

ASSEMBLY BILL NO. 162—COMMITTEE ON EDUCATION

MARCH 3, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools and educational personnel. (BDR 34-934)

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

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

AN ACT relating to education; authorizing a university, state college or community college within the University and Community College System of Nevada to sponsor charter schools; revising provisions governing the operation of charter schools and the enrollment of pupils in charter schools; providing for the issuance of a license to teach to certain persons with graduate degrees and work experience; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that only the board of trustees of a school district and the State Board of Education serve as sponsors of charter schools. (NRS 386.515)

This bill authorizes a university, state college or community college within the University and Community College System of Nevada to sponsor a charter school.

This bill also provides that upon the first renewal of a written charter and each renewal thereafter, the sponsor of the charter school may not prescribe additional requirements or terms for the charter school unless the additional requirements or terms are specifically authorized by statute, regulation or the written charter.

Under existing law, a charter school must accept applications for enrollment in the order in which applications are received. If the number of eligible children who apply for enrollment is greater than the available spaces in the charter school, the charter school must enroll pupils on the basis of a lottery system. (NRS 386.580)

This bill authorizes a charter school that is dedicated to providing educational programs and opportunities to at-risk pupils to give preference in enrollment to: (1) a sibling of a pupil who is currently enrolled in the charter school; or (2) a pupil who resides within 2 miles of the charter school if the charter school is located in an area with a high percentage of at-risk pupils.



Under existing law, the Commission on Professional Standards in Education prescribes the requirements for the issuance of a license to teach by the Superintendent of Public Instruction. (NRS 391.019, 391.033)

This bill requires the Superintendent of Public Instruction to provide for the issuance of a license to teach to a person who: (1) holds a graduate degree from an accredited college or university in the field for which he will be providing instruction; (2) is not licensed to teach in another state; and (3) has at least 5 years of experience teaching at an accredited private school. The license must be issued in accordance with the provisions of the federal No Child Left Behind Act of 2001. (20 U.S.C. §§ 6301 et seq.)

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

Section 1. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. On or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The determination for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board ~~or a university, state college or community college,~~ the Department shall make a determination for the charter school in consultation with the State Board ~~or the institution that sponsors the charter school, as applicable.~~ The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

(c) If a charter school is sponsored by a university, state college or community college, the determination made for the charter school to the institution that sponsors the charter school.

2. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe



1 by regulation the conditions under which a school shall be deemed
2 to have made adequate yearly progress even though a subgroup
3 identified in paragraph (b) of subsection 1 of NRS 385.361 did not
4 satisfy the annual measurable objectives of the State Board.

5 3. In addition to the provisions of subsection 2, the Department
6 shall determine that a public school has failed to make adequate
7 yearly progress if:

8 (a) The number of pupils enrolled in the school who took the
9 examinations administered pursuant to NRS 389.550 or the high
10 school proficiency examination, as applicable, is less than 95
11 percent of all pupils enrolled in the school who were required to
12 take the examinations; or

13 (b) Except as otherwise provided in subsection 4, for each
14 subgroup of pupils identified in paragraph (b) of subsection 1 of
15 NRS 385.361, the number of pupils in the subgroup enrolled in the
16 school who took the examinations administered pursuant to NRS
17 389.550 or the high school proficiency examination, as applicable,
18 is less than 95 percent of all pupils in that subgroup enrolled in the
19 school who were required to take the examinations.

20 4. If the number of pupils in a particular subgroup who are
21 enrolled in a public school is insufficient to yield statistically
22 reliable information:

23 (a) The Department shall not determine that the school has
24 failed to make adequate yearly progress pursuant to paragraph (b) of
25 subsection 3 based solely upon that particular subgroup.

26 (b) The pupils in such a subgroup must be included in the
27 overall count of pupils enrolled in the school who took the
28 examinations.

29 ➡ The State Board shall prescribe the mechanism for determining
30 the number of pupils that must be in a subgroup for that subgroup to
31 yield statistically reliable information.

32 5. If an irregularity in testing administration or an irregularity
33 in testing security occurs at a school and the irregularity invalidates
34 the test scores of pupils, those test scores must not be included in the
35 scores of pupils reported for the school and the attendance of those
36 pupils must not be counted towards the total number of pupils who
37 took the examinations, but must be included in the total number of
38 pupils who were required to take the examinations. If the pupils take
39 an additional administration of the examinations during the same
40 school year, the scores of pupils on those examinations must not be
41 included in the scores of pupils reported for the school.

42 6. As used in this section:

43 (a) "Irregularity in testing administration" has the meaning
44 ascribed to it in NRS 389.604.



(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 2. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the State Board ~~or a university, state college or community college~~, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 3. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall designate, on or before July 1 of each year, each public school in the school district in accordance with NRS 385.3623, excluding charter schools sponsored by the State Board ~~or a university, state college or community college~~. The board of trustees shall make designations for all charter schools that are sponsored by the board of trustees. The Department shall make designations for all charter schools that are sponsored by the State Board ~~or a university, state college or community college~~. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. If the board of trustees of a school district or the Department, as applicable, determines that a public school is demonstrating need for improvement, the board of trustees or the Department shall issue a preliminary designation for that school on or before July 1. Before making a final designation for the school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the proposed designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the



1 regulations adopted pursuant thereto. If the school is a public school
2 of the school district or a charter school sponsored by the board of
3 trustees, the board of trustees of the school district shall, in
4 consultation with the Department, make a final determination
5 concerning the designation for the school on August 1. If the school
6 is a charter school sponsored by the State Board ~~H~~ *or a university,*
7 *state college or community college,* the Department shall make a
8 final determination concerning the designation for the school on
9 August 1.

10 3. On or before August 1 of each year, the Department shall
11 provide written notice of the determinations made pursuant to NRS
12 385.3613 and the designations made pursuant to this section as
13 follows:

14 (a) The determinations and designations made for all schools in
15 this State to the:

- 16 (1) Governor;
17 (2) State Board;
18 (3) Committee; and
19 (4) Bureau.

20 (b) The determinations and designations made for all schools
21 within a school district to the:

- 22 (1) Superintendent of schools of the school district; and
23 (2) Board of trustees of the school district.

24 (c) The determination and designation made for each school to
25 the principal of the school.

26 **Sec. 4.** NRS 385.3661 is hereby amended to read as follows:

27 385.3661 1. If a public school is designated as demonstrating
28 need for improvement pursuant to NRS 385.3623 and the provisions
29 of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical
30 assistance partnership established for the school pursuant to this
31 section shall carry out the requirements of NRS 385.3692.

32 2. Except as otherwise provided in subsection 3, if a public
33 school is designated as demonstrating need for improvement
34 pursuant to NRS 385.3623 and the provisions of NRS 385.3693,
35 385.3721 or 385.3745 do not apply, the board of trustees of the
36 school district shall:

37 (a) Provide notice of the designation to the parents and
38 guardians of pupils enrolled in the school on the form prescribed by
39 the Department pursuant to NRS 385.382;

40 (b) Ensure that the school receives technical assistance in the
41 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
42 adopted pursuant thereto; and

43 (c) Establish a technical assistance partnership for the school,
44 with the membership prescribed pursuant to NRS 385.3691.



1 3. If a charter school is designated as demonstrating need for
2 improvement pursuant to NRS 385.3623 and the provisions of NRS
3 385.3693, 385.3721 or 385.3745 do not apply:

4 (a) The governing body of the charter school shall:

5 (1) Provide notice of the designation to the parents and
6 guardians of pupils enrolled in the charter school on the form
7 prescribed by the Department pursuant to NRS 385.382; and

8 (2) Establish a technical assistance partnership for the charter
9 school, with the membership prescribed pursuant to NRS 385.3691.

10 (b) For a charter school sponsored by the board of trustees of a
11 school district, the board of trustees shall, in conjunction with the
12 governing body of the charter school, ensure that the charter school
13 receives technical assistance in the manner set forth in 20 U.S.C. §
14 6316(b)(4) and the regulations adopted pursuant thereto. The
15 provisions of this paragraph do not require the school district to pay
16 for the technical assistance partnership established by the governing
17 body of the charter school.

18 (c) For a charter school sponsored by the State Board **or a**
19 **university, state college or community college**, the Department
20 shall, in conjunction with the governing body of the charter school,
21 ensure that the charter school receives technical assistance in the
22 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
23 adopted pursuant thereto.

24 4. In addition to the requirements of subsection 2 or 3, as
25 applicable, if a Title I school is designated as demonstrating need
26 for improvement pursuant to NRS 385.3623 and the provisions of
27 NRS 385.3693, 385.3721 or 385.3745 do not apply:

28 (a) Except as otherwise provided in paragraph (b), the board of
29 trustees of the school district shall provide school choice to the
30 parents and guardians of pupils enrolled in the school, including,
31 without limitation, a charter school sponsored by the school district,
32 in accordance with 20 U.S.C. § 6316(b)(1) and the regulations
33 adopted pursuant thereto.

34 (b) For a charter school sponsored by the State Board **or a**
35 **university, state college or community college**, the Department
36 shall work cooperatively with the board of trustees of the school
37 district in which the charter school is located to provide school
38 choice to the parents and guardians of pupils enrolled in the charter
39 school in accordance with 20 U.S.C. § 6316(b)(1) and the
40 regulations adopted pursuant thereto.

41 **Sec. 5.** NRS 385.3691 is hereby amended to read as follows:

42 385.3691 1. The membership of each technical assistance
43 partnership established by the board of trustees of a school district
44 for a public school pursuant to NRS 385.3661:

45 (a) Must consist of:



(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; ~~and~~

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department ~~and~~; and

(5) For a charter school sponsored by a university, state college or community college, at least one representative of that institution, appointed by the president of the institution.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

Sec. 6. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Continue the technical assistance partnership for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall:



(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Continue the technical assistance partnership for the school.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~or a university, state college or community college~~, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 7. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~or a university, state college or community college~~, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in



1 accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted
2 pursuant thereto.

3 (3) Except as otherwise provided in subsection 3, the
4 governing body of the charter school shall provide supplemental
5 educational services in accordance with 20 U.S.C. § 6316(e) and the
6 regulations adopted pursuant thereto from a provider approved
7 pursuant to NRS 385.384, unless a waiver is granted pursuant to that
8 provision of federal law.

9 2. The board of trustees of a school district shall grant a delay
10 from the imposition of supplemental educational services for a
11 school for a period not to exceed 1 year if the school qualifies for a
12 delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to
13 make adequate yearly progress during the period of the delay, the
14 provisions of NRS 385.3721 apply to the school as if the delay
15 never occurred.

16 3. The sponsor of a charter school shall grant a delay from the
17 imposition of supplemental educational services for the charter
18 school for a period not to exceed 1 year if the charter school
19 qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the
20 charter school fails to make adequate yearly progress during the
21 period of the delay, the provisions of NRS 385.3721 apply to
22 the charter school as if the delay never occurred.

23 **Sec. 8.** NRS 385.3721 is hereby amended to read as follows:

24 385.3721 1. If a public school is designated as demonstrating
25 need for improvement pursuant to NRS 385.3623 for 3 consecutive
26 years, the support team established for the school pursuant to this
27 section shall carry out the requirements of NRS 385.3741 and
28 385.3742.

29 2. Except as otherwise provided in subsection 3, if a public
30 school is designated as demonstrating need for improvement
31 pursuant to NRS 385.3623 for 3 consecutive years:

32 (a) The board of trustees of the school district shall:

33 (1) Provide notice of the designation to the parents and
34 guardians of pupils enrolled in the school on the form prescribed by
35 the Department pursuant to NRS 385.382; and

36 (2) Ensure that the school receives technical assistance in the
37 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
38 adopted pursuant thereto.

39 (b) The Department shall establish a support team for the
40 school, with the membership prescribed pursuant to NRS 385.374.

41 3. If a charter school is designated as demonstrating need for
42 improvement pursuant to NRS 385.3623 for 3 consecutive years:

43 (a) The governing body of the charter school shall provide
44 notice of the designation to the parents and guardians of pupils



1 enrolled in the charter school on the form prescribed by the
2 Department pursuant to NRS 385.382.

3 (b) For a charter school sponsored by the board of trustees of a
4 school district, the board of trustees shall, in conjunction with the
5 governing body of the charter school, ensure that the charter school
6 receives technical assistance in the manner set forth in 20 U.S.C. §
7 6316(b)(4) and the regulations adopted pursuant thereto.

8 (c) For a charter school sponsored by the State Board ~~of~~ *or a*
9 *university, state college or community college*, the Department
10 shall, in conjunction with the governing body of the charter school,
11 ensure that the charter school receives technical assistance in the
12 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
13 adopted pursuant thereto.

14 (d) The Department shall establish a support team for the
15 school, with the membership prescribed pursuant to NRS 385.374.

16 **Sec. 9.** NRS 385.3741 is hereby amended to read as follows:

17 385.3741 Each support team established for a public school
18 pursuant to NRS 385.3721 shall:

19 1. Review and analyze the operation of the school, including,
20 without limitation, the design and operation of the instructional
21 program of the school.

22 2. Review and analyze the data pertaining to the school upon
23 which the report required pursuant to subsection 2 of NRS 385.347
24 is based and review and analyze any data that is more recent than
25 the data upon which the report is based.

26 3. Review the most recent plan to improve the achievement of
27 the school's pupils.

28 4. Identify and investigate the problems and factors at the
29 school that contributed to the designation of the school as
30 demonstrating need for improvement.

31 5. Assist the school in developing recommendations for
32 improving the performance of pupils who are enrolled in the school.

33 6. Except as otherwise provided in this subsection, make
34 recommendations to the board of trustees of the school district, the
35 State Board and the Department concerning additional assistance for
36 the school in carrying out the plan for improvement of the school.
37 For a charter school sponsored by the State Board, the support team
38 shall make the recommendations to the State Board and the
39 Department. *For a charter school sponsored by a university, state*
40 *college or community college, the support team shall make the*
41 *recommendations to the institution that sponsors the charter*
42 *school, the State Board and the Department.*

43 7. In accordance with its findings pursuant to this subsection
44 and NRS 385.3742, submit, on or before November 1, written
45 revisions to the most recent plan to improve the achievement of the



1 school's pupils for approval pursuant to NRS 385.357. The written
2 revisions must:

3 (a) Comply with NRS 385.357;

4 (b) If the school is a Title I school, be developed in consultation
5 with parents and guardians of pupils enrolled in the school and, to
6 the extent deemed appropriate by the entity that created the support
7 team, outside experts;

8 (c) Include the data and findings of the support team that
9 provide support for the revisions;

10 (d) Set forth goals and objectives for the school that are:

11 (1) Designed to improve the achievement of the school's
12 pupils;

13 (2) Specific;

14 (3) Measurable; and

15 (4) Conducive to reliable evaluation;

16 (e) Set forth a timeline to carry out the revisions;

17 (f) Set forth priorities for the school in carrying out the
18 revisions; and

19 (g) Set forth the duties of each person who is responsible for
20 carrying out the revisions.

21 8. Except as otherwise provided in this subsection, work
22 cooperatively with the board of trustees of the school district in
23 which the school is located, the employees of the school, and the
24 parents and guardians of pupils enrolled in the school to carry out
25 and monitor the plan for improvement of the school. If a charter
26 school is sponsored by the State Board, the Department shall assist
27 the school with carrying out and monitoring the plan for
28 improvement of the school. *If a charter school is sponsored by a*
29 *university, state college or community college, that institution*
30 *shall assist the school with carrying out and monitoring the plan*
31 *for improvement of the school.*

32 9. In addition to the requirements of this section, if the support
33 team is established for a Title I school, carry out the requirements of
34 20 U.S.C. § 6317(a)(5).

35 **Sec. 10.** NRS 385.3743 is hereby amended to read as follows:

36 385.3743 1. In addition to the requirements of NRS
37 385.3721, if a Title I school is designated as demonstrating need for
38 improvement pursuant to NRS 385.3623 for 3 consecutive years:

39 (a) Except as otherwise provided in paragraph (b), the board of
40 trustees of the school district shall:

41 (1) Provide school choice to the parents and guardians of
42 pupils enrolled in the school in accordance with 20 U.S.C. §
43 6316(b)(1) and the regulations adopted pursuant thereto;

44 (2) Provide supplemental educational services in accordance
45 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant



1 thereto from a provider approved pursuant to NRS 385.384, unless a
2 waiver is granted pursuant to that provision of federal law; and

3 (3) Except as otherwise provided in subsection 2, take
4 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
5 regulations adopted pursuant thereto.

6 (b) If the school is a charter school:

7 (1) Sponsored by the board of trustees of a school district,
8 the board of trustees shall:

9 (I) Provide school choice to the parents and guardians of
10 pupils enrolled in the charter school in accordance with 20 U.S.C. §
11 6316(b)(1); and

12 (II) Except as otherwise provided in subsection 3, take
13 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
14 regulations adopted pursuant thereto.

15 (2) Sponsored by the State Board  *or a university, state*
16 *college or community college*, the Department shall:

17 (I) Work cooperatively with the board of trustees of the
18 school district in which the charter school is located to provide
19 school choice to the parents and guardians of pupils enrolled in
20 the school in accordance with 20 U.S.C. § 6316(b)(1) and the
21 regulations adopted pursuant thereto; and

22 (II) Except as otherwise provided in subsection 3, take
23 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
24 regulations adopted pursuant thereto.

25 (3) Regardless of the sponsor, the governing body of the
26 charter school shall provide supplemental educational services in
27 accordance with 20 U.S.C. § 6316(e) and the regulations adopted
28 pursuant thereto from a provider approved pursuant to NRS
29 385.384, unless a waiver is granted pursuant to that provision of
30 federal law.

31 2. The board of trustees of a school district shall grant a delay
32 from the imposition of corrective action for a school for a period not
33 to exceed 1 year if the school qualifies for a delay pursuant to 20
34 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly
35 progress during the period of the delay, the provisions of NRS
36 385.3745 apply as if the delay never occurred.

37 3. The sponsor of a charter school shall grant a delay from the
38 imposition of corrective action for the charter school for a period not
39 to exceed 1 year if the charter school qualifies for a delay pursuant
40 to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make
41 adequate yearly progress during the period of the delay, the
42 provisions of NRS 385.3745 apply as if the delay never occurred.

43 **Sec. 11.** NRS 385.3745 is hereby amended to read as follows:

44 385.3745 1. If a public school is designated as demonstrating
45 need for improvement pursuant to NRS 385.3623 for 4 or more



1 consecutive years, the support team established for the school
2 pursuant to NRS 385.3721 shall carry out the requirements of NRS
3 385.3741, 385.3742 and 385.3744, as applicable.

4 2. Except as otherwise provided in subsection 3, if a public
5 school is designated as demonstrating need for improvement
6 pursuant to NRS 385.3623 for 4 or more consecutive years:

7 (a) The board of trustees of the school district shall:

8 (1) Provide notice of the designation to the parents and
9 guardians of pupils enrolled in the school on the form prescribed by
10 the Department pursuant to NRS 385.382; and

11 (2) Ensure that the school receives technical assistance in the
12 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
13 adopted pursuant thereto.

14 (b) The Department shall continue a support team for the school.

15 3. If a charter school is designated as demonstrating need for
16 improvement pursuant to NRS 385.3623 for 4 or more consecutive
17 years:

18 (a) The governing body of the charter school shall provide
19 notice of the designation to the parents and guardians of pupils
20 enrolled in the school on the form prescribed by the Department
21 pursuant to NRS 385.382.

22 (b) For a charter school sponsored by the board of trustees of a
23 school district, the board of trustees shall, in conjunction with the
24 governing body of the charter school, ensure that the charter school
25 receives technical assistance in the manner set forth in 20 U.S.C. §
26 6316(b)(4) and the regulations adopted pursuant thereto.

27 (c) For a charter school sponsored by the State Board **[redacted] or a**
28 **university, state college or community college**, the Department
29 shall, in conjunction with the governing body of the charter school,
30 ensure that the charter school receives technical assistance in the
31 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
32 adopted pursuant thereto.

33 (d) The Department shall continue a support team for the charter
34 school.

35 **Sec. 12.** NRS 385.3746 is hereby amended to read as follows:

36 385.3746 1. In addition to the requirements of NRS
37 385.3745, if a Title I school is designated as demonstrating need for
38 improvement pursuant to NRS 385.3623 for 4 or more consecutive
39 years:

40 (a) Except as otherwise provided in paragraph (b), the board of
41 trustees of the school district shall:

42 (1) Provide school choice to the parents and guardians of
43 pupils enrolled in the school in accordance with 20 U.S.C. §
44 6316(b)(1) and the regulations adopted pursuant thereto;



(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~H~~ *or a university, state college or community college*, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the



1 Department shall proceed with a plan for restructuring the charter
2 school as if the delay never occurred.

3 4. Before the board of trustees of a school district or the
4 Department proceeds with a plan for restructuring, the board of
5 trustees or the Department, as applicable, shall provide to the
6 administrators, teachers and other educational personnel employed
7 at that school, and parents and guardians of pupils enrolled in the
8 school:

9 (a) Notice that the board of trustees or the Department, as
10 applicable, will develop a plan for restructuring the school;

11 (b) An opportunity to comment before the plan to restructure is
12 developed; and

13 (c) An opportunity to participate in the development of the plan
14 to restructure.

15 **Sec. 13.** Chapter 386 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *The provisions of NRS 386.500 to 386.610, inclusive, and any*
18 *other statute or regulation applicable to charter schools or its*
19 *officers or employees govern the formation and operation of*
20 *charter schools in this State. Upon the first renewal of a written*
21 *charter and each renewal thereafter, the sponsor of a charter*
22 *school shall not prescribe additional requirements or otherwise*
23 *require a charter school to comply with additional terms or*
24 *conditions unless the sponsor is specifically authorized by statute,*
25 *regulation or the written charter.*

26 **Sec. 14.** NRS 386.500 is hereby amended to read as follows:

27 386.500 For the purposes of NRS 386.500 to 386.610,
28 inclusive, *and section 13 of this act*, a pupil is "at risk" if he has an
29 economic or academic disadvantage such that he requires special
30 services and assistance to enable him to succeed in educational
31 programs. The term includes, without limitation, pupils who are
32 members of economically disadvantaged families, pupils who are
33 limited English proficient, pupils who are at risk of dropping out of
34 high school and pupils who do not meet minimum standards of
35 academic proficiency. The term does not include a pupil with a
36 disability.

37 **Sec. 15.** NRS 386.515 is hereby amended to read as follows:

38 386.515 1. The board of trustees of a school district may
39 apply to the Department for authorization to sponsor charter schools
40 within the school district. An application must be approved by the
41 Department before the board of trustees may sponsor a charter
42 school. Not more than 180 days after receiving approval to sponsor
43 charter schools, the board of trustees shall provide public notice of
44 its ability to sponsor charter schools and solicit applications for
45 charter schools.



2. *A university, state college or community college within the University and Community College System of Nevada may sponsor charter schools.*

3. The State Board shall sponsor charter schools whose applications have been approved by the State Board pursuant to NRS 386.525.

Sec. 16. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

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

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

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, ~~for~~ the State Board ~~or~~ *a university, state college or community college*, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~or~~ , *and section 13 of this act.*

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

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

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

(6) Creating new professional opportunities for teachers.

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

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

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



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

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

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

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

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

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

21 (l) A statement of whether the charter school will provide for the
22 transportation of pupils to and from the charter school. If the charter
23 school will provide transportation, the application must include the
24 proposed plan for the transportation of pupils. If the charter school
25 will not provide transportation, the application must include a
26 statement that the charter school will work with the parents and
27 guardians of pupils enrolled in the charter school to develop a plan
28 for transportation to ensure that pupils have access to transportation
29 to and from the charter school.

30 (m) The procedure for the evaluation of teachers of the charter
31 school, if different from the procedure prescribed in NRS 391.3125.
32 If the procedure is different from the procedure prescribed in NRS
33 391.3125, the procedure for the evaluation of teachers of the charter
34 school must provide the same level of protection and otherwise
35 comply with the standards for evaluation set forth in NRS 391.3125.

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

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

41 3. The Department shall review an application to form a charter
42 school to determine whether it is complete. If an application
43 proposes to convert an existing public school, home school or other
44 program of home study into a charter school, the Department shall
45 deny the application. The Department shall provide written notice to



1 the applicant of its approval or denial of the application. If the
2 Department denies an application, the Department shall include in
3 the written notice the reason for the denial and the deficiencies in
4 the application. The applicant must be granted 30 days after receipt
5 of the written notice to correct any deficiencies identified in the
6 written notice and resubmit the application.

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

8 (a) Holds a current license to teach issued pursuant to chapter
9 391 of NRS; and

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

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

13 **Sec. 17.** NRS 386.525 is hereby amended to read as follows:

14 386.525 1. Upon approval of an application by the
15 Department, a committee to form a charter school may submit the
16 application to the board of trustees of the school district in which
17 the proposed charter school will be located ~~[]~~, *or a university, state*
18 *college or community college within the University and*
19 *Community College System of Nevada.* If applicable, a committee
20 may submit an application directly to the Subcommittee on Charter
21 Schools pursuant to subsection 4. If the board of trustees of a school
22 district *or an institution* receives an application to form a charter
23 school, it shall consider the application at a regularly scheduled
24 meeting that must be held not later than 30 days after the receipt of
25 the application, and ensure that notice of the meeting has been
26 provided pursuant to chapter 241 of NRS. The board of trustees, *the*
27 *institution*, the Subcommittee on Charter Schools or the State
28 Board, as applicable, shall review an application to determine
29 whether the application:

30 (a) Complies with NRS 386.500 to 386.610, inclusive, *and*
31 *section 13 of this act* and the regulations applicable to charter
32 schools; and

33 (b) Is complete in accordance with the regulations of the
34 Department.

35 2. The Department shall assist the board of trustees of a school
36 district *and the institution* in the review of an application. The
37 board of trustees *or the institution, as applicable*, may approve an
38 application if it satisfies the requirements of paragraphs (a) and (b)
39 of subsection 1. The board of trustees *or the institution, as*
40 *applicable*, shall provide written notice to the applicant of its
41 approval or denial of the application.

42 3. If the board of trustees *or an institution* denies an
43 application, it shall include in the written notice the reasons for the
44 denial and the deficiencies in the application. The applicant must be
45 granted 30 days after receipt of the written notice to correct any



1 deficiencies identified in the written notice and resubmit the
2 application.

3 4. If the board of trustees *or an institution* denies an
4 application after it has been resubmitted pursuant to subsection 3,
5 the applicant may submit a written request for sponsorship by the
6 State Board to the Subcommittee on Charter Schools created
7 pursuant to NRS 386.507 not more than 30 days after receipt of the
8 written notice of denial. If an applicant proposes to form a charter
9 school exclusively for the enrollment of pupils who receive special
10 education pursuant to NRS 388.440 to 388.520, inclusive, the
11 applicant may submit the written request and application directly to
12 the Subcommittee without first seeking approval from the board of
13 trustees of a school district ~~H~~ *or an institution*. Any request that is
14 submitted pursuant to this subsection must be accompanied by the
15 application to form the charter school.

16 5. If the Subcommittee receives a request pursuant to
17 subsection 4, it shall hold a meeting to consider the request and the
18 application. The meeting must be held not later than 30 days after
19 receipt of the application. Notice of the meeting must be posted in
20 accordance with chapter 241 of NRS. The Subcommittee shall
21 review the application in accordance with the factors set forth
22 in paragraphs (a) and (b) of subsection 1. The Subcommittee
23 shall approve an application if it satisfies the requirements of
24 paragraphs (a) and (b) of subsection 1.

25 6. The Subcommittee shall transmit the application and the
26 recommendation of the Subcommittee for approval or denial of the
27 application to the State Board. Not more than 14 days after the date
28 of the meeting of the Subcommittee pursuant to subsection 5, the
29 State Board shall hold a meeting to consider the recommendation of
30 the Subcommittee. Notice of the meeting must be posted in
31 accordance with chapter 241 of NRS. The State Board shall review
32 the application in accordance with the factors set forth in paragraphs
33 (a) and (b) of subsection 1. The State Board shall approve an
34 application if it satisfies the requirements of paragraphs (a) and (b)
35 of subsection 1. Not more than 30 days after the meeting, the State
36 Board shall provide written notice of its determination to the
37 applicant.

38 7. If the State Board denies the application, the applicant may,
39 not more than 30 days after the receipt of the written notice from the
40 State Board, appeal the final determination to the district court of
41 the county in which the proposed charter school will be located.

42 8. *As used in this section, "institution" means a university,*
43 *state college or community college within the University and*
44 *Community College System of Nevada that sponsors charter*
45 *schools.*



Sec. 18. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, ~~for~~ the board of trustees of a school district *or a university, state college or community college* approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, ~~for~~ the board of trustees ~~is~~ *or a university, state college or community college*, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

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

~~2.3~~ 3. *If a university, state college or community college approves an application:*

(a) The institution that approved the application shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada nor the University and Community College System of Nevada is an employer of the members of the governing body of the charter school or any employees of the charter school.

4. Except as otherwise provided in subsection ~~4.4~~ 6, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~3.4~~ 5. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may



1 include, without limitation, the expansion of instruction and other
2 educational services to pupils who are enrolled in grade levels other
3 than the grade levels of pupils currently enrolled in the charter
4 school if the expansion of grade levels does not change the kind of
5 school, as defined in NRS 388.020, for which the charter school is
6 authorized to operate. If the proposed amendment complies with the
7 provisions of this section, NRS 386.500 to 386.610, inclusive, *and*
8 *section 13 of this act*, and any other statute or regulation applicable
9 to charter schools, the sponsor shall amend the written charter in
10 accordance with the proposed amendment. If a charter school
11 wishes to expand the instruction and other educational services
12 offered by the charter school to pupils who are enrolled in grade
13 levels other than the grade levels of pupils currently enrolled in the
14 charter school and the expansion of grade levels changes the kind of
15 school, as defined in NRS 388.020, for which the charter school is
16 authorized to operate, the charter school must submit a new
17 application to form a charter school.

18 ~~[4]~~ 6. The State Board shall adopt objective criteria for the
19 issuance of a written charter to an applicant who is not prepared to
20 commence operation on the date of issuance of the written charter.
21 The criteria must include, without limitation, the:

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

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

26 ➤ A holder of such a written charter may apply for grants of money
27 to prepare the charter school for operation. A written charter issued
28 pursuant to this subsection must not be designated as a conditional
29 charter or a provisional charter or otherwise contain any other
30 designation that would indicate the charter is issued for a temporary
31 period.

32 ~~[5]~~ 7. The holder of a written charter that is issued pursuant to
33 subsection ~~[4]~~ 6 shall not commence operation of the charter school
34 and is not eligible to receive apportionments pursuant to NRS
35 387.124 until the sponsor has determined that the requirements
36 adopted by the State Board pursuant to subsection ~~[4]~~ 6 have been
37 satisfied and that the facility the charter school will occupy has been
38 inspected and meets the requirements of any applicable building
39 codes, codes for the prevention of fire, and codes pertaining to
40 safety, health and sanitation. Except as otherwise provided in this
41 subsection, the sponsor shall make such a determination 30 days
42 before the first day of school for the:

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



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

Sec. 19. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection ~~§~~ *and subsection 2*, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. ~~§§~~ *Except as otherwise provided in subsection 2, if* more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll *pursuant to this subsection* on the basis of a lottery system.

2. *A charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

(a) *Is a sibling of a pupil who is currently enrolled in the charter school; or*

(b) *Resides within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk, ➔ before the charter school enrolls other pupils who are eligible for enrollment. If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.*

3. Except as otherwise provided in subsection ~~6-7~~ 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

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



(e) Disability,
↳ of a pupil.

~~[3-]~~ 4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~[4-]~~ 5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

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

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

↳ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

~~[5-]~~ 6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~[4]~~ 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~[6-]~~ 7. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

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

(c) Who are at risk.



1 ➡ If more eligible pupils apply for enrollment in such a charter
2 school than the number of spaces which are available, the charter
3 school shall determine which applicants to enroll *pursuant to this*
4 *subsection* on the basis of a lottery system.

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

6 386.595 1. All employees of a charter school shall be deemed
7 public employees.

8 2. Except as otherwise provided in this subsection, the
9 provisions of the collective bargaining agreement entered into by the
10 board of trustees of the school district in which the charter school is
11 located apply to the terms and conditions of employment of
12 employees of the charter school who are on a leave of absence from
13 the school district pursuant to subsection 5, including, without
14 limitation, any provisions relating to representation by the employee
15 organization that is a party to the collective bargaining agreement of
16 the school district in a grievance proceeding or other dispute arising
17 out of the agreement. The provisions of ~~[the]~~ *that* collective
18 bargaining agreement apply to ~~[each employee]~~ *the charter school*
19 for the first 3 years that ~~[he]~~ *an employee* is on a leave of absence
20 from the school district. After the first 3 years that the employee is
21 on a leave of absence:

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

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

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

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

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



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

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

23 6. An employee who is on a leave of absence from a school
24 district pursuant to this section shall contribute to and be eligible for
25 all benefits for which he would otherwise be entitled, including,
26 without limitation, participation in the Public Employees'
27 Retirement System and accrual of time for the purposes of leave and
28 retirement. The time during which such an employee is on [a](#) leave of
29 absence and employed in a charter school does not count toward the
30 acquisition of permanent status with the school district.

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

35 8. An employee of a charter school who is not on a leave of
36 absence from a school district is eligible for all benefits for which he
37 would be eligible for employment in a public school, including,
38 without limitation, participation in the Public Employees'
39 Retirement System.

40 9. For all employees of a charter school:

41 (a) The compensation that a teacher or other school employee
42 would have received if he were employed by the school district must
43 be used to determine the appropriate levels of contribution required
44 of the employee and employer for purposes of the Public
45 Employees' Retirement System.



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

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

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

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

Sec. 21. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year ~~1-1-1~~:

(a) *If* the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board.

(b) *If a university, state college or community college sponsors a charter school, that institution shall submit a written report to the State Board.*

➔ The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees *or the institution, as applicable*, in achieving its educational goals and objectives.

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

Sec. 22. NRS 387.123 is hereby amended to read as follows:

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



1 charter school, including, without limitation, a program of distance
2 education provided by a charter school, for:

3 (a) Pupils in the kindergarten department.

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

5 (c) Pupils not included under paragraph (a) or (b) who are
6 receiving special education pursuant to the provisions of NRS
7 388.440 to 388.520, inclusive.

8 (d) Pupils who reside in the county and are enrolled part time in
9 a program of distance education if an agreement is filed with the
10 Superintendent of Public Instruction pursuant to NRS 388.854 or
11 388.858, as applicable.

12 (e) Children detained in facilities for the detention of children,
13 alternative programs and juvenile forestry camps receiving
14 instruction pursuant to the provisions of NRS 388.550, 388.560 and
15 388.570.

16 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
17 NRS 386.560 and pupils who are enrolled in classes pursuant to
18 subsection ~~4~~ 5 of NRS 386.580.

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

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

24 2. The State Board shall establish uniform regulations for
25 counting enrollment and calculating the average daily attendance of
26 pupils. In establishing such regulations for the public schools, the
27 State Board:

28 (a) Shall divide the school year into 10 school months, each
29 containing 20 or fewer school days, or its equivalent for those public
30 schools operating under an alternative schedule authorized pursuant
31 to NRS 388.090.

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

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

37 3. Except as otherwise provided in subsection 4 and NRS
38 388.700, the State Board shall establish by regulation the maximum
39 pupil-teacher ratio in each grade, and for each subject matter
40 wherever different subjects are taught in separate classes, for each
41 school district of this State which is consistent with:

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

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



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

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

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 23. NRS 387.1233 is hereby amended to read as follows:

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

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

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

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

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

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

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



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

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

10 (5) The count of pupils not included under subparagraph (1),
11 (2), (3) or (4), who are receiving special education pursuant to the
12 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
13 the first school month of the school district for the school year,
14 excluding the count of pupils who have not attained the age of 5
15 years and who are receiving special education pursuant to
16 subsection 1 of NRS 388.490 on that day.

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

21 (7) The count of children detained in facilities for the
22 detention of children, alternative programs and juvenile forestry
23 camps receiving instruction pursuant to the provisions of NRS
24 388.550, 388.560 and 388.570 on the last day of the first school
25 month of the school district for the school year.

26 (8) The count of pupils who are enrolled in classes for at
27 least one semester pursuant to subsection 4 of NRS 386.560,
28 subsection ~~4~~ 5 of NRS 386.580 or subsection 3 of NRS 392.070,
29 expressed as a percentage of the total time services are provided to
30 those pupils per school day in proportion to the total time services
31 are provided during a school day to pupils who are counted pursuant
32 to subparagraph (2).

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

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

37 2. If the enrollment of pupils in a school district or a charter
38 school that is located within the school district on the last day of the
39 first school month of the school district for the school year is less
40 than the enrollment of pupils in the same school district or charter
41 school on the last day of the first school month of the school district
42 for either or both of the immediately preceding 2 school years, the
43 largest number must be used from among the 3 years for purposes of
44 apportioning money from the State Distributive School Account to
45 that school district or charter school pursuant to NRS 387.124.



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

4 4. Pupils who are incarcerated in a facility or institution
5 operated by the Department of Corrections must not be counted for
6 the purpose of computing basic support pursuant to this section. The
7 average daily attendance for such pupils must be reported to the
8 Department of Education.

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

13 **Sec. 24.** NRS 387.124 is hereby amended to read as follows:

14 387.124 Except as otherwise provided in this section and
15 NRS 387.528:

16 1. On or before August 1, November 1, February 1 and May 1
17 of each year, the Superintendent of Public Instruction shall
18 apportion the State Distributive School Account in the State General
19 Fund among the several county school districts and charter schools
20 in amounts approximating one-fourth of their respective yearly
21 apportionments less any amount set aside as a reserve. The
22 apportionment to a school district, computed on a yearly basis,
23 equals the difference between the basic support and the local funds
24 available pursuant to NRS 387.1235, minus all the funds attributable
25 to pupils who reside in the county but attend a charter school and all
26 the funds attributable to pupils who reside in the county and are
27 enrolled full time or part time in a program of distance education
28 provided by another school district or a charter school. No
29 apportionment may be made to a school district if the amount of the
30 local funds exceeds the amount of basic support. If an agreement is
31 not filed for a pupil who is enrolled in a program of distance
32 education as required by NRS 388.854, the Superintendent of Public
33 Instruction shall not apportion money for that pupil to the board of
34 trustees of the school district in which the pupil resides, or the board
35 of trustees or governing body that provides the program of distance
36 education.

37 2. Except as otherwise provided in subsection 3, the
38 apportionment to a charter school, computed on a yearly basis, is
39 equal to the sum of the basic support per pupil in the county in
40 which the pupil resides plus the amount of local funds available per
41 pupil pursuant to NRS 387.1235 and all other funds available for
42 public schools in the county in which the pupil resides minus all the
43 funds attributable to pupils who are enrolled in the charter school
44 but are concurrently enrolled part time in a program of distance
45 education provided by a school district or another charter school. If



1 the apportionment per pupil to a charter school is more than the
2 amount to be apportioned to the school district in which a pupil who
3 is enrolled in the charter school resides, the school district in which
4 the pupil resides shall pay the difference directly to the charter
5 school.

6 3. Except as otherwise provided in this subsection, the
7 apportionment to a charter school that is sponsored by the State
8 Board ~~of~~ *or a university, state college or community college*,
9 computed on a yearly basis, is equal to:

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

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

16 ➔ whichever is greater. If the calculation set forth in paragraph (a)
17 is less than the calculation pursuant to paragraph (b), the school
18 district in which the charter school is located shall pay the difference
19 directly to the charter school. If a charter school provides a program
20 of distance education pursuant to NRS 388.820 to 388.874,
21 inclusive, the apportionment to the charter school for pupils who are
22 enrolled in the program of distance education must be calculated as
23 set forth in subsection 2 or 4, as applicable.

24 4. In addition to the apportionments made pursuant to this
25 section, an apportionment must be made to a school district or
26 charter school that provides a program of distance education for
27 each pupil who is enrolled part time in the program if an agreement
28 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
29 applicable. The amount of the apportionment must be equal to the
30 percentage of the total time services are provided to the pupil
31 through the program of distance education per school day in
32 proportion to the total time services are provided during a school
33 day to pupils who are counted pursuant to subparagraph (2) of
34 paragraph (a) of subsection 1 of NRS 387.1233 for the school
35 district in which the pupil resides.

36 5. The governing body of a charter school may submit a
37 written request to the Superintendent of Public Instruction to
38 receive, in the first year of operation of the charter school, an
39 apportionment 30 days before the apportionment is required to be
40 made pursuant to subsection 1. Upon receipt of such a request, the
41 Superintendent of Public Instruction may make the apportionment
42 30 days before the apportionment is required to be made. A charter
43 school may receive all four apportionments in advance in its first
44 year of operation.



6. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 25. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall provide for the issuance of a license to teach to a person who:

(a) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(b) Is not licensed to teach public school in another state; and

(c) Has at least 5 years of experience teaching at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education.

2. The issuance of a license pursuant to this section must comply with the provisions of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

3. An applicant for licensure pursuant to this section is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

4. A person who is licensed pursuant to this section:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 26. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in NRS 391.027 ~~and~~ *and section 25 of this act*, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge of each specific subject he proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;

2. The Constitution of the State of Nevada; and



3. The Constitution of the United States.

➔ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel who have previous experience in teaching or performing other educational functions in another state.

Sec. 27. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. ~~Every~~ *Except for an applicant who submits an application for the issuance of a license pursuant to section 25 of this act, an* applicant for a license as a teacher or administrator or to perform some other educational function must submit with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training approved by the State Board ~~and~~ *pursuant to subsection 1.*

Sec. 28. 1. This section and section 20 of this act become effective upon passage and approval.

2. Sections 1 to 19, inclusive, and 21 to 27, inclusive, of this act become effective on July 1, 2005.



