

Senate Bill No. 399--Senator Care

CHAPTER.....

AN ACT relating to education; prohibiting an existing public school or home school from converting to a charter school; prohibiting a charter school from operating for profit; creating the fund for charter schools; providing for the sponsorship of charter schools by the state board of education; revising the collective bargaining provisions applicable to charter school employees who are on a leave of absence from a school district; 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; extending the prospective removal of the limit on the number of charter schools that may be formed; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. *The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.*

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the

number of pupils who took the examinations and the number of pupils who are enrolled in the school.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) The percentage of classes taught by teachers who have been assigned to teach English, mathematics, science or social studies but do not possess a license with an endorsement to teach in that subject area, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

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

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

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

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

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

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for

each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Such other information as is directed by the superintendent of public instruction.

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

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

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

4. The superintendent of public instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teachers Association;

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

(6) Legislative counsel bureau,

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

5. The superintendent of public instruction may consult with representatives of parent groups other than the Nevada Parent Teachers Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

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

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

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

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

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

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

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

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

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

~~13.1~~ 2. The department shall adopt regulations that set forth the conditions under which the department will not designate a public school pursuant to this section because the school:

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

(b) Serves only pupils with disabilities;

(c) Operates only as an alternative program for the education of pupils at risk of dropping out of high school ~~4.1~~, *including, without limitation, a program of distance education for pupils at risk of dropping out of high school provided pursuant to sections 35 to 49, inclusive, of this act;* or

(d) Is operated within a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

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

Sec. 4. *The provisions of NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act do not authorize an existing public school, home school or other program of home study to convert to a charter school.*

Sec. 5. *A charter school shall not operate for profit.*

Sec. 6. 1. *Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.*

2. *This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560.*

3. *A person who violates subsection 1 shall be punished for a misdemeanor.*

Sec. 7. 1. *If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.*

2. A charter school shall submit the form for a diploma of the charter school to the department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

Sec. 8. 1. The fund for charter schools is hereby created in the state treasury as a revolving loan fund, to be administered by the department.

2. The money in the revolving fund must be invested as other state funds are invested. All interest and income earned on the money in the revolving fund must be credited to the revolving fund. Any money remaining in the revolving fund at the end of a fiscal year does not revert to the state general fund, and the balance in the fund must be carried forward.

3. All payments of principal and interest on all the loans made to a charter school from the revolving fund must be deposited in the state treasury for credit to the revolving fund.

4. Claims against the revolving fund must be paid as other claims against the state are paid.

5. The department may accept gifts, grants, bequests and donations from any source for deposit in the revolving fund.

Sec. 9. 1. After deducting the costs directly related to administering the fund for charter schools, the department may use the money in the fund for charter schools, including repayments of principal and interest on loans made from the fund, and interest and income earned on money in the fund, only to make loans at or below market rate to charter schools for the costs incurred:

(a) In preparing a charter school to commence its first year of operation; and

(b) To improve a charter school that has been in operation.

2. The total amount of a loan that may be made to a charter school in 1 year must not exceed \$25,000.

Sec. 10. 1. If the governing body of a charter school has a written charter issued pursuant to NRS 386.527, the governing body may submit an application to the department for a loan from the fund for charter schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The department shall, within the limits of money available for use in the fund, make loans to charter schools whose applications have been approved. If the department makes a loan from the fund, the department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The state board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the department by a charter school that desires to receive a loan from the fund; and

(2) Period for repayment and the rate of interest for loans made from the fund.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and sections 8 and 9 of this act.

Sec. 11. NRS 386.500 is hereby amended to read as follows:

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

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

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

1. The ~~establishment of a charter school as a justification to keep open~~ *conversion of an existing public school that would otherwise be closed;* , *home school or other program of home study to a charter school.*

2. A means for providing financial assistance for private schools or programs of home study . ~~or~~ *The provisions of this subsection do not preclude a private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act.*

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

Sec. 13. NRS 386.515 is hereby amended to read as follows:

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

2. The state board shall sponsor charter schools whose applications have been approved by the state board pursuant to NRS 386.525.

Sec. 14. NRS 386.520 is hereby amended to read as follows:

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

~~—(a) Ten or more members;~~ *subsection 4. In addition to the teachers who serve, the committee may consist of:*

(a) Members of the general public;

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

~~—(c) Representatives of a private business; or~~

~~—(d) nonprofit organizations and businesses; or~~

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

A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this state at the time that the application to form the charter school is submitted to the department.

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

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~§~~, *and sections 4 to 10, inclusive, of this act.*

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

(1) Improving the opportunities for pupils to learn;
(2) Encouraging the use of effective methods of teaching;
(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;
(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

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

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

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

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

(g) The proposed curriculum for the charter school ~~§~~ *and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.*

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

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

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

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

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school

will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

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

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

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

3. The department shall review an application to form a charter school to determine whether it is complete. *If an application proposes to convert an existing public school, home school or other program of home study into a charter school, the department shall deny the application.* The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. *As used in subsection 1, "teacher" means a person who:*

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

Sec. 15. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. *If applicable, a committee may submit an application directly to the subcommittee on charter schools pursuant to subsection 4. If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at ~~its next~~ a regularly scheduled meeting ~~but~~ that must be held not later than ~~14~~ 30 days after the receipt of the application, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the subcommittee on charter schools or the state board, as applicable, shall review ~~the~~ an application to determine whether the application:*

(a) Complies with NRS 386.500 to 386.610, inclusive, and sections 4 to 10, inclusive, of this act and the regulations applicable to charter schools; and

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

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

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

4. If the board of trustees denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request *for sponsorship by the state board* to the subcommittee on charter schools created pursuant to NRS 386.507 ~~{,}~~ not more than 30 days after receipt of the written notice of denial. ~~{, to direct the board of trustees to reconsider the application. The subcommittee shall consider requests for reconsideration in the order in which they are received.} If an applicant proposes to form a charter school exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, the applicant may submit the written request and application directly to the subcommittee without first seeking approval from the board of trustees of a school district. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.~~

5. If the subcommittee receives ~~{such a request,}~~ *a request pursuant to subsection 4*, it shall ~~hold a meeting to~~ consider the request ~~{at its next regularly scheduled meeting and ensure that notice} and the application. The meeting must be held not later than 30 days after receipt of the application. Notice~~ of the meeting ~~{is}~~ *must be* posted in accordance with chapter 241 of NRS. ~~{Not more than 30 days after the meeting, the subcommittee shall provide written notice of its determination to the applicant and to the board of trustees. If the subcommittee denies the request for reconsideration, the applicant may, not more than 30 days after the receipt of the written notice from the subcommittee, appeal the determination to the district court of the county in which the proposed charter school will be located.~~

~~—5. If the subcommittee on charter schools grants a request to direct reconsideration, the written notice to the board of trustees of the school district that denied the application must include, without limitation, instructions to the board of trustees concerning the reconsideration of the application. Not more than 30 days after receipt of the written notice from the subcommittee directing the reconsideration, the board of trustees shall reconsider the application in accordance with the instructions of the subcommittee, make a final determination on the application and provide written notice of the determination to the applicant. If, upon reconsideration of the application, the board of trustees} The subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The subcommittee shall approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.~~

6. *The subcommittee shall transmit the application and the recommendation of the subcommittee for approval or denial of the application to the state board. Not more than 14 days after the date of the meeting of the subcommittee pursuant to subsection 5, the state board shall hold a meeting to consider the recommendation of the subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The state board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The state board shall approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the state board shall provide written notice of its determination to the applicant.*

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

Sec. 16. NRS 386.527 is hereby amended to read as follows:

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

(a) The state board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the state board nor the department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

2. *Except as otherwise provided in subsection 4, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to ~~(n)~~ (o), inclusive, of subsection 2 of NRS 386.520 ~~and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the state board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive.~~ As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.*

~~2-~~ 3. *The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational*

services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, *and sections 4 to 10, inclusive, of this act,* and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment.

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

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

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

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

~~—4. A conditional charter expires 1 year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the expiration of a conditional charter, the holder of the conditional charter may submit a supplemental application and request the board of trustees that granted the conditional charter to determine whether the holder is eligible for the issuance of a charter pursuant to subsection 1. The board of trustees shall consider such a request as soon as is practicable. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the charter school must submit a new application to form a charter school.~~

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

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

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

A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other

designation that would indicate the charter is issued for a temporary period.

5. The holder of a written charter that is issued pursuant to subsection 4 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the state board pursuant to subsection 4 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school, whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 17. NRS 386.540 is hereby amended to read as follows:

386.540 1. The department shall adopt regulations that prescribe:

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

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

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

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

2. The department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, *and sections 4 to 10, inclusive, of this act*, including, without limitation, regulations that prescribe the procedures for accounting, budgeting and annual audits of charter schools.

Sec. 18. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~shall~~ *must* consist of at least three teachers, as defined in ~~NRS 391.311,~~ *subsection 4*, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. *A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an*

affidavit to the department indicating that the person has not been convicted of a felony or any offense involving moral turpitude.

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

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

4. *As used in subsection 1, "teacher" means a person who:*

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

Sec. 19. NRS 386.550 is hereby amended to read as follows:

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

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

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

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

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

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

~~1-6~~ (f) Except as otherwise provided in this ~~subsection,~~ **paragraph**, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this ~~subsection,~~ **paragraph**. The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:

~~1-a~~ (1) Extenuating circumstances exist to justify the waiver; and

~~1-b~~ (2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

~~1-7~~ (g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

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

~~1-9~~ (i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils

who are enrolled in the charter school, and provide at least the courses of ~~instruction~~ *study* that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This ~~subsection~~ *paragraph* does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

~~H01~~ *(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.*

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

~~H11~~ *(l)* Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

~~H21~~ *(m)* Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

~~H31~~ *(n)* Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to sections 35 to 49, inclusive, of this act, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the state board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in section 37 of this act.

Sec. 20. NRS 386.560 is hereby amended to read as follows:

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

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

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

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

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

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

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. *The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to sections 35 to 49, inclusive, of this act. Such a pupil must comply with section 45 of this act.*

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

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

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

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

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

Sec. 21. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the

state distributive school account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. *If a charter school receives special education program units directly from this state, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this state for that purpose.*

2. *All money received by the charter school from this state or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this state.* The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

3. *Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district, if the board of trustees sponsors the charter school, or to the department if the state board sponsors the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. The amount of reimbursement that a charter school may be required to pay pursuant to this subsection must not exceed:*

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

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

4. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection ~~14~~ 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

~~14~~ 5. *If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have*

been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

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

~~15.1~~ *The state board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this state for the provision of educational programs and services to such pupils.*

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

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

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

2. Except as otherwise provided in subsection ~~14.1~~ 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

of a pupil.

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

4. *Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school*

of a school district or a private school, or who receives instruction at home, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

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

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

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to sections 35 to 49, inclusive, of this act.

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

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

(a) With disabilities;

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

(c) Who are at risk.

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

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

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

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

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

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

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

- (2) Mathematics;
- (3) Science; and
- (4) Social studies, which includes only the subjects of history, geography, economics and government.

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

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

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

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

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

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

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

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

(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.

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

6. On or before November 15 of each year, a charter school shall submit to the department, in a format prescribed by the superintendent of public instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee; and

(b) The designated assignment, as that term is defined by the department, of the employee.

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

386.595 1. *All employees of a charter school shall be deemed public employees.*

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

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

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

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

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

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

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

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

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

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

~~—5. The~~ *who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years that the employee is on a leave of absence:*

(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless ~~the applicable~~ a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

~~16.1~~ *4. If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.*

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

position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~18-1~~ **6.** An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~19-1~~ **7.** Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~110-1~~ **8.** An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~111-1~~ **9.** For all employees of a charter school:

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

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

~~112-1~~ **10.** If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

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

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

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

386.605 1. On or before January 1 of each year, the governing body of each charter school shall submit the information concerning the charter

school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located, *regardless of the sponsor of the charter school*, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

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

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

(a) Separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

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

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

(3) A summary of the efforts that the governing body has made or intends to make to ensure that the teachers and other educational personnel employed by the governing body receive training and other professional development in:

(I) The standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520;

(II) The assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; and

(III) Specific content areas to enable the teachers and other educational personnel to provide a higher level of instruction in their respective fields of teaching.

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

4. On or before June 15 of each year, the governing body of each charter school shall submit copies of the written report and written procedure required pursuant to subsection 3 to the:

(a) Governor;

(b) State board;

(c) Department;

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

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

(f) Board of trustees of the school district in which the charter school is located.

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

6. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to subsection 3 is included with the final budget of the charter school adopted by the governing body of the charter school pursuant to the regulations of the department.

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

Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year, *if* the board of trustees of a school district ~~that~~ sponsors a charter school, *the board of trustees* shall submit a written report to the state board. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

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

Sec. 27. NRS 386.650 is hereby amended to read as follows:

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

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

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

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

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

3. The superintendent of public instruction shall:

(a) Prescribe the data to be collected and reported to the department by each school district pursuant to subsection 2 ~~H~~, *including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;*

(b) Prescribe the format for the data;

(c) Prescribe the date by which each school district shall report the data;

(d) *Prescribe the date by which each charter school located within a school district shall report the data to the school district for incorporation into the report of the school district, regardless of the sponsor of the charter school;*

(e) Provide technical assistance to each school district to ensure that the data from each *public* school in the *school* district, *including, without limitation, each charter school located within the school district*, is compatible with the statewide automated system of information and comparable to the data reported by other school districts; and

~~H~~ *(f)* Provide for the analysis and reporting of the data in the statewide automated system of information.

Sec. 28. NRS 386.655 is hereby amended to read as follows:

386.655 1. The department, the school districts and the public schools, *including, without limitation, charter schools*, shall, in operating the statewide automated system of information established pursuant to NRS 386.650, comply with the provisions of:

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

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

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

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

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

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

Sec. 29. NRS 387.123 is hereby amended to read as follows:

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

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) *Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the superintendent of public instruction pursuant to section 44 or 45 of this act, as applicable.*

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

~~(e)~~ (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 ~~+~~
~~—(f)—~~ *and pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.580.*

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

~~(e)~~ (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs ~~(e) and (f)~~ (d), (f) and (g).

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

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

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

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

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

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

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

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

4. ~~4. [A] The provisions of subsection 3 do not apply to a charter school [is not required to comply with the pupil teacher ratio prescribed by the state board pursuant to subsection 3.] or a program of distance education provided pursuant to sections 35 to 49, inclusive, of this act.~~

Sec. 30. NRS 387.1233 is hereby amended to read as follows:

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

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

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

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

(3) *The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.*

(4) *The count of pupils who reside in the county and are enrolled:*

(I) *In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).*

(II) *In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to*

the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

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

~~(4)~~ (6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

~~(5)~~ (7) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

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

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

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

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

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

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

5. Pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 31. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in *this section and* NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent of public instruction shall ~~1, except as otherwise provided in subsections 2 and 3,~~ apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school ~~1~~ *and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. ~~1~~ *If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by section 44 of this act, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.*

2. *Except as otherwise provided in subsection 3, the* apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides ~~1~~ *minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.* If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

~~1~~ *3. Except as otherwise provided in this subsection, the apportionment to a charter school that is sponsored by the state board, computed on a yearly basis, is equal to:*

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

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

whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the school district in which the charter school is located shall pay the difference directly to the charter school. If a charter school provides a program of distance education pursuant to sections 35 to 49, inclusive, of this act, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to section 44 or 45 of this act, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

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

~~3-1~~ 6. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 32. NRS 387.1243 is hereby amended to read as follows:

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

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

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

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

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to

the *state* distributive school account in the state general fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the department, in a format prescribed by the department, the count of pupils calculated pursuant to subparagraph ~~[(6)]~~ (8) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the department must be included in the final adjustment computed pursuant to subsection 4.

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

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

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

5. If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

Sec. 33. NRS 387.185 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon

thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

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

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

Sec. 34. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 49, inclusive, of this act.

Sec. 35. *As used in sections 35 to 49, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36, 37 and 38 of this act have the meanings ascribed to them in those sections.*

Sec. 36. *“Course of distance education” means a course of study that uses distance education as its primary mechanism for delivery of instruction.*

Sec. 37. *“Distance education” means instruction which is delivered by means of video, computer, television, correspondence, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.*

Sec. 38. *“Program of distance education” means a program comprised of one or more courses of distance education that is designed for pupils who:*

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

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

3. *Are enrolled in a public school that does not offer advanced or specialized courses.*

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

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

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

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

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

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

Sec. 39. 1. *The department shall prepare and publish a list of courses of distance education that satisfy the requirements of sections 35 to 49, inclusive, of this act, and all other applicable statutes and regulations. If an application to provide a program of distance education is approved pursuant to section 40 of this act, the department shall automatically include on the list each course of study included within that program if the course of study had not been approved pursuant to this section before submission of the application to provide the program.*

2. *A person or entity that has developed a course of distance education, including, without limitation, a vendor of a course of distance education, the University and Community College System of Nevada or other postsecondary educational institution, a board of trustees of a school district or a governing body of a charter school, may submit an application for inclusion of the course on the list prepared by the department. The department shall approve an application if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations. The department shall provide written notice to the applicant of its approval or denial of the application.*

3. *If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations.*

Sec. 40. 1. *The board of trustees of a school district or the governing body of a charter school may submit an application to the department to provide a program of distance education.*

2. *An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the department pursuant to section 39 of this act or a program that is comprised of one or more courses of distance education which have not been reviewed by the department before submission of the application.*

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

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

(b) Except as otherwise provided in this paragraph, proof satisfactory to the department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the department pursuant to section 39 of this act before submission of the application.

4. The department shall approve an application submitted pursuant to this section if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations. The department shall provide written notice to the applicant of the department's approval or denial of the application.

5. If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of sections 35 to 49, inclusive, of this act and all other applicable statutes and regulations.

Sec. 41. 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

Sec. 42. 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that, for each course offered through the program, a teacher:

(a) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; and

(b) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a licensed teacher.

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

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

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

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Is excused from compulsory attendance pursuant to NRS 392.070 and is authorized to enroll in a program of distance education pursuant to that section;

(f) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(g) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(h) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(i) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the state board pursuant to section 49 of this act.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 44. *1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.*

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable,

that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

3. On or before September 1 of each year or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before September 1 or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

Sec. 45. *1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.*

2. Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable,

that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

4. On or before September 1 or January 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the superintendent of public instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

Sec. 46. 1. *If a pupil is enrolled full time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district to which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:*

(a) Graduation requirements;

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

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

(d) Discipline of pupils.

2. *A pupil who is enrolled full time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:*

(a) Graduation requirements;

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

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

(d) Discipline of pupils.

3. *If a pupil is enrolled part time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:*

(a) Graduation requirements;

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

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

(d) Discipline of pupils.

Sec. 47. 1. *If the board of trustees of a school district provides a program of distance education, the board of trustees shall ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:*

(a) Graduation requirements;

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

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

(d) Discipline of pupils.

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

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

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

(1) Graduation requirements;

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

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

(4) Discipline of pupils.

Sec. 48. *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. 49. *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 39 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) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with section 43 of this act;

(d) 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;

(e) 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

(f) 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 35 to 49, inclusive, of this act.

Sec. 50. 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 a particular district to establish or maintain a 12-month school program or a program involving alternative scheduling, if the board of trustees demonstrates that the proposed schedule for the program provides for a greater number of minutes of instruction than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding, or to establish and maintain a program of alternative schooling ~~H~~ , *including, without limitation, a program of distance education provided by the board of trustees pursuant to sections 35 to 49, inclusive, of this act.*

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

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

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

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

Sec. 51. NRS 388.537 is hereby amended to read as follows:

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

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

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

(c) Are chronically absent from high school; or

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

2. An alternative program may include:

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

- (b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.
- (c) A comprehensive curriculum that includes elective classes of instruction and occupational education.
- (d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.
- (e) An opportunity for pupils to satisfy either:
 - (1) The requirements for a regular high school diploma; or
 - (2) The requirements for a high school diploma for adults.
- (f) The provision of child care for the children of pupils.
- (g) The transportation of pupils to and from classes of instruction.
- (h) The temporary placement of pupils for independent study, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.

3. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to sections 35 to 49, inclusive, of this act.

Sec. 52. NRS 388.700 is hereby amended to read as follows:

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

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

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

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

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

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

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

(a) The number of teachers employed;

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

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

6. The provisions of this section do not apply to a charter school ~~or~~ *or to a program of distance education provided pursuant to sections 35 to 49, inclusive, of this act.*

Sec. 53. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall ~~prescribe~~ *adopt* regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, 10th and 11th grades to public school pupils of the district and charter schools. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

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

(a) The average score, as defined by the department, of pupils who took the examinations under regular testing conditions; and

(b) The average score, as defined by the department, of pupils who took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

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

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

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

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~or~~ *, including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to sections 35 to 49, inclusive, of this act;* or

(d) Are detained in a:

- (1) Youth training center;
- (2) Youth center;
- (3) Juvenile forestry camp;
- (4) Detention home;
- (5) Youth camp;
- (6) Juvenile correctional institution; or
- (7) Correctional institution.

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

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

5. On or before November 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 15 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

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

- (a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or
- (b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

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

- (a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and
- (b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

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

Sec. 54. NRS 389.155 is hereby amended to read as follows:

389.155 1. The state board shall, by regulation, establish a program pursuant to which a pupil enrolled full time in high school may complete any required or elective course by independent study outside of the normal classroom setting. *A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to sections 35 to 49, inclusive, of this act.*

2. The regulations must require that:

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

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

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

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

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

Sec. 55. NRS 389.560 is hereby amended to read as follows:

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

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

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

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

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

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

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

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school ~~†~~, *including, without limitation, a program of distance education that is provided to pupils who are at risk*

of dropping out of high school pursuant to sections 35 to 49, inclusive, of this act; or

- (d) Are detained in a:
 - (1) Youth training center;
 - (2) Youth center;
 - (3) Juvenile forestry camp;
 - (4) Detention home;
 - (5) Youth camp;
 - (6) Juvenile correctional institution; or
 - (7) Correctional institution.

The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the examinations, the department shall transmit a copy of the results to the legislative bureau of educational accountability and program evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

5. On or before November 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 15 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

6. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations, except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

- (a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or
- (b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

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

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

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

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

Sec. 56. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district *or the governing body of the charter school* in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school *for whom a license is not required* pursuant to the provisions of NRS 386.590 . ~~and 386.595.~~

Sec. 57. NRS 391.31965 is hereby amended to read as follows:

391.31965 Except as otherwise provided in this section, if a postprobationary employee of a school district *or charter school* in this state:

1. Voluntarily leaves his employment; and

2. Is, within 5 years after the date on which he left that employment, employed by any school district *or charter school* in this state in a position that is comparable to the position in which he attained his postprobationary status,

he must be allowed to continue as a postprobationary employee and must not be required to serve the probationary period required by subsection 1 of NRS 391.3197. This section does not apply to a postprobationary employee who voluntarily leaves his employment during the pendency of a proceeding for the suspension, demotion, dismissal or refusal to reemploy the postprobationary employee.

Sec. 58. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 392.015 *or sections 35 to 49, inclusive, of this act*, or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

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

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

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

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

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

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

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

Sec. 59. NRS 392.035 is hereby amended to read as follows:

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

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

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

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

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

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

Sec. 60. NRS 392.040 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. As used in this section, “kindergarten” includes:

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

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

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

Sec. 61. NRS 288.060 is hereby amended to read as follows:

288.060 “Local government employer” means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, *charter schools*, hospital districts, irrigation districts and other special districts.

Sec. 62. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

(a) The property is leased or rented to the charter school; and

(b) The amount of payment required by the charter school pursuant to the agreement is reduced in an amount which is at least equal to the amount of the tax that would have been imposed if the property were not exempt pursuant to subsection 1.

Sec. 63. NRS 361.065 is hereby amended to read as follows:

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

Sec. 64. Section 60 of chapter 606, Statutes of Nevada 1999, at page 3324, is hereby amended to read as follows:

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

2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on July 1, 1999.

4. ~~Section 12.5 of this act becomes effective on July 1, 2001.~~

~~5.~~ Section 55 of this act becomes effective on July 1, ~~2003.~~ 2006.

Sec. 64.5. Section 1 of Senate Bill No. 243 of this session is hereby amended to read as follows:

Section 1. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years that the employee is on a leave of absence:

(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

4. ~~##~~ *Except as otherwise provided in this subsection, if the written charter of a charter school is revoked ~~H~~ or if a charter school ceases to operate as a charter school,* the employees of the charter school must be reassigned to employment within the school district in accordance with the *applicable* collective bargaining agreement. *A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:*

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 5; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school.

After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

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

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

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

9. For all employees of a charter school:

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

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

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

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

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

Sec. 65. If the membership of the governing body of a charter school that is in operation before July 1, 2002, does not comply with the amendatory provisions of section 18 of this act, the charter school shall make appropriate changes to the membership of the governing body and otherwise take appropriate action to ensure that the governing body of the charter school complies with the amendatory provisions of section 18 of this act on or before July 1, 2002.

Sec. 66. Notwithstanding the provisions of subsection 1 of NRS 288.180 to the contrary, an employee organization established pursuant to chapter 288 of NRS which desires to negotiate with the governing body of a charter school:

1. Concerning a collective bargaining agreement intended to become effective during the 2001-2002 school year; and

2. With respect to a subject of negotiation that requires the budgeting of money,

must apply to the governing body for recognition on or before September 1, 2001, and give the notice required by subsection 1 of NRS 288.180 on or before October 1, 2001.

Sec. 67. If a person accepts an offer of employment from a charter school before the effective date of section 24 of this act and takes a leave of absence from the school district in which the charter school is located, the 3-year period provided in the amendatory provisions of subsection 2 of section 24 of this act begins to run after the effective date of that section, upon the renewal of any applicable collective bargaining agreement entered into by the board of trustees of the school district.

Sec. 68. The state board of education shall consider sponsorship of charter schools in accordance with the amendatory provisions of section 15 of this act for schools that will commence operation during or after the 2002-2003 school year.

Sec. 69. 1. On or before December 1, 2001, the state board of education shall submit a draft of the regulations required by section 49 of this act to the legislative committee on education for the review and comment of the committee.

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

3. On or before April 1, 2002, the state board shall adopt final regulations required by section 49 of this act.

Sec. 70. The department of education shall accept applications to provide programs of distance education in accordance with section 40 of this act for programs that will commence operation with the 2002-2003 school year. If any deadlines contained within the regulations adopted by the state board pursuant to section 49 of this act prohibit a school district or charter school from submitting an application for the 2002-2003 school year, the department shall grant a shorter period of time for the school

district or charter school to submit an application for the 2002-2003 school year, notwithstanding the provisions of those regulations.

Sec. 71. If a school district or charter school has provided before June 1, 2001, a program that includes distance education in accordance with all applicable statutes and regulations, the school district or charter school may continue to offer that program for the 2001-2002 school year if the school district or charter school provides written notice of the existence of the program to the department of education on or before July 1, 2001. After the 2001-2002 school year, the school district or charter school must comply with sections 35 to 49, inclusive, of this act, if it desires to continue the program. The provisions of this section apply to a charter school regardless of whether the terms of the written charter of the charter school authorize the charter school to provide a program that includes distance education.

Sec. 72. The department of education shall provide the financial support necessary for the school districts and charter schools to incorporate charter schools into the statewide automated system of information concerning pupils pursuant to the amendatory provisions of sections 27 and 28 of this act.

Sec. 73. The amendatory provisions of this act do not apply to offenses committed before July 1, 2001.

Sec. 74. Section 12.5 of chapter 606, Statutes of Nevada 1999, at page 3292, is hereby repealed.

Sec. 75. 1. This section and sections 24, 64, 66 and 67 of this act become effective upon passage and approval.

2. Sections 3 to 12, inclusive, 14, 16 to 19, inclusive, 21, 22, 23, 27, 28, 56, 60 to 63, inclusive, 65, and 68 to 74, inclusive, of this act become effective on July 1, 2001.

3. Sections 57 and 64.5 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections 1, 2, 13, 15, 20, 25, 26, 29, 30 to 55, inclusive, 58 and 59 of this act become effective on July 1, 2002.