereby amended to read as follows:
46 386.610 1. On or before July 1 of each year, *if* the board of trustees
47 of a school district ~~that~~ sponsors a charter school, *the board of trustees*
48 shall submit a written report to the state board. The written report must



* S B 2 9 2 R 1 *

1 include an evaluation of the progress of each charter school sponsored by
2 the board of trustees in achieving its educational goals and objectives.

3 2. The governing body of a charter school shall, after 3 years of
4 operation under its initial charter, submit a written report to the ~~board of~~
5 ~~trustees of the school district that is the~~ sponsor of the charter school. The
6 written report must include a description of the progress of the charter
7 school in achieving its educational goals and objectives. If the charter
8 school submits an application for renewal in accordance with the
9 regulations of the department, the ~~board of trustees~~ *sponsor* may renew
10 the written charter of the school pursuant to subsection 2 of NRS 386.530.

11 **Sec. 23.** NRS 386.650 is hereby amended to read as follows:
12 386.650 1. The department shall establish and maintain a statewide
13 automated system of information concerning pupils. The system must be
14 designed to improve the ability of the department, school districts and the
15 public schools in this state, *including, without limitation, charter schools,*
16 to account for the pupils who are enrolled in the public schools ~~H~~ ,
17 *including, without limitation, charter schools.*

18 2. The board of trustees of each school district shall:
19 (a) Adopt and maintain the program for the collection, maintenance and
20 transfer of data from the records of individual pupils to the statewide
21 automated system of information, including, without limitation, the
22 development of plans for the educational technology which is necessary to
23 adopt and maintain the program;
24 (b) Provide to the department electronic data concerning pupils as
25 required by the superintendent of public instruction pursuant to subsection
26 3; and
27 (c) Ensure that an electronic record is maintained in accordance with
28 subsection 3 of NRS 386.655.

29 3. The superintendent of public instruction shall:
30 (a) Prescribe the data to be collected and reported to the department by
31 each school district pursuant to subsection 2 ~~H~~ , *including, without*
32 *limitation, data relating to each charter school located within a school*
33 *district regardless of the sponsor of the charter school;*
34 (b) Prescribe the format for the data;
35 (c) Prescribe the date by which each school district shall report the data;
36 (d) *Prescribe the date by which each charter school located within a*
37 *school district shall report the data to the school district for incorporation*
38 *into the report of the school district;*
39 (e) Provide technical assistance to each school district to ensure that the
40 data from each *public* school in the *school* district, *including, without*
41 *limitation, each charter school located within the school district,* is
42 compatible with the statewide automated system of information and
43 comparable to the data reported by other school districts; and
44 ~~H(e)~~ (f) Provide for the analysis and reporting of the data in the
45 statewide automated system of information.

46 **Sec. 24.** NRS 386.655 is hereby amended to read as follows:
47 386.655 1. The department, the school districts and the public
48 schools, *including, without limitation, charter schools,* shall, in operating



* S B 2 9 2 R 1 *

1 the statewide automated system of information established pursuant to
2 NRS 386.650, comply with the provisions of:

3 (a) For all pupils, the Family Educational Rights and Privacy Act, 20
4 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

5 (b) For pupils with disabilities who are enrolled in programs of special
6 education, the provisions governing access to education records and
7 confidentiality of information prescribed in the Individuals with
8 Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations
9 adopted pursuant thereto.

10 2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other
11 applicable federal law, a public school , *including, without limitation, a*
12 *charter school*, shall not release the education records of a pupil to a
13 person or an agency of a federal, state or local government without the
14 written consent of the parent or legal guardian of the pupil.

15 3. In addition to the record required pursuant to 20 U.S.C. §
16 1232g(b)(4)(A), each school district shall maintain within the statewide
17 automated system of information an electronic record of all persons and
18 agencies who have requested the education record of a pupil or obtained
19 access to the education record of a pupil, or both, pursuant to 20 U.S.C. §
20 1232g. The electronic record must be maintained and may only be
21 disclosed in accordance with the provisions of 20 U.S.C. § 1232g. *A*
22 *charter school shall provide to the school district in which the charter*
23 *school is located such information as is necessary for the school district*
24 *to carry out the provisions of this subsection, regardless of the sponsor of*
25 *the charter school.*

26 4. The right accorded to a parent or legal guardian of a pupil pursuant
27 to subsection 2 devolves upon the pupil on the date on which he attains the
28 age of 18 years.

29 5. As used in this section, unless the context otherwise requires,
30 "education records" has the meaning ascribed to it in 20 U.S.C. §
31 1232g(a)(4).

32 **Sec. 25.** NRS 387.123 is hereby amended to read as follows:

33 387.123 1. The count of pupils for apportionment purposes includes
34 all pupils who are enrolled in programs of instruction of the school district ,
35 *including, without limitation, a program of distance education provided*
36 *by the school district*, or pupils who reside in the county in which the
37 school district is located and are enrolled in any charter school , *including,*
38 *without limitation, a program of distance education provided by a charter*
39 *school*, for:

40 (a) Pupils in the kindergarten department.

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

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

45 (d) *Pupils not included under paragraph (a) or (b) who reside in the*
46 *county and are enrolled full time in a program of distance education*
47 *provided by another school district if an agreement is filed with the*
48 *superintendent of public instruction pursuant to section 39 of this act.*



* S B 2 9 2 R 1 *

- 1 *(e) Pupils not included under paragraph (a) or (b) who reside in the*
2 *county and are enrolled part time in a program of distance education if*
3 *an agreement is filed with the superintendent of public instruction*
4 *pursuant to section 39 or 40 of this act, as applicable.*
5 *(f) Children detained in detention homes, alternative programs and*
6 *juvenile forestry camps receiving instruction pursuant to the provisions of*
7 *NRS 388.550, 388.560 and 388.570.*
8 ~~1(e)~~ *(g) Pupils who are enrolled in classes pursuant to subsection 4 of*
9 *NRS 386.560* ~~11~~ *and pupils who are enrolled in classes pursuant to*
10 *subsection 4 of NRS 386.580.*
11 ~~11~~ *(h) Pupils who are enrolled in classes pursuant to subsection 3 or 5*
12 *of NRS 392.070.*
13 ~~11~~ *(i) Part-time pupils enrolled in classes and taking courses*
14 *necessary to receive a high school diploma, excluding those pupils who are*
15 *included in paragraphs (e) ~~and (f)~~, (g) and (h).*
16 2. The state board shall establish uniform regulations for counting
17 enrollment and calculating the average daily attendance of pupils. In
18 establishing such regulations for the public schools, the state board:
19 (a) Shall divide the school year into 10 school months, each containing
20 20 or fewer school days.
21 (b) May divide the pupils in grades 1 to 12, inclusive, into categories
22 composed respectively of those enrolled in elementary schools and those
23 enrolled in secondary schools.
24 (c) Shall prohibit the counting of any pupil specified in subsection 1
25 more than once.
26 3. Except as otherwise provided in subsection 4 and NRS 388.700, the
27 state board shall establish by regulation the maximum pupil-teacher ratio in
28 each grade, and for each subject matter wherever different subjects are
29 taught in separate classes, for each school district of this state which is
30 consistent with:
31 (a) The maintenance of an acceptable standard of instruction;
32 (b) The conditions prevailing in the school district with respect to the
33 number and distribution of pupils in each grade; and
34 (c) Methods of instruction used, which may include educational
35 television, team teaching or new teaching systems or
36 techniques.
37 If the superintendent of public instruction finds that any school district is
38 maintaining one or more classes whose pupil-teacher ratio exceeds the
39 applicable maximum, and unless he finds that the board of trustees of the
40 school district has made every reasonable effort in good faith to comply
41 with the applicable standard, he shall, with the approval of the state board,
42 reduce the count of pupils for apportionment purposes by the percentage
43 which the number of pupils attending those classes is of the total number of
44 pupils in the district, and the state board may direct him to withhold the
45 quarterly apportionment entirely.
46 4. ~~1A~~ *The provisions of subsection 3 do not apply to a charter school*
47 *is not required to comply with the pupil teacher ratio prescribed by the*
48 *state board pursuant to subsection 3-1 or a program of distance education*
49 *provided pursuant to sections 31 to 44, inclusive, of this act.*



* S B 2 9 2 R 1 *

1 **Sec. 26.** NRS 387.1233 is hereby amended to read as follows:
2 387.1233 1. Except as otherwise provided in subsection 2, basic
3 support of each school district must be computed by:

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

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

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

16 (3) *The count of pupils not included under subparagraph (1) or (2)*
17 *who reside in the county and are enrolled:*

18 (I) *Full time in a program of distance education provided by the*
19 *school district or a charter school on the last day of the first school*
20 *month of the school district for the school year.*

21 (II) *Full time in a program of distance education provided by*
22 *another school district if an agreement is filed with the superintendent of*
23 *public instruction pursuant to section 39 of this act on the last day of the*
24 *first school month of the school district for the school year.*

25 (III) *In a public school of the school district and are*
26 *concurrently enrolled part time in a program of distance education*
27 *provided by another school district or a charter school if an agreement is*
28 *filed with the superintendent of public instruction pursuant to section 39*
29 *of this act on the last day of the first school month of the school district*
30 *for the school year, expressed as a percentage of the total time services*
31 *are provided to those pupils per school day in proportion to the total time*
32 *services are provided during a school day to pupils who are counted*
33 *pursuant to subparagraph (2).*

34 (IV) *In a charter school and are concurrently enrolled part time*
35 *in a program of distance education provided by a school district or*
36 *another charter school if an agreement is filed with the superintendent of*
37 *public instruction pursuant to section 40 of this act on the last day of the*
38 *first school month of the school district for the school year, expressed as*
39 *a percentage of the total time services are provided to those pupils per*
40 *school day in proportion to the total time services are provided during a*
41 *school day to pupils who are counted pursuant to subparagraph (2).*

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

48 ~~(4)~~ (5) Six-tenths the count of pupils who have not attained the age
49 of 5 years and who are receiving special education pursuant to subsection 1



1 of NRS 388.490 on the last day of the first school month of the school
2 district for the school year.

3 ~~(5)~~ (6) The count of children detained in detention homes,
4 alternative programs and juvenile forestry camps receiving instruction
5 pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the
6 last day of the first school month of the school district for the school year.

7 ~~(6)~~ (7) The count of pupils who are enrolled in classes for at least
8 one semester pursuant to subsection 4 of NRS 386.560 , *subsection 4 of*
9 *NRS 386.580* or subsection 3 *or 5* of NRS 392.070, expressed as a
10 percentage of the total time services are provided to those pupils per school
11 day in proportion to the total time services are provided during a school
12 day to pupils who are counted pursuant to subparagraph (2).

13 (b) Multiplying the number of special education program units
14 maintained and operated by the amount per program established for that
15 school year.

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

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

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

28 4. Pupils who are incarcerated in a facility or institution operated by
29 the department of prisons must not be counted for the purpose of
30 computing basic support pursuant to this section. The average daily
31 attendance for such pupils must be reported to the department . ~~to~~
32 ~~education.~~

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

38 **Sec. 27.** NRS 387.124 is hereby amended to read as follows:
39 387.124 Except as otherwise provided in *this section and* NRS
40 387.528:

41 1. On or before August 1, November 1, February 1 and May 1 of each
42 year, the superintendent of public instruction shall ~~to, except as otherwise~~
43 ~~provided in subsections 2 and 3,~~ apportion the state distributive school
44 account in the state general fund among the several county school districts
45 and charter schools in amounts approximating one-fourth of their
46 respective yearly apportionments less any amount set aside as a reserve.
47 The apportionment to a school district, computed on a yearly basis, equals
48 the difference between the basic support and the local funds available
49 pursuant to NRS 387.1235, minus all the funds attributable to pupils who



* S B 2 9 2 R 1 *

1 reside in the county but attend a charter school ~~+~~ *and all the funds*
2 *attributable to pupils who reside in the county and are enrolled full time*
3 *or part time in a program of distance education provided by another*
4 *school district or a charter school.* No apportionment may be made to a
5 school district if the amount of the local funds exceeds the amount of basic
6 support. ~~++~~ *Except as otherwise provided in subsection 2, the*
7 apportionment to a charter school, computed on a yearly basis, is equal to
8 the sum of the basic support per pupil in the county in which the pupil
9 resides plus the amount of local funds available per pupil pursuant to NRS
10 387.1235 and all other funds available for public schools in the county in
11 which the pupil resides ~~+~~, *minus all the funds attributable to pupils who*
12 *are enrolled in the charter school but are concurrently enrolled part time*
13 *in a program of distance education provided by a school district or*
14 *another charter school.* If the apportionment per pupil to a charter school
15 is more than the amount to be apportioned to the school district in which a
16 pupil who is enrolled in the charter school resides, the school district in
17 which the pupil resides shall pay the difference directly to the charter
18 school.

19 2. *Except as otherwise provided in this subsection, the apportionment*
20 *to a charter school that is sponsored by the state board, computed on a*
21 *yearly basis, is equal to:*

22 (a) *The sum of the basic support per pupil in the county in which the*
23 *pupil resides plus the amount of local funds available per pupil pursuant*
24 *to NRS 387.1235 and all other funds available for public schools in the*
25 *county in which the pupil resides; or*

26 (b) *The statewide average per pupil amount for pupils who are*
27 *enrolled full time,*

28 *whichever is greater. If the calculation set forth in paragraph (a) is less*
29 *than the calculation pursuant to paragraph (b), the school district in*
30 *which the charter school is located shall pay the difference directly to the*
31 *charter school. If a charter school provides a program of distance*
32 *education pursuant to sections 31 to 44, inclusive, of this act, the*
33 *apportionment to the charter school for pupils who are enrolled in the*
34 *program must be calculated as set forth in subsection 1 or 4, as*
35 *applicable.*

36 3. *In addition to the apportionments made pursuant to this section,*
37 *an apportionment must be made to a school district that provides a*
38 *program of distance education for each pupil enrolled full time in the*
39 *program who does not reside within the school district that provides the*
40 *program if an agreement is filed for that pupil pursuant to section 39 of*
41 *this act. The amount of the apportionment must be equal to the amount*
42 *per pupil which would have been received pursuant to subsection 1 by:*

43 (a) *The school district in which the pupil resides; or*

44 (b) *The school district that provides the program of distance education*
45 *if the pupil resided within that school district,*

46 *whichever is less. If the amount of the apportionment made pursuant to*
47 *this subsection for a pupil who is enrolled full time in a program of*
48 *distance education is less than the amount per pupil which would have*
49 *been received by the school district in which the pupil resides, the*



1 remainder must be paid directly to the school district in which the pupil
2 resides.

3 4. In addition to the apportionments made pursuant to this section,
4 an apportionment must be made to a school district or charter school that
5 provides a program of distance education for each pupil who is enrolled
6 part time in the program if an agreement is filed for that pupil pursuant
7 to section 39 or 40 of this act, as applicable. The amount of the
8 apportionment must be equal to the percentage of the total time services
9 are provided to the pupil through the program of distance education per
10 school day in proportion to the total time services are provided during a
11 school day to pupils who are counted pursuant to subparagraph (2) of
12 paragraph (a) of subsection 1 of NRS 387.1233 for the school district in
13 which the pupil resides.

14 5. In addition to the apportionments made pursuant to this section,
15 an apportionment must be made to a school district or charter school that
16 provides a program of distance education for each child who is enrolled
17 in a private school or receives instruction at home who participates in a
18 class offered through a program of distance education pursuant to
19 subsection 5 of NRS 392.070. The amount of the apportionment must be
20 equal to the percentage of the total time services are provided to the pupil
21 through the program of distance education per school day in proportion
22 to the total time services are provided during a school day to pupils who
23 are counted pursuant to subparagraph (2) of paragraph (a) of subsection
24 1 of NRS 387.1233 for the school district in which the pupil resides.

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

33 ~~§ 7.~~ 7. If the state controller finds that such an action is needed to
34 maintain the balance in the state general fund at a level sufficient to pay the
35 other appropriations from it, he may pay out the apportionments monthly,
36 each approximately one-twelfth of the yearly apportionment less any
37 amount set aside as a reserve. If such action is needed, the state controller
38 shall submit a report to the department of administration and the fiscal
39 analysis division of the legislative counsel bureau documenting reasons for
40 the action.

41 **Sec. 28.** NRS 387.1243 is hereby amended to read as follows:

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

46 2. The apportionments to a school district may be adjusted during a
47 fiscal year by the department of education, upon approval by the *state*
48 board of examiners and the interim finance committee, if the department of
49 taxation and the county assessor in the county in which the school district



* S B 2 9 2 R 1 *

1 is located certify to the department of education that the school district will
2 not receive the tax levied pursuant to subsection 1 of NRS 387.195 on
3 property of the Federal Government located within the county if:

4 (a) The leasehold interest, possessory interest, beneficial interest or
5 beneficial use of the property is subject to taxation pursuant to NRS
6 361.157 and 361.159 and one or more lessees or users of the property are
7 delinquent in paying the tax; and

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

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

20 3. On or before August 1 of each year, the board of trustees of a school
21 district shall provide to the department, in a format prescribed by the
22 department, the count of pupils calculated pursuant to subparagraph ~~1(6)~~
23 ~~(7)~~ of paragraph (a) of subsection 1 of NRS 387.1233 who completed at
24 least one semester during the immediately preceding school year. The
25 count of pupils submitted to the department must be included in the final
26 adjustment computed pursuant to subsection 4.

27 4. A final adjustment for each school district and charter school must
28 be computed as soon as practicable following the close of the school year,
29 but not later than August 25. The final computation must be based upon the
30 actual counts of pupils required to be made for the computation of basic
31 support and the limits upon the support of special education programs,
32 except that for any year when the total enrollment of pupils and children in
33 a school district or a charter school located within the school district
34 described in paragraphs (a) ~~1, (b), (c) and (d)~~ *to (f), inclusive*, of subsection
35 1 of NRS 387.123 is greater on the last day of any school month of the
36 school district after the second school month of the school district and the
37 increase in enrollment shows at least:

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

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

44 5. If the final computation of apportionment for any school district or
45 charter school exceeds the actual amount paid to the school district or
46 charter school during the school year, the additional amount due must be
47 paid before September 1. If the final computation of apportionment for any
48 school district or charter school is less than the actual amount paid to the
49 school district or charter school during the school year, the difference must



1 be repaid to the state distributive school account in the state general fund
2 by the school district or charter school before September 25.

3 **Sec. 29.** NRS 387.185 is hereby amended to read as follows:

4 387.185 1. Except as otherwise provided in subsection 2 and NRS
5 387.528, all school money due each county school district must be paid
6 over by the state treasurer to the county treasurer on August 1, November
7 1, February 1 and May 1 of each year or as soon thereafter as the county
8 treasurer may apply for it, upon the warrant of the state controller drawn in
9 conformity with the apportionment of the superintendent of public
10 instruction as provided in NRS 387.124.

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

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

22 4. Except as otherwise provided in this subsection, all school money
23 due each charter school must be paid over by the state treasurer to the
24 governing body of the charter school on August 1, November 1, February 1
25 and May 1 of each year or as soon thereafter as the governing body may
26 apply for it, upon the warrant of the state controller drawn in conformity
27 with the apportionment of the superintendent of public instruction as
28 provided in NRS 387.124. If the superintendent of public instruction has
29 approved, pursuant to subsection ~~4~~ 6 of NRS 387.124, a request for
30 payment of an apportionment 30 days before the apportionment is
31 otherwise required to be made, the money due to the charter school must be
32 paid by the state treasurer to the governing body of the charter school on
33 July 1, October 1, January 1 or April 1, as applicable.

34 **Sec. 30.** Chapter 388 of NRS is hereby amended by adding thereto the
35 provisions set forth as sections 31 to 44, inclusive, of this act.

36 **Sec. 31.** *As used in sections 31 to 44, inclusive, of this act, unless the*
37 *context otherwise requires, the words and terms defined in sections 32,*
38 *33 and 34 of this act have the meanings ascribed to them in those*
39 *sections.*

40 **Sec. 32.** *“Course of distance education” means a course of study*
41 *that uses distance education as its primary mechanism for delivery of*
42 *instruction.*

43 **Sec. 33.** *“Distance education” means instruction which is delivered*
44 *by means of video, computer, television, correspondence or the Internet*
45 *or other electronic means of communication, or any combination*
46 *thereof, in such a manner that the person supervising or providing the*
47 *instruction and the pupil receiving the instruction are separated*
48 *geographically for a majority of the time during which the instruction is*
49 *delivered.*



* S B 2 9 2 R 1 *

1 **Sec. 34.** *“Program of distance education” means a program*
2 *comprised of one or more courses of distance education that is designed*
3 *for pupils who:*

4 1. *Are participating in a program for pupils who are at risk of*
5 *dropping out of high school pursuant to NRS 388.537.*

6 2. *Are participating in a program of independent study pursuant to*
7 *NRS 389.155.*

8 3. *Are enrolled in a public school that does not offer advanced*
9 *courses.*

10 4. *Have a physical or mental condition that would otherwise require*
11 *an excuse from compulsory attendance pursuant to NRS 392.050.*

12 5. *Are excused from compulsory attendance pursuant to NRS*
13 *392.070 and are authorized to enroll in a program of distance education*
14 *pursuant to that section.*

15 6. *Would otherwise be excused from compulsory attendance*
16 *pursuant to NRS 392.080.*

17 7. *Are otherwise prohibited from attending public school pursuant to*
18 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*
19 *392.4675.*

20 8. *Are otherwise permitted to enroll in a program of distance*
21 *education provided by the board of trustees of a school district if the*
22 *board of trustees determines that the circumstances warrant enrollment*
23 *for the pupil.*

24 9. *Are otherwise permitted to enroll in a program of distance*
25 *education provided by the governing body of a charter school if the*
26 *sponsor of the charter school determines that the circumstances warrant*
27 *enrollment for the pupil.*

28 **Sec. 35.** 1. *The department shall prepare and publish a list of*
29 *courses of distance education that satisfy the requirements of sections 31*
30 *to 44, inclusive, of this act, and all other applicable statutes and*
31 *regulations. If an application to provide a program of distance education*
32 *is approved pursuant to section 36 of this act, the department shall*
33 *automatically include on the list each course of study included within*
34 *that program if the course of study had not been approved pursuant to*
35 *this section before submission of the application to provide the program.*

36 2. *A person or entity that has developed a course of distance*
37 *education, including, without limitation, a vendor of a course of distance*
38 *education, the University and Community College System of Nevada or*
39 *other postsecondary educational institution, a board of trustees of a*
40 *school district or a governing body of a charter school, may submit an*
41 *application for inclusion of the course on the list prepared by the*
42 *department. The department shall approve an application if the*
43 *application satisfies the requirements of sections 31 to 44, inclusive, of*
44 *this act and all other applicable statutes and regulations. The department*
45 *shall provide written notice to the applicant of its approval or denial of*
46 *the application.*

47 3. *If the department denies an application, the department shall*
48 *include in the written notice the reasons for the denial and the*
49 *deficiencies of the application. The applicant must be granted 30 days*



* S B 2 9 2 R 1 *

1 after receipt of the written notice to correct any deficiencies identified in
2 the written notice and resubmit the application. The department shall
3 approve an application that has been resubmitted pursuant to this
4 subsection if the application satisfies the requirements of sections 31 to
5 44, inclusive, of this act and all other applicable statutes and regulations.

6 **Sec. 36.** 1. The board of trustees of a school district or the
7 governing body of a charter school may submit an application to the state
8 board to provide a program of distance education.

9 2. An applicant to provide a program of distance education may seek
10 approval to provide a program that is comprised of one or more courses
11 of distance education included on the list of courses approved by the
12 department pursuant to section 35 of this act or a program that is
13 comprised of one or more courses of distance education which have not
14 been reviewed by the department before submission of the application.

15 3. An application to provide a program of distance education must
16 include:

17 (a) All the information prescribed by the state board by regulation.

18 (b) Except as otherwise provided in this paragraph, proof satisfactory
19 to the state board that the program satisfies all applicable statutes and
20 regulations. The proof required by this paragraph shall be deemed
21 satisfied if the program is comprised only of courses of distance
22 education approved by the department pursuant to section 35 of this act
23 before submission of the application.

24 4. The state board shall approve an application submitted pursuant
25 to this section if the application satisfies the requirements of sections 31
26 to 44, inclusive, of this act and all other applicable statutes and
27 regulations. The state board shall provide written notice to the applicant
28 of the state board's approval or denial of the application.

29 5. If the state board denies an application, the state board shall
30 include in the written notice the reasons for the denial and the
31 deficiencies of the application. The applicant must be granted 30 days
32 after receipt of the written notice to correct any deficiencies identified in
33 the written notice and resubmit the application. The state board shall
34 approve an application that has been resubmitted pursuant to this
35 subsection if the application satisfies the requirements of sections 31 to
36 44, inclusive, of this act and all other applicable statutes and regulations.

37 **Sec. 37.** A program of distance education may include, without
38 limitation, an opportunity for pupils to participate in the program:

39 1. For a shorter school day or a longer school day than that
40 regularly provided for in the school district or charter school, as
41 applicable; and

42 2. During any part of the calendar year.

43 **Sec. 38.** 1. A pupil may enroll in a program of distance education
44 only if the pupil satisfies the requirements of any other applicable statute
45 and the pupil:

46 (a) Is participating in a program for pupils at risk of dropping out of
47 high school pursuant to NRS 388.537;

48 (b) Is participating in a program of independent study pursuant to
49 NRS 389.155;



* S B 2 9 2 R 1 *

- 1 (c) *Is enrolled in a public school that does not offer certain advanced*
2 *courses that the pupil desires to attend;*
3 (d) *Has a physical or mental condition that would otherwise require*
4 *an excuse from compulsory attendance pursuant to NRS 392.050;*
5 (e) *Is excused from compulsory attendance pursuant to NRS 392.070*
6 *and is authorized to enroll in a program of distance education pursuant*
7 *to that section;*
8 (f) *Would otherwise be excused from compulsory attendance pursuant*
9 *to NRS 392.080;*
10 (g) *Is otherwise prohibited from attending public school pursuant to*
11 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*
12 *392.4675;*
13 (h) *Is otherwise permitted to enroll in a program of distance education*
14 *provided by the board of trustees of a school district if the board of*
15 *trustees determines that the circumstances warrant enrollment for the*
16 *pupil; or*
17 (i) *Is otherwise permitted to enroll in a program of distance education*
18 *provided by the governing body of a charter school if the sponsor of the*
19 *charter school determines that the circumstances warrant enrollment for*
20 *the pupil.*
21 2. *If a pupil who is prohibited from attending public school pursuant*
22 *to NRS 392.264 enrolls in a program of distance education, the*
23 *enrollment and attendance of that pupil must comply with all*
24 *requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271,*
25 *inclusive.*
26 3. *If a pupil is eligible for enrollment in a program of distance*
27 *education pursuant to paragraph (c) of subsection 1, he may enroll in the*
28 *program of distance education only to take those advanced courses that*
29 *are not offered at the public school he otherwise attends.*
30 **Sec. 39.** 1. *Except as otherwise provided in this subsection, before*
31 *a pupil may enroll full time or part time in a program of distance*
32 *education that is provided by a school district other than the school*
33 *district in which the pupil resides, the pupil must obtain the written*
34 *permission of the board of trustees of the school district in which the*
35 *pupil resides. Before a pupil who is enrolled in a public school of a*
36 *school district may enroll part time in a program of distance education*
37 *that is provided by a charter school, the pupil must obtain the written*
38 *permission of the board of trustees of the school district in which the*
39 *pupil resides. A pupil who enrolls full time in a program of distance*
40 *education that is provided by a charter school is not required to obtain*
41 *the approval of the board of trustees of the school district in which the*
42 *pupil resides.*
43 2. *If the board of trustees of a school district grants permission*
44 *pursuant to subsection 1, the board of trustees shall enter into a written*
45 *agreement with the board of trustees or governing body, as applicable,*
46 *that provides the program of distance education. A separate agreement*
47 *must be prepared for each year that a pupil enrolls in a program of*
48 *distance education. The written agreement must:*



- 1 (a) Contain a statement prepared by the board of trustees of the school
2 district in which the pupil resides indicating that the board of trustees
3 understands that the superintendent of public instruction will make
4 appropriate adjustments in the apportionments to the school district
5 pursuant to NRS 387.124 to account for the pupil's enrollment in the
6 program of distance education;
- 7 (b) If the pupil plans to enroll part time in the program of distance
8 education, contain a statement prepared by the board of trustees of the
9 school district in which the pupil resides and the board of trustees or
10 governing body that provides the program of distance education setting
11 forth the percentage of the total time services will be provided to the pupil
12 through the program of distance education per school day in proportion
13 to the total time services are provided during a school day to pupils who
14 are counted pursuant to subparagraph (2) of paragraph (a) of subsection
15 1 of NRS 387.1233 for the school district in which the pupil resides;
- 16 (c) Be signed by the board of trustees of the school district in which
17 the pupil resides and the board of trustees or governing body that
18 provides the program of distance education; and
- 19 (d) Include any other information required by the state board by
20 regulation.
- 21 3. On or before September 1 of each year, a written agreement must
22 be filed with the superintendent of public instruction for each pupil who
23 is enrolled full time or part time in a program of distance education
24 provided by a school district other than the school district in which the
25 pupil resides. On or before September 1 of each year, a written
26 agreement must be filed with the superintendent of public instruction for
27 each pupil who is enrolled in a public school of the school district and
28 who is enrolled part time in a program of distance education provided by
29 a charter school. If an agreement is not filed for a pupil who is enrolled
30 in a program of distance education as required by this section, the
31 superintendent of public instruction shall not apportion money for that
32 pupil to the board of trustees of the school district in which the pupil
33 resides, or the board of trustees or governing body that provides the
34 program of distance education.
- 35 **Sec. 40. 1. If a pupil is enrolled in a charter school, he may enroll**
36 **full time in a program of distance education only if the charter school in**
37 **which he is enrolled provides the program of distance education.**
- 38 2. Before a pupil who is enrolled in a charter school may enroll part
39 time in a program of distance education that is provided by a school
40 district or another charter school, the pupil must obtain the written
41 permission of the governing body of the charter school in which the pupil
42 is enrolled.
- 43 3. If the governing body of a charter school grants permission
44 pursuant to subsection 2, the governing body shall enter into a written
45 agreement with the board of trustees or governing body, as applicable,
46 that provides the program of distance education. A separate agreement
47 must be prepared for each year that a pupil enrolls in a program of
48 distance education. The written agreement must:



* S B 2 9 2 R 1 *

- 1 (a) Contain a statement prepared by the governing body of the charter
2 school in which the pupil is enrolled indicating that the governing body
3 understands that the superintendent of public instruction will make
4 appropriate adjustments in the apportionments to the charter school
5 pursuant to NRS 387.124 to account for the pupil's enrollment in the
6 program of distance education;
- 7 (b) Contain a statement prepared by the governing body of the charter
8 school in which the pupil is enrolled and the board of trustees or
9 governing body that provides the program of distance education setting
10 forth the percentage of the total time services will be provided to the pupil
11 through the program of distance education per school day in proportion
12 to the total time services are provided during a school day to pupils who
13 are counted pursuant to subparagraph (2) of paragraph (a) of subsection
14 1 of NRS 387.1233 for the school district in which the pupil resides;
- 15 (c) Be signed by the governing body of the charter school in which the
16 pupil is enrolled and the board of trustees or governing body that
17 provides the program of distance education; and
- 18 (d) Include any other information required by the state board by
19 regulation.
- 20 4. On or before September 1 of each year, a written agreement must
21 be filed with the superintendent of public instruction for each pupil who
22 is enrolled in a charter school and who is enrolled part time in a program
23 of distance education provided by a school district or another charter
24 school. If an agreement is not filed for such a pupil, the superintendent
25 of public instruction shall not apportion money for that pupil to the
26 governing body of the charter school in which the pupil is enrolled, or
27 the board of trustees or governing body that provides the program of
28 distance education.
- 29 **Sec. 41. 1.** If a pupil is enrolled full time in a program of distance
30 education provided by the board of trustees of a school district, the board
31 of trustees of the school district that provides the program shall declare
32 for each such pupil one public school within that school district to which
33 the pupil is affiliated. The board of trustees may declare that all the
34 pupils enrolled in the program of distance education are affiliated with
35 one public school within the school district, or it may declare individual
36 public schools for the pupils enrolled in the program. Upon the declared
37 affiliation, the pupil shall be deemed enrolled in that public school for
38 purposes of all the applicable requirements, statutes, regulations, rules
39 and policies of that public school and school district, including, without
40 limitation:
- 41 (a) Graduation requirements;
- 42 (b) Accountability of public schools, as set forth in NRS 385.3455 to
43 385.391, inclusive;
- 44 (c) Provisions governing the attendance and truancy of pupils, as set
45 forth in NRS 392.040 to 392.220, inclusive; and
- 46 (d) Discipline of pupils.
- 47 2. A pupil who is enrolled full time in a program of distance
48 education provided by a charter school shall be deemed enrolled in the
49 charter school. All the applicable requirements, including, without



1 *limitation, statutes, regulations, rules and policies of that charter school*
2 *apply to such a pupil, including, without limitation:*

3 *(a) Graduation requirements;*

4 *(b) Accountability of public schools, as set forth in NRS 385.3455 to*
5 *385.391, inclusive;*

6 *(c) Provisions governing the attendance and truancy of pupils, as set*
7 *forth in NRS 392.040 to 392.220, inclusive; and*

8 *(d) Discipline of pupils.*

9 3. *Except for a pupil who is enrolled part time in a program of*
10 *distance education pursuant to NRS 392.070, if a pupil is enrolled part*
11 *time in a program of distance education, all the applicable requirements,*
12 *statutes, regulations, rules and policies of the public school of the school*
13 *district in which the pupil is otherwise enrolled or the charter school in*
14 *which the pupil is otherwise enrolled apply to such a pupil, including,*
15 *without limitation:*

16 *(a) Graduation requirements;*

17 *(b) Accountability of public schools, as set forth in NRS 385.3455 to*
18 *385.391, inclusive;*

19 *(c) Provisions governing the attendance and truancy of pupils, as set*
20 *forth in NRS 392.040 to 392.220, inclusive; and*

21 *(d) Discipline of pupils.*

22 **Sec. 42.** 1. *If the board of trustees of a school district provides a*
23 *program of distance education, the board of trustees shall ensure that the*
24 *persons who operate the program on a day-to-day basis comply with and*
25 *carry out all applicable requirements, statutes, regulations, rules and*
26 *policies of the school district, including, without limitation:*

27 *(a) Graduation requirements;*

28 *(b) Accountability of public schools, as set forth in NRS 385.3455 to*
29 *385.391, inclusive;*

30 *(c) Provisions governing the attendance and truancy of pupils, as set*
31 *forth in NRS 392.040 to 392.220, inclusive; and*

32 *(d) Discipline of pupils.*

33 2. *If the governing body of a charter school provides a program of*
34 *distance education, the governing body shall:*

35 *(a) For each pupil who is enrolled in the program, provide written*
36 *notice to the board of trustees of the school district in which the pupil*
37 *resides of the type of educational services that will*
38 *be provided to the pupil through the program. The written notice must be*
39 *provided to the board of trustees before the pupil receives educational*
40 *services through the program of distance education.*

41 *(b) Ensure that the persons who operate the program on a day-to-day*
42 *basis comply with and carry out all applicable requirements, statutes,*
43 *regulations, rules and policies of the charter school, including, without*
44 *limitation:*

45 *(1) Graduation requirements;*

46 *(2) Accountability of public schools, as set forth in NRS 385.3455 to*
47 *385.391, inclusive;*

48 *(3) Provisions governing the attendance and truancy of pupils, as*
49 *set forth in NRS 392.040 to 392.220, inclusive; and*



* S B 2 9 2 R 1 *

(4) Discipline of pupils.

Sec. 43. *On or before November 1 of each year, the board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall submit to the department and to the legislative bureau of educational accountability and program evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:*

1. A description of the manner in which the program was carried out;

2. The expenditures made for the program;

3. The number of pupils who were enrolled full time in the program and the number of pupils who were enrolled part time in the program;

4. If available, a description of the reasons why pupils enrolled in the program;

5. The number of pupils who dropped out of the program, if any;

6. A description of any disciplinary measures taken against pupils who were enrolled in the program; and

7. An analysis of the academic achievement and performance of the pupils who were enrolled in the program before and after the pupils participated in the program.

Sec. 44. *1. The state board shall adopt regulations that prescribe:*

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the department pursuant to section 35 of this act and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to provide a program of distance education and the contents of the application;

(c) A method for reporting to the department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(d) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550; and

(e) A written description of the process pursuant to which the state board may revoke its approval for the operation of a program of distance education.

2. The state board may adopt regulations as it determines are necessary to carry out the provisions of sections 31 to 44, inclusive, of this act.

Sec. 45. *NRS 388.090 is hereby amended to read as follows:*

388.090 1. Except as otherwise permitted pursuant to this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. The superintendent of public instruction may, upon application by a board of trustees, authorize a reduction of not more than 15 school days in



1 a particular district to establish or maintain a 12-month school program or a
2 program involving alternative scheduling, if the board of trustees
3 demonstrates that the proposed schedule for the program provides for a
4 greater number of minutes of instruction than would be provided under a
5 program consisting of 180 school days. Before authorizing a reduction in
6 the number of required school days pursuant to this subsection, the
7 superintendent of public instruction must find that the proposed schedule
8 will be used to alleviate problems associated with a growth in enrollment
9 or overcrowding, or to establish and maintain a program of alternative
10 schooling ~~H~~, *including, without limitation, a program of distance*
11 *education provided by the board of trustees pursuant to sections 31 to 44,*
12 *inclusive, of this act.*

13 3. The superintendent of public instruction may, upon application by a
14 board of trustees, authorize the addition of minutes of instruction to any
15 scheduled day of free school if days of free school are lost because of any
16 interscholastic activity. Not more than 5 days of free school so lost may be
17 rescheduled in this manner.

18 4. Each school district shall schedule at least 3 contingent days of
19 school in addition to the number of days required by this section, which
20 must be used if a natural disaster, inclement weather or an accident
21 necessitates the closing of a majority of the facilities within the district.

22 5. If more than 3 days of free school are lost because a natural disaster,
23 inclement weather or an accident necessitates the closing of a majority of
24 the facilities within a school district, the superintendent of public
25 instruction, upon application by the school district, may permit the
26 additional days lost to be counted as school days in session. The
27 application must be submitted in the manner prescribed by the
28 superintendent of public instruction.

29 6. The state board ~~of education~~ shall adopt regulations providing
30 procedures for changing schedules of instruction to be used if a natural
31 disaster, inclement weather or an accident necessitates the closing of a
32 particular school within a school district.

33 **Sec. 46.** NRS 388.537 is hereby amended to read as follows:

34 388.537 1. The board of trustees of a school district may, subject to
35 the approval of the state board, operate an alternative program for the
36 education of pupils at risk of dropping out of high school, including pupils
37 who:

38 (a) Because of extenuating circumstances, such as their being pregnant,
39 parents, chronically ill or self-supporting, are not able to attend the classes
40 of instruction regularly provided in high school;

41 (b) Are deficient in the amount of academic credit necessary to graduate
42 with pupils their same age;

43 (c) Are chronically absent from high school; or

44 (d) Require instruction on a more personal basis than that regularly
45 provided in high school.

46 2. An alternative program may include:

47 (a) A shorter school day, and an opportunity for pupils to attend a
48 longer school day, than that regularly provided in high school.



* S B 2 9 2 R 1 *

- 1 (b) An opportunity for pupils to attend classes of instruction during any
2 part of the calendar year.
- 3 (c) A comprehensive curriculum that includes elective classes of
4 instruction and occupational education.
- 5 (d) An opportunity for pupils to obtain academic credit through
6 experience gained at work or while engaged in other activities.
- 7 (e) An opportunity for pupils to satisfy either:
8 (1) The requirements for a regular high school diploma; or
9 (2) The requirements for a high school diploma for adults.
- 10 (f) The provision of child care for the children of pupils.
- 11 (g) The transportation of pupils to and from classes of instruction.
- 12 (h) The temporary placement of pupils for independent study, if there
13 are extenuating circumstances which prevent those pupils from attending
14 the alternative program on a daily basis.
- 15 **3. *The board of trustees of a school district may operate an***
16 ***alternative program pursuant to this section through a program of***
17 ***distance education pursuant to sections 31 to 44, inclusive, of this act.***
- 18 **Sec. 47.** NRS 388.700 is hereby amended to read as follows:
19 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,
20 after the last day of the first month of the school year, the ratio in each
21 school district of pupils per class in kindergarten and grades 1, 2 and 3 per
22 licensed teacher designated to teach those classes full time must not exceed
23 15 to 1 in classes where core curriculum is taught. In determining this ratio,
24 all licensed educational personnel who teach kindergarten or grade 1, 2 or
25 3 must be counted except teachers of art, music, physical education or
26 special education, counselors, librarians, administrators, deans and
27 specialists.
- 28 2. A school district may, within the limits of any plan adopted pursuant
29 to NRS 388.720, assign a pupil whose enrollment in a grade occurs after
30 the last day of the first month of the school year to any existing class
31 regardless of the number of pupils in the class.
- 32 3. The state board may grant to a school district a variance from the
33 limitation on the number of pupils per class set forth in subsection 1 for
34 good cause, including the lack of available financial support specifically
35 set aside for the reduction of pupil-teacher ratios.
- 36 4. The state board shall, on or before February 1 of each odd-
37 numbered year, report to the legislature on:
38 (a) Each variance granted by it during the preceding biennium,
39 including the specific justification for the variance.
- 40 (b) The data reported to it by the various school districts pursuant to
41 subsection 2 of NRS 388.710, including an explanation of that data, and
42 the current pupil-teacher ratios per class in kindergarten and grades 1, 2
43 and 3.
- 44 5. The department shall, on or before November 15 of each year,
45 report to the chief of the budget division of the department of
46 administration and the fiscal analysis division of the legislative counsel
47 bureau:
- 48 (a) The number of teachers employed;



* S B 2 9 2 R 1 *

- 1 (b) The number of teachers employed in order to attain the ratio
2 required by subsection 1;
3 (c) The number of pupils enrolled; and
4 (d) The number of teachers assigned to teach in the same classroom
5 with another teacher or in any other arrangement other than one teacher
6 assigned to one classroom of pupils,
7 during the current school year in kindergarten and grades 1, 2 and 3 for
8 each school district.
- 9 6. The provisions of this section do not apply to a charter school ~~or~~ *or*
10 *to a program of distance education provided pursuant to sections 31 to*
11 *44, inclusive, of this act.*
- 12 **Sec. 48.** NRS 389.017 is hereby amended to read as follows:
13 389.017 1. The state board shall ~~prescribe~~ *adopt* regulations
14 requiring that each board of trustees of a school district and each governing
15 body of a charter school submit to the superintendent of public instruction
16 and the department, in the form and manner prescribed by the
17 superintendent, the results of achievement and proficiency examinations
18 given in the 4th, 8th, 10th and 11th grades to public school pupils of the
19 district and charter schools. The state board shall not include in the
20 regulations any provision which would violate the confidentiality of the
21 test scores of any individual pupil.
- 22 2. The results of examinations must be reported for each school,
23 including, without limitation, each charter school, school district and this
24 state, as follows:
- 25 (a) The average score, as defined by the department, of pupils who took
26 the examinations under regular testing conditions; and
27 (b) The average score, as defined by the department, of pupils who took
28 the examinations with modifications or accommodations approved by the
29 private entity that created the examination or, if the department created the
30 examination, the department, if such reporting does not violate the
31 confidentiality of the test scores of any individual pupil.
- 32 3. The department shall adopt regulations prescribing the requirements
33 for reporting the scores of pupils who:
- 34 (a) Took the examinations under conditions that were not approved by
35 the private entity that created the examination or, if the department created
36 the examination, by the department;
37 (b) Are enrolled in special schools for children with disabilities;
38 (c) Are enrolled in an alternative program for the education of pupils at
39 risk of dropping out of high school ~~or~~ *, including, without limitation, a*
40 *program of distance education that is provided to pupils who are at risk*
41 *of dropping out of high school pursuant to sections 31 to 44, inclusive, of*
42 *this act;* or
43 (d) Are detained in a:
44 (1) Youth training center;
45 (2) Youth center;
46 (3) Juvenile forestry camp;
47 (4) Detention home;
48 (5) Youth camp;
49 (6) Juvenile correctional institution; or



* S B 2 9 2 R 1 *

1 (7) Correctional institution.

2 The scores reported pursuant to this subsection must not be included in the
3 average scores reported pursuant to subsection 2.

4 4. Not later than 10 days after the department receives the results of
5 the achievement and proficiency examinations, the department shall
6 transmit a copy of the results of the examinations administered pursuant to
7 NRS 389.015 to the legislative bureau of educational accountability and
8 program evaluation in a manner that does not violate the confidentiality of
9 the test scores of any individual pupil.

10 5. On or before November 1 of each year, each school district and each
11 charter school shall report to the department the following information for
12 each examination administered in the public schools in the school district
13 or charter school:

14 (a) The examination administered;

15 (b) The grade level or levels of pupils to whom the examination was
16 administered;

17 (c) The costs incurred by the school district or charter school in
18 administering each examination; and

19 (d) The purpose, if any, for which the results of the examination are
20 used by the school district or charter school.

21 On or before December 1 of each year, the department shall transmit to the
22 budget division of the department of administration and the fiscal analysis
23 division of the legislative counsel bureau the information submitted to the
24 department pursuant to this subsection.

25 6. The superintendent of schools of each school district and the
26 governing body of each charter school shall certify that the number of
27 pupils who took the examinations required pursuant to NRS 389.015 is
28 equal to the number of pupils who are enrolled in each school in the school
29 district or in the charter school who are required to take the examinations
30 except for those pupils who are exempt from taking the examinations. A
31 pupil may be exempt from taking the examinations if:

32 (a) His primary language is not English and his proficiency in the
33 English language is below the level that the state board determines is
34 proficient, as measured by an assessment of proficiency in the English
35 language prescribed by the state board pursuant to subsection 8; or

36 (b) He is enrolled in a program of special education pursuant to NRS
37 388.440 to 388.520, inclusive, and his program of special education
38 specifies that he is exempt from taking the examinations.

39 7. In addition to the information required by subsection 5, the
40 superintendent of public instruction shall:

41 (a) Report the number of pupils who were not exempt from taking the
42 examinations but were absent from school on the day that the examinations
43 were administered; and

44 (b) Reconcile the number of pupils who were required to take the
45 examinations with the number of pupils who were exempt from taking the
46 examinations or absent from school on the day that the examinations were
47 administered.

48 8. The state board shall prescribe an assessment of proficiency in the
49 English language for pupils whose primary language is not English to



* S B 2 9 2 R 1 *

1 determine which pupils are exempt from the examinations pursuant to
2 paragraph (a) of subsection 6.

3 **Sec. 49.** NRS 389.155 is hereby amended to read as follows:

4 389.155 1. The state board shall, by regulation, establish a program
5 pursuant to which a pupil enrolled full time in high school may complete
6 any required or elective course by independent study outside of the normal
7 classroom setting. *A program of independent study provided pursuant to*
8 *this section may be offered through a program of distance education*
9 *pursuant to sections 31 to 44, inclusive, of this act.*

10 2. The regulations must require that:

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

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

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

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

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

23 **Sec. 50.** NRS 389.560 is hereby amended to read as follows:

24 389.560 1. The state board shall adopt regulations that require the
25 board of trustees of each school district and the governing body of each
26 charter school to submit to the superintendent of public instruction, the
27 department and the council, in the form and manner prescribed by the
28 superintendent, the results of the examinations administered pursuant to
29 NRS 389.550. The state board shall not include in the regulations any
30 provision that would violate the confidentiality of the test scores of an
31 individual pupil.

32 2. The results of the examinations must be reported for each school,
33 including, without limitation, each charter school, school district and this
34 state, as follows:

35 (a) The percentage of pupils who have demonstrated proficiency, as
36 defined by the department, and took the examinations under regular testing
37 conditions; and

38 (b) The percentage of pupils who have demonstrated proficiency, as
39 defined by the department, and took the examinations with modifications
40 or accommodations approved by the private entity that created the
41 examination or, if the department created the examination, the department,
42 if such reporting does not violate the confidentiality of the test scores of
43 any individual pupil.

44 3. The department shall adopt regulations prescribing the requirements
45 for reporting the results of pupils who:

46 (a) Took the examinations under conditions that were not approved by
47 the private entity that created the examination or, if the department created
48 the examination, by the department;

49 (b) Are enrolled in special schools for children with disabilities;



* S B 2 9 2 R 1 *

- 1 (c) Are enrolled in an alternative program for the education of pupils at
2 risk of dropping out of high school ~~§~~, *including, without limitation, a*
3 *program of distance education that is provided to pupils who are at risk*
4 *of dropping out of high school pursuant to sections 31 to 44, inclusive, of*
5 *this act;* or
- 6 (d) Are detained in a:
- 7 (1) Youth training center;
 - 8 (2) Youth center;
 - 9 (3) Juvenile forestry camp;
 - 10 (4) Detention home;
 - 11 (5) Youth camp;
 - 12 (6) Juvenile correctional institution; or
 - 13 (7) Correctional institution.
- 14 The results reported pursuant to this subsection must not be included in the
15 percentage of pupils reported pursuant to subsection 2.
- 16 4. Not later than 10 days after the department receives the results of
17 the examinations, the department shall transmit a copy of the results to the
18 legislative bureau of educational accountability and program evaluation in
19 a manner that does not violate the confidentiality of the test scores of any
20 individual pupil.
- 21 5. On or before November 1 of each year, each school district and each
22 charter school shall report to the department the following information for
23 each examination administered in the public schools in the school district
24 or charter school:
- 25 (a) The examination administered;
 - 26 (b) The grade level or levels of pupils to whom the examination was
27 administered;
 - 28 (c) The costs incurred by the school district or charter school in
29 administering each examination; and
 - 30 (d) The purpose, if any, for which the results of the examination are
31 used by the school district or charter school.
- 32 On or before December 1 of each year, the department shall transmit to the
33 budget division of the department of administration and the fiscal analysis
34 division of the legislative counsel bureau the information submitted to the
35 department pursuant to this subsection.
- 36 6. The superintendent of schools of each school district and the
37 governing body of each charter school shall certify that the number of
38 pupils who took the examinations is equal to the number of pupils who are
39 enrolled in each school in the school district or in the charter school who
40 are required to take the examinations, except for those pupils who are
41 exempt from taking the examinations. A pupil may be exempt from taking
42 the examinations if:
- 43 (a) His primary language is not English and his proficiency in the
44 English language is below the level that the state board determines is
45 proficient, as measured by an assessment of proficiency in the English
46 language prescribed by the state board pursuant to subsection 8; or
 - 47 (b) He is enrolled in a program of special education pursuant to NRS
48 388.440 to 388.520, inclusive, and his program of special education
49 specifies that he is exempt from taking the examinations.



* S B 2 9 2 R 1 *

1 7. In addition to the information required by subsection 5, the
2 superintendent of public instruction shall:

3 (a) Report the number of pupils who were not exempt from taking the
4 examinations but were absent from school on the day that the examinations
5 were administered; and

6 (b) Reconcile the number of pupils who were required to take the
7 examinations with the number of pupils who were exempt from taking the
8 examinations or absent from school on the day that the examinations were
9 administered.

10 8. The state board shall prescribe an assessment of proficiency in the
11 English language for pupils whose primary language is not English to
12 determine which pupils are exempt from the examinations pursuant to
13 paragraph (a) of subsection 6.

14 **Sec. 51.** NRS 392.010 is hereby amended to read as follows:

15 392.010 Except as to the attendance of a pupil pursuant to NRS
16 392.015 *or sections 31 to 44, inclusive, of this act*, or a pupil who is
17 ineligible for attendance pursuant to NRS 392.4675 and except as
18 otherwise provided in NRS 392.264 and 392.268:

19 1. The board of trustees of any school district may, with the approval
20 of the superintendent of public instruction:

21 (a) Admit to the school or schools of the school district any pupil or
22 pupils living in an adjoining school district within this state or in an
23 adjoining state when the school district of residence in the adjoining state
24 adjoins the receiving Nevada school district; or

25 (b) Pay tuition for pupils residing in the school district but who attend
26 school in an adjoining school district within this state or in an adjoining
27 state when the receiving district in the adjoining state adjoins the school
28 district of Nevada residence.

29 2. With the approval of the superintendent of public instruction, the
30 board of trustees of the school district in which the pupil or pupils reside
31 and the board of trustees of the school district in which the pupil or pupils
32 attend school shall enter into an agreement providing for the payment of
33 such tuition as may be agreed upon, but transportation costs must be paid
34 by the board of trustees of the school district in which the pupil or pupils
35 reside:

36 (a) If any are incurred in transporting a pupil or pupils to an adjoining
37 school district within the state; and

38 (b) If any are incurred in transporting a pupil or pupils to an adjoining
39 state, as provided by the agreement.

40 3. In addition to the provisions for the payment of tuition and
41 transportation costs for pupils admitted to an adjoining school district as
42 provided in subsection 2, the agreement may contain provisions for the
43 payment of reasonable amounts of money to defray the cost of operation,
44 maintenance and depreciation of capital improvements which can be
45 allocated to such pupils.

46 **Sec. 52.** NRS 392.035 is hereby amended to read as follows:

47 392.035 1. In determining the mobility of pupils in a school, for any
48 purpose, the department shall divide the sum of the following numbers by
49 the cumulative enrollment in the school:



* S B 2 9 2 R 1 *

1 (a) The number of late entries or transfers into a school from another
2 school, school district or state, after the beginning of the school year;

3 (b) The number of pupils reentering the school after having withdrawn
4 from the same school; and

5 (c) The number of pupils who withdraw for any reason or who are
6 dropped for nonattendance.

7 2. To determine the cumulative enrollment of the school pursuant to
8 subsection 1, the department shall add the total number of pupils enrolled
9 in programs of instruction in the school who are included in the count for
10 apportionment purposes pursuant to paragraphs (a) ~~1, (b), (c), (e) and (f)~~ **to**
11 **(e), inclusive, (g) and (h)** of subsection 1 of NRS 387.123 and the number
12 of pupils included in paragraphs (a) and (b) of subsection 1.

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

16 **Sec. 53.** NRS 392.040 is hereby amended to read as follows:

17 392.040 1. Except as otherwise provided by law, each parent,
18 custodial parent, guardian or other person in the State of Nevada having
19 control or charge of any child between the ages of 7 and 17 years shall
20 send the child to a public school during all the time the public school is in
21 session in the school district in which the child resides.

22 2. A child who is 5 years of age on or before September 30 of a school
23 year may be admitted to kindergarten at the beginning of that school year,
24 and his enrollment must be counted for purposes of apportionment. If a
25 child is not 5 years of age on or before September 30 of a school year, the
26 child must not be admitted to kindergarten.

27 3. Except as otherwise provided in subsection 4, a child who is 6 years
28 of age on or before September 30 of a school year must:

29 (a) If he has not completed kindergarten, be admitted to kindergarten at
30 the beginning of that school year; or

31 (b) If he has completed kindergarten, be admitted to the first grade at
32 the beginning of that school year,
33 and his enrollment must be counted for purposes of apportionment. If a
34 child is not 6 years of age on or before September 30 of a school year, the
35 child must not be admitted to the first grade until the beginning of the
36 school year following his sixth birthday.

37 4. The parents, custodial parent, guardian or other person within the
38 State of Nevada having control or charge of a child who is 6 years of age
39 on or before September 30 of a school year may elect for the child not to
40 attend kindergarten or the first grade during that year. The parents,
41 custodial parent, guardian or other person who makes such an election shall
42 file with the board of trustees of the appropriate school district a waiver in
43 a form prescribed by the board.

44 5. Whenever a child who is 6 years of age is enrolled in a public
45 school, each parent, custodial parent, guardian or other person in the State
46 of Nevada having control or charge of the child shall send him to the public
47 school during all the time the school is in session. This requirement for
48 attendance does not apply to any child under the age of 7 years who has not



* S B 2 9 2 R 1 *

1 yet been enrolled or has been formally withdrawn from enrollment in
2 public school.

3 6. A child who is 7 years of age on or before September 30 of a school
4 year must:

5 (a) If he has completed kindergarten and the first grade, be admitted to
6 the second grade.

7 (b) If he has completed kindergarten, be admitted to the first grade.

8 (c) If the parents, custodial parent, guardian or other person in the State
9 of Nevada having control or charge of the child waived the child's
10 attendance from kindergarten pursuant to subsection 4, undergo an
11 assessment by the district pursuant to subsection 7 to determine whether
12 the child is prepared developmentally to be admitted to the first grade. If
13 the district determines that the child is prepared developmentally, he must
14 be admitted to the first grade. If the district determines that the child is not
15 so prepared, he must be admitted to kindergarten.

16 The enrollment of any child pursuant to this subsection must be counted for
17 apportionment purposes.

18 7. Each school district shall prepare and administer before the
19 beginning of each school year a developmental screening test to a child:

20 (a) Who is 7 years of age on or before September 30 of the next school
21 year; and

22 (b) Whose parents waived his attendance from kindergarten pursuant to
23 subsection 4,

24 to determine whether the child is prepared developmentally to be admitted
25 to the first grade. The results of the test must be made available to the
26 parents, custodial parent, guardian or other person within the State of
27 Nevada having control or charge of the child.

28 8. A child who becomes a resident of this state after completing
29 kindergarten or beginning first grade in another state in accordance with
30 the laws of that state may be admitted to the grade he was attending or
31 would be attending had he remained a resident of the other state regardless
32 of his age, unless the board of trustees of the school district determines that
33 the requirements of this section are being deliberately circumvented.

34 9. As used in this section, "kindergarten" includes:

35 (a) A kindergarten established by the board of trustees of a school
36 district pursuant to NRS 388.060; ~~and~~

37 (b) *A kindergarten established by the governing body of a charter*
38 *school; and*

39 (c) An authorized program of instruction for kindergarten offered in a
40 child's home pursuant to NRS 388.060.

41 **Sec. 54.** NRS 392.070 is hereby amended to read as follows:

42 392.070 1. Attendance required by the provisions of NRS 392.040
43 must be excused when satisfactory written evidence is presented to the
44 board of trustees of the school district in which the child resides that the
45 child is receiving at home or in some other school equivalent instruction of
46 the kind and amount approved by the state board.

47 2. The board of trustees of each school district shall provide programs
48 of special education and related services for children who are exempt from
49 compulsory attendance pursuant to subsection 1 and receive instruction at



* S B 2 9 2 R 1 *

1 home. The programs of special education and related services required by
2 this section must be made available:

3 (a) Only if a child would otherwise be eligible for participation in
4 programs of special education and related services pursuant to NRS
5 388.440 to 388.520, inclusive;

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

10 (c) In accordance with the same requirements set forth in 20 U.S.C. §
11 1412 which relate to the participation of pupils with disabilities who are
12 enrolled in private schools within the school district voluntarily by their
13 parents or legal guardians.

14 3. Except as otherwise provided in subsection 2 for programs of
15 special education and related services ~~H~~ *and subsection 5 for programs of*
16 *distance education*, upon the request of a parent or legal guardian of a
17 child who is enrolled in a private school or who receives instruction at
18 home, the board of trustees of the school district in which the child resides
19 shall authorize the child to participate in a class that is not available to the
20 child at the private school or home school or participate in an
21 extracurricular activity, excluding sports, at a public school within the
22 school district if:

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

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

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

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

40 5. *The board of trustees of a school district or the governing body of*
41 *a charter school that provides a program of distance education pursuant*
42 *to sections 31 to 44, inclusive, of this act shall, upon the request of a*
43 *parent or legal guardian of a child who is enrolled in a private school or*
44 *who receives instruction at home, authorize the child to participate in a*
45 *class offered through the program of distance education that is not*
46 *available to the child at the private school or home school or to*
47 *participate in an extracurricular activity offered through the program of*
48 *distance education if:*



* S B 2 9 2 R 1 *

- 1 (a) Space for the child in the class or extracurricular activity is
2 available; and
- 3 (b) The parent or legal guardian demonstrates to the satisfaction of
4 the board of trustees or governing body, as applicable, that the child
5 is qualified to participate in the class or extracurricular
6 activity.
- 7 If the board of trustees or governing body, as applicable, authorizes a
8 child to participate in a class or extracurricular activity pursuant to this
9 subsection, the board of trustees or governing body is not required to
10 provide transportation for the child to participate in the class or activity.
- 11 6. If the board of trustees of a school district other than the school
12 district in which a child resides or the governing body of a charter school
13 authorizes a child to participate in a class or extracurricular activity
14 pursuant to subsection 5, the board of trustees or governing body, as
15 applicable, shall provide written notice of the authorization to the board
16 of trustees of the school district in which the child resides. Upon receipt
17 of the written notice, the board of trustees of the school district in which
18 the child resides shall enter into a written agreement with the board of
19 trustees or governing body that provides the program of distance
20 education. A separate agreement must be prepared for each year that a
21 child participates in a class or extracurricular activity offered through a
22 program of distance education. The written agreement must:
- 23 (a) Contain a statement prepared by the board of trustees of the school
24 district in which the child resides indicating that the board of trustees
25 understands that the child will be included in the calculation of basic
26 support for the school district pursuant to subparagraph (7) of paragraph
27 (a) of subsection 1 of NRS 387.1233 and that the superintendent of
28 public instruction will make appropriate adjustments in the
29 apportionments to the school district pursuant to NRS 387.124 to account
30 for the child's enrollment in the program of distance education;
- 31 (b) Contain a statement prepared by the board of trustees of the school
32 district in which the child resides and the board of trustees or governing
33 body that provides the program of distance education setting forth the
34 percentage of the total time services will be provided to the child through
35 the program of distance education per school day in proportion to the
36 total time services are provided during a school day to pupils who are
37 counted pursuant to subparagraph (2) of paragraph (a) of subsection 1
38 of NRS 387.1233 for the school district in which the pupil resides;
- 39 (c) Be signed by the board of trustees of the school district in which
40 the child resides and the board of trustees or governing body, as
41 applicable, that provides the program of distance education; and
- 42 (d) Include any other information required by the state board by
43 regulation.
- 44 7. On or before September 1 of each year, a written agreement must
45 be filed with the superintendent of public instruction for each child who
46 participates in a program of distance education pursuant to subsection 5.
47 The superintendent of public instruction shall apportion money for that
48 child in accordance with subsection 4 of NRS 387.124 regardless of
49 whether an agreement has been filed as required by this section if the



* S B 2 9 2 R 1 *

1 *child was included in the count for basic support pursuant to NRS*
2 *387.1233.*

3 *8. The board of trustees of a school district or the governing body of*
4 *a charter school, as applicable, may revoke its approval for a child to*
5 *participate in a class or extracurricular activity pursuant to subsection 5*
6 *if the board of trustees or governing body determines that the child has*
7 *failed to comply with applicable statutes, or applicable rules and*
8 *regulations. If the board of trustees or governing body revokes its*
9 *approval, neither the board of trustees or governing body, as applicable,*
10 *nor the program of distance education is liable for any damages relating*
11 *to the denial of services to the child.*

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

15 ~~16-1~~ *10. The department may adopt such regulations as are necessary*
16 *for the boards of trustees of school districts to provide the programs of*
17 *special education and related services required by subsection 2.*

18 ~~17-1~~ *11. As used in this section, "related services" has the meaning*
19 *ascribed to it in 20 U.S.C. § 1401(22).*

20 **Sec. 55.** Chapter 361 of NRS is hereby amended by adding thereto a
21 new section to read as follows:

22 *1. All real and personal property that is leased or rented to a charter*
23 *school is hereby deemed to be used for an educational purpose and is*
24 *exempt from taxation. If the property is used partly for the lease or rental*
25 *to a charter school and partly for other purposes, only the portion of the*
26 *property that is used for the lease or rental to a charter school is exempt*
27 *pursuant to this subsection.*

28 *2. To qualify for an exemption pursuant to subsection 1, the property*
29 *owner must provide the county assessor with a copy of the lease or rental*
30 *agreement indicating that:*

31 *(a) The property is leased or rented to the charter school; and*
32 *(b) The amount of payment required by the charter school pursuant to*
33 *the agreement is reduced in an amount which is at least equal to the*
34 *amount of the tax that would have been imposed if the property were not*
35 *exempt pursuant to subsection 1.*

36 **Sec. 56.** NRS 361.065 is hereby amended to read as follows:

37 361.065 All lots, buildings and other school property owned by any
38 legally created school district *or charter school* within the state and
39 devoted to public school purposes are exempt from taxation.

40 **Sec. 57.** 1. The department of education shall transfer from the state
41 distributive school account to the fund for charter schools created by
42 section 5 of this act, the sum of \$100,000.

43 2. The department shall use the money transferred pursuant to
44 subsection 1 to make loans to charter schools pursuant to sections 5, 6 and
45 7 of this act.

46 **Sec. 58.** 1. There is hereby appropriated from the state general fund
47 to the legislative fund the sum of \$10,000 for use by the legislative bureau
48 of educational accountability and program evaluation to hire a consultant to
49 conduct case study evaluations of charter schools within this state.



* S B 2 9 2 R 1 *

1 2. The consultant hired by the bureau shall conduct on-site evaluations
2 of not more than eight charter schools within this state selected by the
3 bureau for evaluation. On or before February 1, 2003, the consultant shall
4 submit a written report to the bureau that includes for each charter school
5 which was evaluated:

6 (a) A description of the charter school;

7 (b) A description of the academic achievement and progress of pupils
8 who are enrolled in the charter school;

9 (c) A description of the demographics of the pupils who are enrolled in
10 the charter school;

11 (d) An overview of the curriculum for each grade level taught at the
12 charter school;

13 (e) A description of the system of governance of the charter school,
14 including, without limitation, an explanation of the process by which
15 decisions are made;

16 (f) A description of the financial plan for the charter school;

17 (g) An identification and evaluation of the accomplishments of the
18 charter school;

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

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

24 (j) Any recommendations for legislation based upon the results of the
25 evaluation.

26 3. The bureau shall submit a copy of the written evaluation, including
27 any recommendations for legislation, to the 72nd session of the Nevada
28 legislature.

29 **Sec. 59.** 1. Except as otherwise provided in an act apportioning the
30 state distributive school account, the state board of education shall allocate
31 in each fiscal year of the 2001-2003 biennium to charter schools whose
32 enrollment includes pupils who receive special education, not fewer than 5
33 special education program units that it is otherwise required to reserve. A
34 charter school must apply to the department of education for an allocation
35 of special education program units pursuant to this subsection.

36 2. Any unused allocations of the special education program units
37 reserved for charter schools pursuant to subsection 1 may be reallocated by
38 the superintendent of public instruction to school districts.

39 **Sec. 60.** Notwithstanding the amendatory provisions of this act, the
40 board of trustees of a school district that has entered into a written charter
41 with a charter school before July 1, 2001, shall continue to sponsor the
42 charter school for the duration of the charter. The governing body of a
43 charter school may submit a written request for an amendment of the
44 written charter of the charter school in accordance with the amendatory
45 provisions of this act. If the proposed amendment complies with NRS
46 386.500 to 386.610, inclusive, and sections 4 to 7, inclusive, of this act,
47 and any other statutes applicable to charter schools, the sponsor of the
48 charter school shall amend the written charter in accordance with the
49 proposed amendment.



1 **Sec. 61.** The state board of education shall consider sponsorship of
2 charter schools in accordance with the amendatory provisions of section 11
3 of this act for schools that will commence operation during or after the
4 2002-2003 school year.

5 **Sec. 62.** 1. On or before December 1, 2001, the state board of
6 education shall submit a draft of the regulations required by section 44 of
7 this act to the legislative committee on education for the review and
8 comment of the committee.

9 2. On or before February 1, 2002, the legislative committee on
10 education shall review the draft regulations and provide comment to the
11 state board.

12 3. On or before April 1, 2002, the state board shall adopt final
13 regulations required by section 44 of this act.

14 **Sec. 63.** The state board of education shall accept applications to
15 provide programs of distance education in accordance with section 36 of
16 this act for programs that will commence operation with the 2002-2003
17 school year. If any deadlines contained within the regulations adopted by
18 the state board pursuant to section 44 of this act prohibit a school district or
19 charter school from submitting an application for the 2002-2003 school
20 year, the state board shall grant a shorter period of time for the school
21 district or charter school to submit an application for the 2002-2003 school
22 year notwithstanding the provisions of those regulations.

23 **Sec. 64.** If a school district provides, before the effective date of this
24 act, a program that includes distance education in accordance with all
25 applicable statutes and regulations, the school district may continue to offer
26 that program for the 2001-2002 school year if the school district provides
27 written notice to the state board of education on or before July 1, 2001.
28 After the 2001-2002 school year, the school district must comply with
29 sections 31 to 44, inclusive, of this act, if it desires to continue the
30 program.

31 **Sec. 65.** The department of education shall provide the financial
32 support necessary for the school districts and charter schools to incorporate
33 charter schools into the statewide automated system of information
34 concerning pupils pursuant to the amendatory provisions of sections 23 and
35 24 of this act.

36 **Sec. 66.** 1. This section and sections 3 to 22, inclusive, 35, 44, 53
37 and 55 to 65, inclusive, of this act become effective on July 1, 2001.

38 2. Sections 1, 2, 25 to 34, inclusive, 36 to 43, inclusive, 45 to 52,
39 inclusive, and 54 of this act become effective on July 1, 2002.

40 3. Sections 23 and 24 of this act become effective on July 1, 2003.

