

(REPRINTED WITH ADOPTED AMENDMENTS)  
SECOND REPRINT S.B. 399

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SENATE BILL NO. 399—SENATOR CARE

MARCH 19, 2001

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Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing charter schools and authorizes programs of distance education. (BDR 34-859)

FISCAL NOTE:   Effect on Local Government: Yes.  
                          Effect on the State: No.

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

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AN ACT relating to education; prohibiting an existing public school, private school or home school from converting to a charter school; prohibiting a charter school from contracting with or being supported by a private corporation or other entity that operates for profit; revising provisions governing the formation, operation and personnel of charter schools; making certain provisions related to collective bargaining applicable to charter schools; authorizing boards of trustees of school districts and governing bodies of charter schools to provide programs of distance education for certain pupils; requiring the state board of education to adopt regulations prescribing the requirements for programs of distance education; revising 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; repealing 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:

- 1    **Section 1.**   NRS 385.363 is hereby amended to read as follows:  
2    385.363   The department shall, on or before April 1 of each year:  
3    1.   Evaluate the information submitted by each school district pursuant  
4   to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and  
5    2.   Except as otherwise provided in subsection 3 and NRS 385.364,  
6   based upon its evaluation and in accordance with the criteria set forth in  
7   NRS 385.365 and 385.367, designate each public school within each  
8   school district as:  
9       (a) Demonstrating exemplary achievement;  
10      (b) Demonstrating high achievement;  
11      (c) Demonstrating adequate achievement; or  
12      (d) Demonstrating need for improvement.



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

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

6 (b) Serves only pupils with disabilities;

7 (c) Operates only as an alternative program for the education of pupils  
8 at risk of dropping out of high school ~~§~~, *including, without limitation, a*  
9 *program of distance education for pupils at risk of dropping out of high*  
10 *school provided pursuant to sections 25 to 33, inclusive, of this act;* or

11 (d) Is operated within a:

12 (1) Youth training center;

13 (2) Youth center;

14 (3) Juvenile forestry camp;

15 (4) Detention home;

16 (5) Youth camp;

17 (6) Juvenile correctional institution; or

18 (7) Correctional institution.

19 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding thereto the  
20 provisions set forth as sections 3 to 6, inclusive, of this act.

21 **Sec. 3.** *The provisions of NRS 386.500 to 386.610, inclusive, and*  
22 *sections 3 to 6, inclusive, of this act do not authorize an existing public*  
23 *school, private school, home school or other program of home study to*  
24 *convert to a charter school.*

25 **Sec. 4.** *1. A charter school shall not, except as otherwise*  
26 *authorized by subsection 5 of NRS 386.570, be supported by or otherwise*  
27 *affiliated with a corporation, business or other entity that operates for*  
28 *profit.*

29 *2. A charter school shall not operate for profit.*

30 *3. Neither a corporation, business or other entity that operates for*  
31 *profit, or any representative thereof, may operate or manage a charter*  
32 *school.*

33 *4. Neither a charter school nor the governing body of a charter*  
34 *school may enter into a contract or otherwise procure educational or*  
35 *administrative services for the charter school from a corporation,*  
36 *business or other entity that operates for profit, except for the*  
37 *procurement of equipment and supplies, clerical services and other*  
38 *services incidental to the educational services and programs provided by*  
39 *the charter school.*

40 **Sec. 5.** *1. Unless otherwise authorized by specific statute, it is*  
41 *unlawful for a member of the board of trustees of a school district or an*  
42 *employee of a school district to solicit or accept any gift or payment of*  
43 *money on his own behalf or on behalf of the school district or for any*  
44 *other purpose from a member of a committee to form a charter school,*  
45 *the governing body of a charter school, or any officer or employee of a*  
46 *charter school.*

47 *2. This section does not prohibit the payment of a salary or other*  
48 *compensation or income to a member of the board of trustees or an*



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1 *employee of a school district for services provided in accordance with a*  
2 *contract made pursuant to NRS 386.560.*

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

5 **Sec. 6.** *If a charter school provides instruction to pupils enrolled in*  
6 *a high school grade level and the charter school requires those pupils to*  
7 *satisfy requirements for graduation from high school that are less than*  
8 *the requirements imposed by the school district in which the charter*  
9 *school is located, the charter school shall not issue a high school diploma*  
10 *of the school district but may issue a high diploma which clearly*  
11 *indicates that that it is a diploma issued by a charter school. The*  
12 *provisions of this section do not authorize a charter school to impose*  
13 *requirements for graduation from high school that are less than the*  
14 *requirements of the applicable state statutes and regulations.*

15 **Sec. 7.** NRS 386.500 is hereby amended to read as follows:

16 386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and*  
17 *sections 3 to 6, inclusive, of this act*, a pupil is "at risk" if he has an  
18 economic or academic disadvantage such that he requires special services  
19 and assistance to enable him to succeed in educational programs. The term  
20 includes, without limitation, pupils who are members of economically  
21 disadvantaged families, pupils with limited proficiency in the English  
22 language, pupils who are at risk of dropping out of high school and pupils  
23 who do not meet minimum standards of academic proficiency. The term  
24 does not include a pupil with a disability.

25 **Sec. 8.** NRS 386.505 is hereby amended to read as follows:

26 386.505 The legislature declares that by authorizing the formation of  
27 charter schools it is not authorizing:

28 1. The ~~establishment of a charter school as a justification to keep~~  
29 ~~open~~ *conversion of* an existing public school ~~that would otherwise be~~  
30 ~~closed~~ *to a charter school.*

31 2. A means for providing financial assistance for private schools or  
32 programs of home study; or

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

35 **Sec. 9.** NRS 386.520 is hereby amended to read as follows:

36 386.520 1. A committee to form a charter school must consist of at  
37 least three teachers, as defined in ~~NRS 391.311, alone or in combination~~  
38 ~~with:~~

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

41 (a) *Members* of the general public;

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

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

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

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



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



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

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

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

19 4. *As used in subsection 1, "teacher" means a person who:*  
20 *(a) Holds a current license to teach issued pursuant to chapter 391 of*  
21 *NRS; and*

22 *(b) Has been employed as a teacher for at least 3 years.*  
23 *The term does not include a person who is employed as a substitute*  
24 *teacher.*

25 **Sec. 10.** NRS 386.525 is hereby amended to read as follows:

26 386.525 1. Upon approval of an application by the department, a  
27 committee to form a charter school may submit the application to the board  
28 of trustees of the school district in which the proposed charter school will  
29 be located. If the board of trustees of a school district receives an  
30 application to form a charter school, it shall consider the application at its  
31 next regularly scheduled meeting, but not later than 14 days after the  
32 receipt of the application, and ensure that notice of the meeting has been  
33 provided pursuant to chapter 241 of NRS. The board of trustees shall  
34 review the application to determine whether the application:

35 (a) Complies with NRS 386.500 to 386.610, inclusive, *and sections 3 to*  
36 *6, inclusive, of this act* and the regulations applicable to charter schools;  
37 and

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

39 2. *In addition to the considerations set forth in paragraphs (a) and*  
40 *(b) of subsection 1, the board of trustees of a school district that reviews*  
41 *an application to form a charter school may:*

42 *(a) In its review of the application pursuant to paragraph (k) of*  
43 *subsection 2 of NRS 386.520, consider the financial viability of the*  
44 *proposed charter school.*

45 *(b) In its determination whether to approve or deny an application,*  
46 *consider whether the proposed charter school will have an adverse*  
47 *financial effect on the school district.*

48 3. The department shall assist the board of trustees of a school district  
49 in the review of an application. ~~The~~ *Except as otherwise provided in*



1 *paragraph (b) of subsection 2, the* board of trustees shall approve an  
2 application if it satisfies the requirements of paragraphs (a) and (b) of  
3 subsection 1. The board of trustees shall provide written notice to the  
4 applicant of its approval or denial of the application.  
5 ~~13-1~~ 4. If the board of trustees denies an application, it shall include in  
6 the written notice the reasons for the denial and the deficiencies in the  
7 application. The applicant must be granted 30 days after receipt of the  
8 written notice to correct any deficiencies identified in the written notice  
9 and resubmit the application.  
10 ~~14-1~~ 5. If the board of trustees denies an application after it has been  
11 resubmitted pursuant to subsection ~~13-1~~ 4, the applicant may submit a  
12 written request to the subcommittee on charter schools created pursuant to  
13 NRS 386.507, not more than 30 days after receipt of the written notice of  
14 denial, to direct the board of trustees to reconsider the application. The  
15 subcommittee shall consider requests for reconsideration in the order in  
16 which they are received. If the subcommittee receives such a request, it  
17 shall consider the request at its next regularly scheduled meeting and  
18 ensure that notice of the meeting is posted in accordance with chapter 241  
19 of NRS. Not more than 30 days after the meeting, the subcommittee shall  
20 provide written notice of its determination to the applicant and to the board  
21 of trustees. If the subcommittee denies the request for reconsideration, the  
22 applicant may, not more than 30 days after the receipt of the written notice  
23 from the subcommittee, appeal the determination to the district court of the  
24 county in which the proposed charter school will be located.  
25 ~~15-1~~ 6. If the subcommittee on charter schools grants a request to  
26 direct reconsideration, the written notice to the board of trustees of the  
27 school district that denied the application must include, without limitation,  
28 instructions to the board of trustees concerning the reconsideration of the  
29 application. Not more than 30 days after receipt of the written notice from  
30 the subcommittee directing the reconsideration, the board of trustees shall  
31 reconsider the application in accordance with the instructions of the  
32 subcommittee, make a final determination on the application and provide  
33 written notice of the determination to the applicant. If, upon  
34 reconsideration of the application, the board of trustees denies the  
35 application, the applicant may, not more than 30 days after the receipt of  
36 the written notice from the board of trustees, appeal the final determination  
37 to the district court of the county in which the proposed charter school will  
38 be located.  
39 **Sec. 11.** NRS 386.527 is hereby amended to read as follows:  
40 386.527 1. Except as otherwise provided in subsection 3, if the board  
41 of trustees of a school district approves an application to form a charter  
42 school, it shall grant a written charter to the applicant. The board of  
43 trustees shall, not later than 10 days after the approval of the application,  
44 provide written notice to the department of the approval and the date of the  
45 approval. The board of trustees that approves the application shall be  
46 deemed the sponsor of the charter school. A written charter must be for a  
47 term of 6 years unless the governing body of a charter school renews its  
48 initial charter after 3 years of operation pursuant to subsection 2 of NRS  
49 386.530. A written charter must include all conditions of operation set



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1 forth in paragraphs (a) to (n), inclusive, of subsection 2 of NRS 386.520.  
2 As a condition of the issuance of a written charter pursuant to this  
3 subsection, the charter school must agree to comply with all conditions of  
4 operation set forth in NRS 386.550.

5 2. The governing body of a charter school may submit to the sponsor  
6 of the charter school a written request for an amendment of the written  
7 charter of the charter school. If the proposed amendment complies with the  
8 provisions of this section, NRS 386.500 to 386.610, inclusive, *and sections*  
9 *3 to 6, inclusive, of this act* and any other statute or regulation applicable  
10 to charter schools, the sponsor shall amend the written charter in  
11 accordance with the proposed amendment.

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

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

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

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

25 4. A conditional charter expires 1 year after its issuance and is  
26 nonrenewable. The holder of a conditional charter shall not operate a  
27 charter school and is not eligible to receive any public school money for  
28 the operation of a charter school. Before the expiration of a conditional  
29 charter, the holder of the conditional charter may submit a supplemental  
30 application and request the board of trustees that granted the conditional  
31 charter to determine whether the holder is eligible for the issuance of a  
32 charter pursuant to subsection 1. *The supplemental application must be*  
33 *submitted within a period which allows the board of trustees to ensure*  
34 *that the charter school complies with the requirements of this subsection.*  
35 *The board of trustees shall consider such a request as soon as is practicable.*  
36 *In its review of the request, the board of trustees shall determine whether*  
37 *the facility that the charter school will occupy has been inspected and*  
38 *meets the requirements of any applicable building codes, codes for the*  
39 *prevention of fire, and codes pertaining to safety, health and sanitation.*  
40 *Except as otherwise provided by this subsection, the board of trustees*  
41 *shall make such a determination 30 days before the first day of school for*  
42 *the:*

43 (a) *Schools of the school district that operate on a traditional school*  
44 *schedule and not a year-round school schedule; or*

45 (b) *Charter school,*  
46 *whichever date the board of trustees selects. The board of trustees shall*  
47 *not require a charter school to demonstrate compliance with the*  
48 *requirements of this subsection more than 30 days before the date*





1 *selected, however, it may authorize a charter school to demonstrate*  
2 *compliance less than 30 days before the date selected.*

3 **Sec. 12.** NRS 386.549 is hereby amended to read as follows:

4 386.549 1. The governing body of a charter school ~~shall~~ *must*  
5 consist of at least three teachers, as defined in ~~NRS 391.311,~~ *subsection*  
6 *5*, and may consist of, without limitation, parents and representatives of  
7 nonprofit organizations and businesses. *A majority of the members of the*  
8 *governing body must reside in this state. If the membership of the*  
9 *governing body changes, the governing body must provide written notice*  
10 *to the sponsor of the charter school within 10 working days after such*  
11 *change.*

12 2. *Each person who desires to serve on the governing body of a*  
13 *charter school shall submit to the superintendent of public instruction a*  
14 *complete set of his fingerprints and written permission authorizing the*  
15 *superintendent to forward the fingerprints to the Federal Bureau of*  
16 *Investigation and to the central repository for Nevada records of criminal*  
17 *history for their reports on the criminal history of the proposed member.*  
18 *A person may serve on the governing body only if the reports on the*  
19 *criminal history from the Federal Bureau of Investigation and the*  
20 *central repository for Nevada records of criminal history:*

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

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

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

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

35 5. *As used in this section, "teacher" means a person who:*

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

38 *(b) Has been employed as a teacher for at least 3 years.*

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

41 **Sec. 13.** NRS 386.550 is hereby amended to read as follows:

42 386.550 1. A charter school shall:

43 ~~1-1~~ *(a) Comply with all laws and regulations relating to discrimination*  
44 *and civil rights.*

45 ~~1-2~~ *(b) Remain nonsectarian, including, without limitation, in its*  
46 *educational programs, policies for admission and employment practices.*

47 ~~1-3~~ *(c) Refrain from charging tuition or fees, levying taxes or issuing*  
48 *bonds.*





- 1 ~~{4-}~~ (d) Comply with any plan for desegregation ordered by a court that  
2 is in effect in the school district in which the charter school is located.
- 3 ~~{5-}~~ (e) Comply with the provisions of chapter 241 of NRS.
- 4 ~~{6-}~~ (f) Except as otherwise provided in this ~~{subsection-}~~ paragraph,  
5 schedule and provide annually at least as many days of instruction as are  
6 required of other public schools located in the same school district as the  
7 charter school is located. The governing body of a charter school may  
8 submit a written request to the superintendent of public instruction for a  
9 waiver from providing the days of instruction required by this ~~{subsection-}~~  
10 paragraph. The superintendent of public instruction may grant such a  
11 request if the governing body demonstrates to the satisfaction of the  
12 superintendent that:
- 13 ~~{a-}~~ (1) Extenuating circumstances exist to justify the waiver; and
- 14 ~~{b-}~~ (2) The charter school will provide at least as many hours or  
15 minutes of instruction as would be provided under a program consisting of  
16 180 days.
- 17 ~~{7-}~~ (g) Cooperate with the board of trustees of the school district in the  
18 administration of the achievement and proficiency examinations  
19 administered pursuant to NRS 389.015 and the examinations required  
20 pursuant to NRS 389.550 to the pupils who are enrolled in the charter  
21 school.
- 22 ~~{8-}~~ (h) Comply with applicable statutes and regulations governing the  
23 achievement and proficiency of pupils in this state.
- 24 ~~{9-}~~ (i) Provide instruction in the core academic subjects set forth in  
25 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils  
26 who are enrolled in the charter school, and provide at least the courses of  
27 instruction that are required of pupils by statute or regulation for promotion  
28 to the next grade or graduation from a public high school and require the  
29 pupils who are enrolled in the charter school to take those courses of study.  
30 This ~~{subsection-}~~ paragraph does not preclude a charter school from  
31 offering, or requiring the pupils who are enrolled in the charter school to  
32 take, other courses of study that are required by statute or regulation.
- 33 ~~{10-}~~ (j) Refrain from using public money to purchase real property or  
34 buildings without the approval of the sponsor.
- 35 ~~{11-}~~ (k) Hold harmless, indemnify and defend the sponsor of the  
36 charter school against any claim or liability arising from an act or omission  
37 by the governing body of the charter school or an employee or officer of  
38 the charter school. An action at law may not be maintained against the  
39 sponsor of a charter school for any cause of action for which the charter  
40 school has obtained liability insurance.
- 41 ~~{12-}~~ (l) Provide written notice to the parents or legal guardians of  
42 pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of  
43 whether the charter school is accredited by the Commission on Schools of  
44 the Northwest Association of Schools and Colleges.
- 45 ~~{13-}~~ (m) Adopt a final budget in accordance with the regulations  
46 adopted by the department. A charter school is not required to adopt a final  
47 budget pursuant to NRS 354.598 or otherwise comply with the provisions  
48 of chapter 354 of NRS.



1     (n) *If the charter school provides a program of distance education*  
2     *pursuant to sections 25 to 33, inclusive, of this act, comply with all*  
3     *statutes and regulations that are applicable to a program of distance*  
4     *education for purposes of the operation of the program.*

5     2. *A charter school shall not provide instruction, including, without*  
6     *limitation, instruction provided through a program of distance education,*  
7     *to children who are exempt from compulsory attendance and receiving*  
8     *equivalent instruction authorized by the state board pursuant to*  
9     *subsection 1 of NRS 392.070. As used in this subsection, "distance*  
10    *education" has the meaning ascribed to it in section 26 of this act.*

11    **Sec. 14.** NRS 386.560 is hereby amended to read as follows:

12    386.560 1. The governing body of a charter school may contract with  
13    the board of trustees of the school district in which the charter school is  
14    located or the University and Community College System of Nevada for  
15    the provision of facilities to operate the charter school or to perform any  
16    service relating to the operation of the charter school, including, without  
17    limitation, transportation and the provision of health services for the pupils  
18    who are enrolled in the charter school.

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

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

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

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

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

39    If the board of trustees of a school district authorizes a pupil to participate  
40    in a class or extracurricular activity, excluding sports, pursuant to this  
41    subsection, the board of trustees is not required to provide transportation  
42    for the pupil to attend the class or activity. *The provisions of this*  
43    *subsection do not apply to a pupil who is enrolled in a charter school and*  
44    *who desires to participate on a part-time basis in a program of distance*  
45    *education provided by the board of trustees of a school district pursuant*  
46    *to section 31 of this act.*

47    5. Upon the request of a parent or legal guardian of a pupil who is  
48    enrolled in a charter school, the board of trustees of the school district in  
49    which the charter school is located shall authorize the pupil to participate in



1 sports at the public school that he would otherwise be required to attend  
2 within the school district, or upon approval of the board of trustees, any  
3 public school within the same zone of attendance as the charter school if:

- 4 (a) Space is available for the pupil to participate; and  
5 (b) The parent or legal guardian demonstrates to the satisfaction of the  
6 board of trustees that the pupil is qualified to participate.

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

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

19 **Sec. 15.** NRS 386.570 is hereby amended to read as follows:

20 386.570 1. Each pupil who is enrolled in a charter school, including,  
21 without limitation, a pupil who is enrolled in a program of special  
22 education in a charter school, must be included in the count of pupils in the  
23 school district for the purposes of apportionments and allowances from the  
24 state distributive school account pursuant to NRS 387.121 to 387.126,  
25 inclusive, unless the pupil is exempt from compulsory attendance pursuant  
26 to NRS 392.070. A charter school is entitled to receive its proportionate  
27 share of any other money available from federal, state or local sources that  
28 the school or the pupils who are enrolled in the school are eligible to  
29 receive.

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

33 3. *The sponsor of a charter school may request reimbursement from*  
34 *the governing body of the charter school for the administrative costs*  
35 *associated with sponsorship during 1 school year. Upon receipt of such a*  
36 *request, the governing body shall pay the reimbursement to the sponsor*  
37 *of the charter school. If a governing body fails to pay the reimbursement,*  
38 *the charter school shall be deemed to have violated its written charter*  
39 *and the sponsor may take such action to revoke the written charter*  
40 *pursuant to NRS 386.535 as it deems necessary. The amount of*  
41 *reimbursement that a charter school may be required to pay pursuant to*  
42 *this subsection must not exceed:*

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

46 (b) *For any year after the first year of operation of the charter school,*  
47 *1 percent of the total amount of money apportioned to the charter school*  
48 *during the year pursuant to NRS 387.124.*



1     4. To determine the amount of money for distribution to a charter  
2 school in its first year of operation, the count of pupils who are enrolled in  
3 the charter school must initially be determined 30 days before the  
4 beginning of the school year of the school district, based on the number of  
5 pupils whose applications for enrollment have been approved by the  
6 charter school. The count of pupils who are enrolled in the charter school  
7 must be revised on the last day of the first school month of the school  
8 district in which the charter school is located for the school year, based on  
9 the actual number of pupils who are enrolled in the charter school.  
10 Pursuant to subsection ~~124~~ 4 of NRS 387.124, the governing body of a  
11 charter school may request that the apportionments made to the charter  
12 school in its first year of operation be paid to the charter school 30 days  
13 before the apportionments are otherwise required to be made.

14     ~~144~~ 5. The governing body of a charter school may solicit and accept  
15 donations, money, grants, property, loans, personal services or other  
16 assistance for purposes relating to education from members of the general  
17 public, corporations or agencies. The governing body may comply with  
18 applicable federal laws and regulations governing the provision of federal  
19 grants for charter schools.

20     ~~154~~ 6. If a charter school uses money received from this state to  
21 purchase real property, buildings, equipment or facilities, the governing  
22 body of the charter school shall assign a security interest in the property,  
23 buildings, equipment and facilities to the State of Nevada.

24     **Sec. 16.** NRS 386.590 is hereby amended to read as follows:

25     386.590 1. Except as otherwise provided in this subsection, at least  
26 70 percent of the teachers who provide instruction at a charter school must  
27 be licensed teachers. If a charter school is a vocational school, the charter  
28 school shall, to the extent practicable, ensure that at least 70 percent of the  
29 teachers who provide instruction at the school are licensed teachers, but in  
30 no event may more than 50 percent of the teachers who provide instruction  
31 at the school be unlicensed teachers.

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

33     (a) If the charter school offers instruction in kindergarten or grade 1, 2,  
34 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those  
35 grades.

36     (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or  
37 12, a licensed teacher to teach pupils who are enrolled in those grades for  
38 the following courses of study:

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

40         (2) Mathematics;

41         (3) Science; and

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

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

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



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

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

8 *It is unlawful for the governing body of a charter school to employ any*  
9 *teacher pursuant to this subsection who is not legally qualified to teach*  
10 *all the grades that the teacher is engaged to teach.*

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

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

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

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

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

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

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

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

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

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

34 **Sec. 17.** NRS 386.595 is hereby amended to read as follows:

35 386.595 1. Except as otherwise provided in this subsection and  
36 subsections 2, 3 and ~~3.1~~ 4, the provisions of the collective bargaining  
37 agreement entered into by the board of trustees of the school district in  
38 which the charter school is located apply to the terms and conditions of  
39 employment of employees of the charter school. ~~If a written charter is~~  
40 ~~renewed, the employees of the charter school may, at the time of renewal,~~  
41 ~~apply for recognition as a bargaining unit pursuant to NRS 288.160.] An~~  
42 *employee of a charter school is not a member of the same bargaining*  
43 *unit as an employee of the school district and is not entitled to*  
44 *representation by the employee organization that is a party to the*  
45 *collective bargaining agreement of the school district. However, during*  
46 *the time that the collective bargaining agreement of the school district*  
47 *remains applicable to the employees of the charter school, the employee*  
48 *organization that is a party to the agreement may, but is not required to,*



1 *represent an employee of the charter school in a grievance proceeding or*  
2 *other dispute arising out of the agreement.*

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

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

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

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

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

11 (e) Number of hours and days that a teacher may work in  
12 1 year.

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

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

22 4. *The collective bargaining agreement of a school district in which a*  
23 *charter school is located ceases to apply to the employees in any*  
24 *bargaining unit recognized by the governing body of the charter school*  
25 *pursuant to chapter 288 of NRS if, pursuant to that chapter, an employee*  
26 *organization is recognized as the exclusive bargaining agent for those*  
27 *employees and a new collective bargaining agreement is entered into*  
28 *between the governing body and the employee organization. The*  
29 *employee organization that is a party to the collective bargaining*  
30 *agreement of the school district may seek recognition on the same basis*  
31 *as any other employee organization.*

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

34 ~~5.1~~ 6. The governing body of a charter school may make all  
35 employment decisions with regard to its employees pursuant to NRS  
36 391.311 to 391.3197, inclusive, unless the applicable collective bargaining  
37 agreement contains separate provisions relating to the discipline of licensed  
38 employees of a school.

39 ~~6.1~~ 7. If the written charter of a charter school is revoked, the  
40 employees of the charter school must be reassigned to employment within  
41 the school district in accordance with the *applicable* collective bargaining  
42 agreement.

43 ~~7.1~~ *A school district is not required to reassign an employee of a*  
44 *charter school pursuant to this subsection if the employee:*

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

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



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

19       ~~18.1~~ 9. An employee who is on a leave of absence from a school  
20 district pursuant to this section shall contribute to and be eligible for all  
21 benefits for which he would otherwise be entitled, including, without  
22 limitation, participation in the public employees' retirement system and  
23 accrual of time for the purposes of leave and retirement. The time during  
24 which such an employee is on leave of absence and employed in a charter  
25 school does not count toward the acquisition of permanent status with the  
26 school district.

27       ~~19.1~~ 10. Upon the return of a teacher to employment in the school  
28 district, he is entitled to the same level of retirement, salary and any other  
29 benefits to which he would otherwise be entitled if he had not taken a leave  
30 of absence to teach in a charter school.

31       ~~110.1~~ 11. An employee of a charter school who is not on a leave of  
32 absence from a school district is eligible for all benefits for which he would  
33 be eligible for employment in a public school, including, without  
34 limitation, participation in the public employees' retirement system.

35       ~~111.1~~ 12. For all employees of a charter school:

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

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

44       ~~112.1~~ 13. If the board of trustees of a school district in which a charter  
45 school is located manages a plan of group insurance for its employees, the  
46 governing body of the charter school may negotiate with the board of  
47 trustees to participate in the same plan of group insurance that the board of  
48 trustees offers to its employees. If the employees of the charter school





1 participate in the plan of group insurance managed by the board of trustees,  
2 the governing body of the charter school shall:

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

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

8 **Sec. 18.** NRS 386.600 is hereby amended to read as follows:

9 386.600 1. On or before November 15 of each year, the governing  
10 body of each charter school shall submit to the sponsor of the charter  
11 school, the superintendent of public instruction, *the governor* and the  
12 director of the legislative counsel bureau for transmission to the majority  
13 leader of the senate and the speaker of the assembly a report that includes:

14 (a) A written description of the progress of the charter school in  
15 achieving the mission and goals of the charter school set forth in its  
16 application.

17 (b) For each licensed employee and nonlicensed teacher employed by  
18 the charter school on October 1 of that year:

19 (1) The amount of salary of the employee; and

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

22 (c) For each fund maintained by the charter school, including, without  
23 limitation, the general fund of the charter school and any special revenue  
24 fund which receives state money, the total number and salaries of licensed  
25 and nonlicensed persons whose salaries are paid from the fund and who are  
26 employed by the governing body in full-time positions or in part-time  
27 positions added together to represent full-time positions. Information must  
28 be provided for the current school year based upon the final budget of the  
29 charter school, including any amendments and augmentations thereto, and  
30 for the preceding school year. An employee must be categorized as filling  
31 an instructional, administrative, instructional support or other position.

32 (d) The count of pupils who are enrolled in a charter school in:

33 (1) Kindergarten;

34 (2) Grades 1 to 12, inclusive; and

35 (3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

36 (e) The actual expenditures of the charter school in the fiscal year  
37 immediately preceding the report.

38 (f) The proposed expenditures of the charter school for the current fiscal  
39 year.

40 (g) The salary schedule for licensed employees and nonlicensed  
41 teachers in the current school year and a statement of whether salary  
42 negotiations for the current school year have been completed. If salary  
43 negotiations have not been completed at the time the salary schedule is  
44 submitted, the governing body shall submit a supplemental report to the  
45 superintendent of public instruction upon completion of negotiations.

46 (h) The number of employees eligible for health insurance within the  
47 charter school for the current and preceding fiscal years and the amount  
48 paid for health insurance for each such employee during those years.



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1 (i) The rates for fringe benefits, excluding health insurance, paid by the  
2 charter school for its licensed employees in the preceding and current fiscal  
3 years.

4 (j) The amount paid for extra duties, supervision of extracurricular  
5 activities and supplemental pay, and the number of employees receiving  
6 that pay in the preceding and current fiscal years.

7 2. On or before November 25 of each year, the superintendent of  
8 public instruction shall submit to the ~~governor, the~~ department of  
9 administration and the fiscal analysis division of the legislative counsel  
10 bureau, in a format approved by the director of the department of  
11 administration, a compilation of the reports made by each governing body  
12 pursuant to subsection 1.

13 3. The superintendent of public instruction shall, in the compilation  
14 required by subsection 2, reconcile the revenues and expenditures of the  
15 charter schools with the apportionment received by those schools from the  
16 state distributive school account for the preceding year.

17 **Sec. 19.** NRS 387.123 is hereby amended to read as follows:

18 387.123 1. The count of pupils for apportionment purposes includes  
19 all pupils who are enrolled in programs of instruction of the school district ,  
20 *including, without limitation, a program of distance education provided*  
21 *by the school district*, or pupils who reside in the county in which the  
22 school district is located and are enrolled in any charter school , *including,*  
23 *without limitation, a program of distance education provided by a charter*  
24 *school* for:

25 (a) Pupils in the kindergarten department.

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

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

30 (d) *Pupils who reside in the county and are enrolled part time in a*  
31 *program of distance education if an agreement is filed with the*  
32 *superintendent of public instruction pursuant to section 30 or 31 of this*  
33 *act, as applicable.*

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

37 ~~(e)-(f)~~ (f) Pupils who are enrolled in classes pursuant to subsection 4 of  
38 NRS 386.560.

39 ~~(e)-(g)~~ (g) Pupils who are enrolled in classes pursuant to subsection 3 of  
40 NRS 392.070.

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

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

47 (a) Shall divide the school year into 10 school months, each containing  
48 20 or fewer school days.



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

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

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

11 (a) The maintenance of an acceptable standard of instruction;

12 (b) The conditions prevailing in the school district with respect to the  
13 number and distribution of pupils in each grade; and

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

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

25 4. ~~1A~~ *The provisions of subsection 3 do not apply to a charter school*  
26 ~~*is not required to comply with the pupil teacher ratio prescribed by the*~~  
27 ~~*state board pursuant to subsection 3-1 or a program of distance education*~~  
28 *provided pursuant to sections 25 to 33, inclusive, of this act.*

29 **Sec. 20.** NRS 387.1233 is hereby amended to read as follows:

30 387.1233 1. Except as otherwise provided in subsection 2, basic  
31 support of each school district must be computed by:

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

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

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

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

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



- 1       (I) *In a public school of the school district and are concurrently*  
2 *enrolled part time in a program of distance education provided by*  
3 *another school district or a charter school if an agreement is filed with*  
4 *the superintendent of public instruction pursuant to section 30 of this act*  
5 *on the last day of the first school month of the school district for the*  
6 *school year, expressed as a percentage of the total time services are*  
7 *provided to those pupils per school day in proportion to the total time*  
8 *services are provided during a school day to pupils who are counted*  
9 *pursuant to subparagraph (2).*
- 10       (II) *In a charter school and are concurrently enrolled part time*  
11 *in a program of distance education provided by a school district or*  
12 *another charter school if an agreement is filed with the superintendent of*  
13 *public instruction pursuant to section 31 of this act on the last day of the*  
14 *first school month of the school district for the school year, expressed as*  
15 *a percentage of the total time services are provided to those pupils per*  
16 *school day in proportion to the total time services are provided during a*  
17 *school day to pupils who are counted pursuant to subparagraph (2).*
- 18       (5) The count of pupils not included under subparagraph (1) , ~~for~~ (2)  
19 , (3) or (4) who are receiving special education pursuant to the provisions  
20 of NRS 388.440 to 388.520, inclusive, on the last day of the first school  
21 month of the school district for the school year, excluding the count of  
22 pupils who have not attained the age of 5 years and who are receiving  
23 special education pursuant to subsection 1 of NRS 388.490 on that day.
- 24       ~~(4)~~ (6) Six-tenths the count of pupils who have not attained the age  
25 of 5 years and who are receiving special education pursuant to subsection 1  
26 of NRS 388.490 on the last day of the first school month of the school  
27 district for the school year.
- 28       ~~(5)~~ (7) The count of children detained in detention homes,  
29 alternative programs and juvenile forestry camps receiving instruction  
30 pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the  
31 last day of the first school month of the school district for the school year.
- 32       ~~(6)~~ (8) The count of pupils who are enrolled in classes for at least  
33 one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of  
34 NRS 392.070, expressed as a percentage of the total time services are  
35 provided to those pupils per school day in proportion to the total time  
36 services are provided during a school day to pupils who are counted  
37 pursuant to subparagraph (2).
- 38       (b) Multiplying the number of special education program units  
39 maintained and operated by the amount per program established for that  
40 school year.
- 41       (c) Adding the amounts computed in paragraphs (a) and (b).
- 42       2. If the enrollment of pupils in a school district or a charter school  
43 that is located within the school district on the last day of the first school  
44 month of the school district for the school year is less than the enrollment  
45 of pupils in the same school district or charter school on the last day of the  
46 first school month of the school district for the immediately preceding  
47 school year, the larger number must be used for purposes of apportioning  
48 money from the state distributive school account to that school district or  
49 charter school pursuant to NRS 387.124.



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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 of education.

5. Part-time 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. The average daily attendance for such pupils must be reported to the department.

**Sec. 21.** 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 but 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. *If a school district provides a program of distance education:*

*(a) No apportionment may be made to the school district for pupils who reside in another county and are enrolled full time in the program of distance education unless an agreement is filed pursuant to section 30 of this act; and*

*(b) The apportionment to the school district pursuant to this subsection for all pupils who are enrolled full time in the program of distance education must be reduced by the amount of money, as determined by the department, that would have otherwise been allocated for the transportation of each pupil enrolled in the program of distance education.*

2. 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 a charter school provides a program of distance education, the apportionment to the charter school*



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1 *pursuant to this subsection for pupils who are enrolled full time in the*  
2 *program of distance education must be reduced by the amount of money,*  
3 *as determined by the department, that would have otherwise been*  
4 *allocated for the transportation of each pupil enrolled in the program of*  
5 *distance education.* If the apportionment per pupil to a charter school is  
6 more than the amount to be apportioned to the school district in which a  
7 pupil who is enrolled in the charter school resides, the school district in  
8 which the pupil resides shall pay the difference directly to the charter  
9 school.

10 ~~12-1~~ 3. *In addition to the apportionments made pursuant to this*  
11 *section, an apportionment must be made to a school district or charter*  
12 *school that provides a program of distance education for each pupil who*  
13 *is enrolled part time in the program if an agreement is filed for that pupil*  
14 *pursuant to section 30 or 31 of this act, as applicable. The amount of the*  
15 *apportionment must be equal to the percentage of the total time services*  
16 *are provided to the pupil through the program of distance education per*  
17 *school day in proportion to the total time services are provided during a*  
18 *school day to pupils who are counted pursuant to subparagraph (2) of*  
19 *paragraph (a) of subsection 1 of NRS 387.1233 for the school district in*  
20 *which the pupil resides.*

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

29 ~~13-1~~ 5. If the state controller finds that such an action is needed to  
30 maintain the balance in the state general fund at a level sufficient to pay the  
31 other appropriations from it, he may pay out the apportionments monthly,  
32 each approximately one-twelfth of the yearly apportionment less any  
33 amount set aside as a reserve. If such action is needed, the state controller  
34 shall submit a report to the department of administration and the fiscal  
35 analysis division of the legislative counsel bureau documenting reasons for  
36 the action.

37 **Sec. 22.** NRS 387.1243 is hereby amended to read as follows:

38 387.1243 1. The first apportionment based on an estimated number  
39 of pupils and special education program units and succeeding  
40 apportionments are subject to adjustment from time to time as the need  
41 therefor may appear.

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



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1 (a) The leasehold interest, possessory interest, beneficial interest or  
2 beneficial use of the property is subject to taxation pursuant to NRS  
3 361.157 and 361.159 and one or more lessees or users of the property are  
4 delinquent in paying the tax; and

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

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

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

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

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

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

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



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1     **Sec. 23.** NRS 387.185 is hereby amended to read as follows:

2     387.185 1. Except as otherwise provided in subsection 2 and NRS  
3     387.528, all school money due each county school district must be paid  
4     over by the state treasurer to the county treasurer on August 1, November  
5     1, February 1 and May 1 of each year or as soon thereafter as the county  
6     treasurer may apply for it, upon the warrant of the state controller drawn in  
7     conformity with the apportionment of the superintendent of public  
8     instruction as provided in NRS 387.124.

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

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

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

32    **Sec. 24.** Chapter 388 of NRS is hereby amended by adding thereto the  
33    provisions set forth as sections 25 to 33, inclusive, of this act.

34    **Sec. 25.** *As used in sections 25 to 33, inclusive, of this act, unless the*  
35    *context otherwise requires, the words and terms defined in sections 26*  
36    *and 27 of this act have the meanings ascribed to them in those sections.*

37    **Sec. 26.** *“Distance education” means instruction which is delivered*  
38    *by means of video, computer, television, correspondence or the Internet*  
39    *or other electronic means of communication, or any combination*  
40    *thereof, in such a manner that the person supervising or providing the*  
41    *instruction and the pupil receiving the instruction are separated*  
42    *geographically for a majority of the time during which the instruction is*  
43    *delivered.*

44    **Sec. 27.** *“Program of distance education” means a program which*  
45    *uses distance education as its primary mechanism for delivery and is*  
46    *comprised of one or more courses of study that is designed for pupils*  
47    *who:*

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



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

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

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

7     5. *Would otherwise be excused from compulsory attendance*  
8 *pursuant to NRS 392.080.*

9     6. *Are otherwise prohibited from attending public school pursuant to*  
10 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*  
11 *392.4675.*

12     **Sec. 28.** *1. The board of trustees of a school district or the*  
13 *governing body of a charter school may submit an application to the*  
14 *department to provide a program of distance education.*

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

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

18     (b) *Proof satisfactory to the department that the program satisfies all*  
19 *applicable statutes and regulations.*

20     3. *The department may approve an application submitted pursuant to*  
21 *this section if the application satisfies the requirements of sections 25 to*  
22 *33, inclusive, of this act and all other applicable statutes and regulations.*  
23 *The department shall not unreasonably withhold its approval of an*  
24 *application.*

25     **Sec. 29.** *1. A pupil may enroll in a program of distance education*  
26 *if he:*

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

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

31     (c) *Is enrolled in a public school that does not offer certain advanced*  
32 *courses which the pupil desires to attend;*

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

35     (e) *Would otherwise be excused from compulsory attendance pursuant*  
36 *to NRS 392.080; or*

37     (f) *Is otherwise prohibited from attending public school pursuant to*  
38 *NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or*  
39 *392.4675.*

40     2. *In addition to the eligibility for enrollment set forth in subsection*  
41 *1, a pupil must satisfy the qualifications and conditions for enrollment in*  
42 *a program of distance education adopted by the state board pursuant to*  
43 *section 33 of this act.*

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



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

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

11    **Sec. 30.** 1. Except as otherwise provided in this subsection, before  
12 a pupil may enroll full time or part time in a program of distance  
13 education that is provided by a school district other than the school  
14 district in which the pupil resides, the pupil must obtain the written  
15 permission of the board of trustees of the school district in which the  
16 pupil resides. Before a pupil who is enrolled in a public school of a  
17 school district may enroll part time in a program of distance education  
18 that is provided by a charter school, the pupil must obtain the written  
19 permission of the board of trustees of the school district in which the  
20 pupil resides. A pupil who enrolls full time in a program of distance  
21 education that is provided by a charter school is not required to obtain  
22 the approval of the board of trustees of the school district in which the  
23 pupil resides.

24     2. If the board of trustees of a school district grants permission  
25 pursuant to subsection 1, the board of trustees shall enter into a written  
26 agreement with the board of trustees or governing body, as applicable,  
27 that provides the program of distance education. A separate agreement  
28 must be prepared for each year that a pupil enrolls in a program of  
29 distance education. The written agreement must:

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

36     (b) If the pupil plans to enroll part time in the program of distance  
37 education, contain a statement prepared by the board of trustees of the  
38 school district in which the pupil resides and the board of trustees or  
39 governing body that provides the program of distance education setting  
40 forth the percentage of the total time services will be provided to the pupil  
41 through the program of distance education per school day in proportion  
42 to the total time services are provided during a school day to pupils who  
43 are counted pursuant to subparagraph (2) of paragraph (a) of subsection  
44 1 of NRS 387.1233 for the school district in which the pupil resides;

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

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



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1     3. On or before September 1 of each year, a written agreement must  
2 be filed with the superintendent of public instruction for each pupil who  
3 is enrolled full time or part time in a program of distance education  
4 provided by a school district other than the school district in which the  
5 pupil resides. On or before September 1 of each year, a written  
6 agreement must be filed with the superintendent of public instruction for  
7 each pupil who is enrolled in a public school of the school district and  
8 who is enrolled part time in a program of distance education provided by  
9 a charter school. If an agreement is not filed for a pupil who is enrolled  
10 in a program of distance education as required by this section, the  
11 superintendent of public instruction shall not apportion money for that  
12 pupil to the board of trustees of the school district in which the pupil  
13 resides, or the board of trustees or governing body that provides the  
14 program of distance education.

15     **Sec. 31.** 1. If a pupil is enrolled in a charter school, he may enroll  
16 full time in a program of distance education only if the charter school in  
17 which he is enrolled provides the program of distance education.

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

23     3. If the governing body of a charter school grants permission  
24 pursuant to subsection 2, the governing body shall enter into a written  
25 agreement with the board of trustees or governing body, as applicable,  
26 that provides the program of distance education. A separate agreement  
27 must be prepared for each year that a pupil enrolls in a program of  
28 distance education. The written agreement must:

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

35     (b) Contain a statement prepared by the governing body of the charter  
36 school in which the pupil is enrolled and the board of trustees or  
37 governing body that provides the program of distance education setting  
38 forth the percentage of the total time services will be provided to the pupil  
39 through the program of distance education per school day in proportion  
40 to the total time services are provided during a school day to pupils who  
41 are counted pursuant to subparagraph (2) of paragraph (a) of subsection  
42 1 of NRS 387.1233 for the school district in which the pupil resides;

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

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

48     4. On or before September 1 of each year, a written agreement must  
49 be filed with the superintendent of public instruction for each pupil who



- 1 *is enrolled in a charter school and who is enrolled part time in a program*  
2 *of distance education provided by a school district or another charter*  
3 *school. If an agreement is not filed for such a pupil, the superintendent*  
4 *of public instruction shall not apportion money for that pupil to the*  
5 *governing body of the charter school in which the pupil is enrolled, or*  
6 *the board of trustees or governing body that provides the program of*  
7 *distance education.*
- 8 **Sec. 32.** 1. *If a pupil is enrolled full time in a program of distance*  
9 *education provided by the board of trustees of a school district, the board*  
10 *of trustees of the school district that provides the program shall declare*  
11 *for each such pupil the public school within that school district to which*  
12 *the pupil is affiliated. The board of trustees may declare that all the*  
13 *pupils enrolled in the program of distance education are affiliated with*  
14 *one public school within the school district, or it may declare individual*  
15 *public schools for the pupils enrolled in the program. Upon the declared*  
16 *affiliation, the pupil shall be deemed enrolled in that public school for*  
17 *purposes of all the applicable requirements, statutes, regulations, rules*  
18 *and policies of that public school and school district, including, without*  
19 *limitation:*
- 20 (a) *Graduation requirements;*  
21 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
22 *385.391, inclusive;*  
23 (c) *Provisions governing the attendance and truancy of pupils, as set*  
24 *forth in NRS 392.040 to 392.220, inclusive; and*  
25 (d) *Discipline of pupils.*
- 26 2. *A pupil who is enrolled full time in a program of distance*  
27 *education provided by a charter school shall be deemed enrolled in the*  
28 *charter school. All the applicable requirements, including, without*  
29 *limitation, statutes, regulations, rules and policies of that charter school*  
30 *apply to such a pupil, including, without limitation:*
- 31 (a) *Graduation requirements;*  
32 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
33 *385.391, inclusive;*  
34 (c) *Provisions governing the attendance and truancy of pupils, as set*  
35 *forth in NRS 392.040 to 392.220, inclusive; and*  
36 (d) *Discipline of pupils.*
- 37 3. *If a pupil is enrolled part time in a program of distance education,*  
38 *all the applicable requirements, statutes, regulations, rules and policies*  
39 *of the public school of the school district in which the pupil is otherwise*  
40 *enrolled or the charter school in which the pupil is otherwise enrolled*  
41 *apply to such a pupil, including, without limitation:*
- 42 (a) *Graduation requirements;*  
43 (b) *Accountability of public schools, as set forth in NRS 385.3455 to*  
44 *385.391, inclusive;*  
45 (c) *Provisions governing the attendance and truancy of pupils, as set*  
46 *forth in NRS 392.040 to 392.220, inclusive; and*  
47 (d) *Discipline of pupils.*



1 **Sec. 33. 1. The state board shall adopt regulations that prescribe:**

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

6 *(b) The qualifications and conditions for enrollment that a pupil must*  
7 *satisfy to enroll in a program of distance education, consistent with*  
8 *section 29 of this act;*

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

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

16 *(e) A written description of the process pursuant to which the*  
17 *department may revoke its approval for the operation of a program of*  
18 *distance education.*

19 **2. The state board may adopt regulations as it determines are**  
20 **necessary to carry out the provisions of sections 25 to 33, inclusive, of**  
21 **this act.**

22 **Sec. 34. NRS 388.090 is hereby amended to read as follows:**

23 388.090 1. Except as otherwise permitted pursuant to this section,  
24 boards of trustees of school districts shall schedule and provide a minimum  
25 of 180 days of free school in the districts under their charge.

26 2. The superintendent of public instruction may, upon application by a  
27 board of trustees, authorize a reduction of not more than 15 school days in  
28 a particular district to establish or maintain a 12-month school program or a  
29 program involving alternative scheduling, if the board of trustees  
30 demonstrates that the proposed schedule for the program provides for a  
31 greater number of minutes of instruction than would be provided under a  
32 program consisting of 180 school days. Before authorizing a reduction in  
33 the number of required school days pursuant to this subsection, the  
34 superintendent of public instruction must find that the proposed schedule  
35 will be used to alleviate problems associated with a growth in enrollment  
36 or overcrowding, or to establish and maintain a program of alternative  
37 schooling ~~H~~ *, including, without limitation, a program of distance*  
38 *education provided by the board of trustees pursuant to sections 25 to 33,*  
39 *inclusive, of this act.*

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

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



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

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

12 **Sec. 35.** NRS 388.537 is hereby amended to read as follows:

13 388.537 1. The board of trustees of a school district may, subject to  
14 the approval of the state board, operate an alternative program for the  
15 education of pupils at risk of dropping out of high school, including pupils  
16 who:

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

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

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

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

25 2. An alternative program may include:

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

28 (b) An opportunity for pupils to attend classes of instruction during any  
29 part of the calendar year.

30 (c) A comprehensive curriculum that includes elective classes of  
31 instruction and occupational education.

32 (d) An opportunity for pupils to obtain academic credit through  
33 experience gained at work or while engaged in other activities.

34 (e) An opportunity for pupils to satisfy either:

35 (1) The requirements for a regular high school diploma; or

36 (2) The requirements for a high school diploma for adults.

37 (f) The provision of child care for the children of pupils.

38 (g) The transportation of pupils to and from classes of instruction.

39 (h) The temporary placement of pupils for independent study, if there  
40 are extenuating circumstances which prevent those pupils from attending  
41 the alternative program on a daily basis.

42 *3. The board of trustees of a school district may operate an*  
43 *alternative program pursuant to this section through a program of*  
44 *distance education pursuant to sections 25 to 33, inclusive, of this act.*

45 **Sec. 36.** NRS 388.700 is hereby amended to read as follows:

46 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,  
47 after the last day of the first month of the school year, the ratio in each  
48 school district of pupils per class in kindergarten and grades 1, 2 and 3 per  
49 licensed teacher designated to teach those classes full time must not exceed





1 15 to 1 in classes where core curriculum is taught. In determining this ratio,  
2 all licensed educational personnel who teach kindergarten or grade 1, 2 or  
3 3 must be counted except teachers of art, music, physical education or  
4 special education, counselors, librarians, administrators, deans and  
5 specialists.

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

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

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

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

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

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

26 (a) The number of teachers employed;

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

29 (c) The number of pupils enrolled; and

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

35 6. The provisions of this section do not apply to a charter school ~~or~~ *or*  
36 *to a program of distance education provided pursuant to sections 25 to*  
37 *33, inclusive, of this act.*

38 **Sec. 37.** NRS 389.017 is hereby amended to read as follows:

39 389.017 1. The state board shall prescribe regulations requiring that  
40 each board of trustees of a school district and each governing body of a  
41 charter school submit to the superintendent of public instruction and the  
42 department, in the form and manner prescribed by the superintendent, the  
43 results of achievement and proficiency examinations given in the 4th, 8th,  
44 10th and 11th grades to public school pupils of the district and charter  
45 schools. The state board shall not include in the regulations any provision  
46 which would violate the confidentiality of the test scores of any individual  
47 pupil.



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- 1     2. The results of examinations must be reported for each school,  
2 including, without limitation, each charter school, school district and this  
3 state, as follows:
- 4     (a) The average score, as defined by the department, of pupils who took  
5 the examinations under regular testing conditions; and  
6     (b) The average score, as defined by the department, of pupils who took  
7 the examinations with modifications or accommodations approved by the  
8 private entity that created the examination or, if the department created the  
9 examination, the department, if such reporting does not violate the  
10 confidentiality of the test scores of any individual pupil.
- 11    3. The department shall adopt regulations prescribing the requirements  
12 for reporting the scores of pupils who:
- 13     (a) Took the examinations under conditions that were not approved by  
14 the private entity that created the examination or, if the department created  
15 the examination, by the department;  
16     (b) Are enrolled in special schools for children with disabilities;  
17     (c) Are enrolled in an alternative program for the education of pupils at  
18 risk of dropping out of high school ~~+~~, *including, without limitation, a*  
19 *program of distance education that is provided to pupils who are at risk*  
20 *of dropping out of high school pursuant to sections 25 to 33, inclusive, of*  
21 *this act;* or  
22     (d) Are detained in a:  
23         (1) Youth training center;  
24         (2) Youth center;  
25         (3) Juvenile forestry camp;  
26         (4) Detention home;  
27         (5) Youth camp;  
28         (6) Juvenile correctional institution; or  
29         (7) Correctional institution.
- 30 The scores reported pursuant to this subsection must not be included in the  
31 average scores reported pursuant to subsection 2.
- 32    4. Not later than 10 days after the department receives the results of  
33 the achievement and proficiency examinations, the department shall  
34 transmit a copy of the results of the examinations administered pursuant to  
35 NRS 389.015 to the legislative bureau of educational accountability and  
36 program evaluation in a manner that does not violate the confidentiality of  
37 the test scores of any individual pupil.
- 38    5. On or before November 1 of each year, each school district and each  
39 charter school shall report to the department the following information for  
40 each examination administered in the public schools in the school district  
41 or charter school:
- 42     (a) The examination administered;  
43     (b) The grade level or levels of pupils to whom the examination was  
44 administered;  
45     (c) The costs incurred by the school district or charter school in  
46 administering each examination; and  
47     (d) The purpose, if any, for which the results of the examination are  
48 used by the school district or charter school.



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

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

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

16 (b) He is enrolled in a program of special education pursuant to NRS  
17 388.440 to 388.520, inclusive, and his program of special education  
18 specifies that he is exempt from taking the examinations.

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

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

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

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

32 **Sec. 38.** NRS 389.560 is hereby amended to read as follows:

33 389.560 1. The state board shall adopt regulations that require the  
34 board of trustees of each school district and the governing body of each  
35 charter school to submit to the superintendent of public instruction, the  
36 department and the council, in the form and manner prescribed by the  
37 superintendent, the results of the examinations administered pursuant to  
38 NRS 389.550. The state board shall not include in the regulations any  
39 provision that would violate the confidentiality of the test scores of an  
40 individual pupil.

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

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

47 (b) The percentage of pupils who have demonstrated proficiency, as  
48 defined by the department, and took the examinations with modifications  
49 or accommodations approved by the private entity that created the



1 examination or, if the department created the examination, the department,  
2 if such reporting does not violate the confidentiality of the test scores of  
3 any individual pupil.

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

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

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

10 (c) Are enrolled in an alternative program for the education of pupils at  
11 risk of dropping out of high school ~~+~~, *including, without limitation, a*  
12 *program of distance education that is provided to pupils who are at risk*  
13 *of dropping out of high school pursuant to sections 25 to 33, inclusive, of*  
14 *this act;* or

15 (d) Are detained in a:

16 (1) Youth training center;

17 (2) Youth center;

18 (3) Juvenile forestry camp;

19 (4) Detention home;

20 (5) Youth camp;

21 (6) Juvenile correctional institution; or

22 (7) Correctional institution.

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

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

30 5. On or before November 1 of each year, each school district and each  
31 charter school shall report to the department the following information for  
32 each examination administered in the public schools in the school district  
33 or charter school:

34 (a) The examination administered;

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

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

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

41 On or before December 1 of each year, the department shall transmit to the  
42 budget division of the department of administration and the fiscal analysis  
43 division of the legislative counsel bureau the information submitted to the  
44 department pursuant to this subsection.

45 6. The superintendent of schools of each school district and the  
46 governing body of each charter school shall certify that the number of  
47 pupils who took the examinations is equal to the number of pupils who are  
48 enrolled in each school in the school district or in the charter school who  
49 are required to take the examinations, except for those pupils who are



1 exempt from taking the examinations. A pupil may be exempt from taking  
2 the examinations if:

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

7 (b) He is enrolled in a program of special education pursuant to NRS  
8 388.440 to 388.520, inclusive, and his program of special education  
9 specifies that he is exempt from taking the examinations.

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

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

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

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

23 **Sec. 39.** NRS 391.170 is hereby amended to read as follows:

24 391.170 1. Except as otherwise provided in subsection 2, a teacher or  
25 other employee for whom a license is required is not entitled to receive any  
26 portion of public money for schools as compensation for services rendered  
27 unless:

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

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

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

39 **Sec. 40.** NRS 391.31965 is hereby amended to read as follows:

40 391.31965 Any postprobationary employee of a school district of  
41 Nevada who is employed by another school district *or charter school* must  
42 be allowed to continue as a postprobationary employee and must not be  
43 required to serve the probationary period required by subsection 1 of NRS  
44 391.3197.

45 **Sec. 41.** NRS 392.010 is hereby amended to read as follows:

46 392.010 Except as to the attendance of a pupil pursuant to NRS  
47 392.015 *or sections 25 to 33, inclusive, of this act*, or a pupil who is  
48 ineligible for attendance pursuant to NRS 392.4675 and except as  
49 otherwise provided in NRS 392.264 and 392.268:



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1 1. The board of trustees of any school district may, with the approval  
2 of the superintendent of public instruction:  
3 (a) Admit to the school or schools of the school district any pupil or  
4 pupils living in an adjoining school district within this state or in an  
5 adjoining state when the school district of residence in the adjoining state  
6 adjoins the receiving Nevada school district; or  
7 (b) Pay tuition for pupils residing in the school district but who attend  
8 school in an adjoining school district within this state or in an adjoining  
9 state when the receiving district in the adjoining state adjoins the school  
10 district of Nevada residence.  
11 2. With the approval of the superintendent of public instruction, the  
12 board of trustees of the school district in which the pupil or pupils reside  
13 and the board of trustees of the school district in which the pupil or pupils  
14 attend school shall enter into an agreement providing for the payment of  
15 such tuition as may be agreed upon, but transportation costs must be paid  
16 by the board of trustees of the school district in which the pupil or pupils  
17 reside:  
18 (a) If any are incurred in transporting a pupil or pupils to an adjoining  
19 school district within the state; and  
20 (b) If any are incurred in transporting a pupil or pupils to an adjoining  
21 state, as provided by the agreement.  
22 3. In addition to the provisions for the payment of tuition and  
23 transportation costs for pupils admitted to an adjoining school district as  
24 provided in subsection 2, the agreement may contain provisions for the  
25 payment of reasonable amounts of money to defray the cost of operation,  
26 maintenance and depreciation of capital improvements which can be  
27 allocated to such pupils.  
28 **Sec. 42.** NRS 392.035 is hereby amended to read as follows:  
29 392.035 1. In determining the mobility of pupils in a school, for any  
30 purpose, the department shall divide the sum of the following numbers by  
31 the cumulative enrollment in the school:  
32 (a) The number of late entries or transfers into a school from another  
33 school, school district or state, after the beginning of the school year;  
34 (b) The number of pupils reentering the school after having withdrawn  
35 from the same school; and  
36 (c) The number of pupils who withdraw for any reason or who are  
37 dropped for nonattendance.  
38 2. To determine the cumulative enrollment of the school pursuant to  
39 subsection 1, the department shall add the total number of pupils enrolled  
40 in programs of instruction in the school who are included in the count for  
41 apportionment purposes pursuant to paragraphs (a) ~~1, (b), (c), (e) and (f)~~ **to**  
42 **(d), inclusive, (f) and (g)** of subsection 1 of NRS 387.123 and the number  
43 of pupils included in paragraphs (a) and (b) of subsection 1.  
44 3. The department shall develop and distribute to the county school  
45 districts a form upon which the information necessary to the formula may  
46 be submitted by the individual schools.  
47 **Sec. 43.** NRS 392.070 is hereby amended to read as follows:  
48 392.070 1. Attendance required by the provisions of NRS 392.040  
49 must be excused when satisfactory written evidence is presented to the



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1 board of trustees of the school district in which the child resides that the  
2 child is receiving at home or in some other school equivalent instruction of  
3 the kind and amount approved by the state board.

4 2. The board of trustees of each school district shall provide programs  
5 of special education and related services for children who are exempt from  
6 compulsory attendance pursuant to subsection 1 and receive instruction at  
7 home. The programs of special education and related services required by  
8 this section must be made available:

9 (a) Only if a child would otherwise be eligible for participation in  
10 programs of special education and related services pursuant to NRS  
11 388.440 to 388.520, inclusive;

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

16 (c) In accordance with the same requirements set forth in 20 U.S.C. §  
17 1412 which relate to the participation of pupils with disabilities who are  
18 enrolled in private schools within the school district voluntarily by their  
19 parents or legal guardians.

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

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

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

34 If the board of trustees of a school district authorizes a child to participate  
35 in a class or extracurricular activity, excluding sports, pursuant to this  
36 subsection, the board of trustees is not required to provide transportation  
37 for the child to attend the class or activity. *The board of trustees of a*  
38 *school district shall not authorize such a child to participate in a class or*  
39 *activity through a program of distance education provided by the school*  
40 *district pursuant to sections 25 to 33, inclusive, of this act.*

41 4. The board of trustees of a school district may revoke its approval for  
42 a pupil to participate in a class or extracurricular activity at a public school  
43 pursuant to subsection 3 if the board of trustees or the public school  
44 determines that the pupil has failed to comply with applicable statutes, or  
45 applicable rules and regulations of the board of trustees. If the board of  
46 trustees revokes its approval, neither the board of trustees nor the public  
47 school are liable for any damages relating to the denial of services to the  
48 pupil.





1 5. The programs of special education and related services required by  
2 subsection 2 may be offered at a public school or another location that is  
3 appropriate.

4 6. The department may adopt such regulations as are necessary for the  
5 boards of trustees of school districts to provide the programs of special  
6 education and related services required by subsection 2.

7 7. As used in this section, "related services" has the meaning ascribed  
8 to it in 20 U.S.C. § 1401(22).

9 **Sec. 44.** NRS 288.060 is hereby amended to read as follows:

10 288.060 "Local government employer" means any political  
11 subdivision of this state or any public or quasi-public corporation  
12 organized under the laws of this state and includes, without limitation,  
13 counties, cities, unincorporated towns, *charter schools*, school districts,  
14 hospital districts, irrigation districts and other special districts.

15 **Sec. 45.** Section 60 of chapter 606, Statutes of Nevada 1999, at page  
16 3324, is hereby amended to read as follows:

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

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

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

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

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

26 **Sec. 46.** If the membership of the governing body of a charter school  
27 that is in operation before July 1, 2001, does not comply with the  
28 amendatory provisions of section 12 of this act, the charter school shall  
29 make appropriate changes to the membership of the governing body and  
30 otherwise take appropriate action to ensure that the governing body of the  
31 charter school complies with the amendatory provisions of section 12 of  
32 this act on or before September 1, 2001.

33 **Sec. 47.** The amendatory provisions of section 17 of this act do not  
34 affect any right to representation that an employee of a charter school  
35 acquired before July 1, 2001, by virtue of his membership in an employee  
36 organization.

37 **Sec. 48.** On or before April 1, 2002, the state board of education shall  
38 adopt regulations required by section 33 of this act.

39 **Sec. 49.** The department of education shall accept applications to  
40 provide programs of distance education in accordance with section 28 of  
41 this act for programs that will commence operation with the 2002-2003  
42 school year or any school year thereafter. If any deadlines contained within  
43 the regulations adopted by the state board of education pursuant to section  
44 33 of this act preclude a school district or charter school from submitting  
45 an application for the 2002-2003 school year, the department of education  
46 shall grant a shorter period for the board of trustees or governing body to  
47 submit an application for the 2002-2003 school year notwithstanding the  
48 provisions of those regulations.



1     **Sec. 50.** If a school district or charter school provides, before July 1,  
2     2001, a program that includes distance education in accordance with all  
3     applicable statutes and regulations, the school district or charter school  
4     may continue to offer that program for the 2001-2002 school year if the  
5     school district or charter school provides written notice to the state board of  
6     education on or before July 1, 2001. After the 2001-2002 school year, the  
7     school district or charter school must comply with sections 25 to 33,  
8     inclusive, of this act, if it desires to continue the program. The provisions  
9     of this section apply to a charter school regardless of the terms of the  
10    written charter of the charter school that authorize the charter school to  
11    provide a program that includes distance education.

12    **Sec. 51.** The amendatory provisions of this act do not apply to  
13    offenses committed before July 1, 2001.

14    **Sec. 52.** Section 55 of chapter 606, Statutes of Nevada 1999, at page  
15    3322, is hereby repealed.

16    **Sec. 53.** 1. This section and sections 1 to 12, inclusive, 15 to 18,  
17    inclusive, 33, 39, 40 and 44 to 52, inclusive, of this act become effective on  
18    July 1, 2001.

19    2. Sections 13, 14, 19 to 32, inclusive, 34 to 38, inclusive, 41, 42 and  
20    43 of this act become effective on July 1, 2002

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#### TEXT OF REPEALED SECTION

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**Section 55 of chapter 606, Statutes of Nevada 1999:**

Sec. 55. NRS 386.510 is hereby repealed.

