

ASSEMBLY BILL NO. 180—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 8, 2005

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Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.  
(BDR 34-1034)

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

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

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AN ACT relating to education; revising the provisions governing the review of applications to form charter schools submitted to the board of trustees of a school district and the State Board of Education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; revising the provisions governing the licensed personnel of a charter school; revising the provisions governing the reporting of accountability information for charter schools sponsored by the State Board of Education; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law gives the board of trustees of a school district the discretion to  
2 approve or disapprove an application to form a charter school. If the board of  
3 trustees denies the application, however, the applicant may submit a request for  
4 sponsorship by the State Board of Education. Existing law requires the State Board  
5 to approve the application and sponsor the charter school if the application meets  
6 certain statutory requirements. (NRS 386.525) Existing law requires a school  
7 district to be responsible for the accountability reports of all charter schools located  
8 in the district. (NRS 385.347)  
9 This bill specifically authorizes the State Board of Education to deny an  
10 application to form a charter school. This bill requires the governing body of a  
11 charter school sponsored by the board of trustees of a school district to enroll pupils



who live in the district before enrolling pupils who live outside the district. This bill requires each member of the governing body of a charter school to submit an affidavit to the Department indicating that he has read and understands the material concerning membership on the governing body, if such material is provided by the Department.

This bill provides that a person who holds a valid license to teach with an administrative endorsement may be employed as an administrator at the charter school.

This bill reduces the period during which a licensed teacher who is on a leave of absence from a school district to work at a charter school may return to a guaranteed comparable teaching position in the district from 6 years to 3 years.

This bill requires the Department to collect and report accountability information for the charter schools sponsored by the State Board.

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

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

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

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

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

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school ~~{in}~~ *sponsored by* the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school ~~{in}~~ *sponsored by* the district, and each grade in which the examinations were administered:

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



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

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(4) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(5) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(6) The percentage of pupils who were not tested;

(7) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (4);

(8) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(9) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~fin~~ *sponsored by* the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(10) For each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.



1 ➡ A separate reporting for a subgroup of pupils must not be made  
2 pursuant to this paragraph if the number of pupils in that subgroup is  
3 insufficient to yield statistically reliable information or the results  
4 would reveal personally identifiable information about an individual  
5 pupil. The State Board shall prescribe the mechanism for  
6 determining the minimum number of pupils that must be in a  
7 subgroup for that subgroup to yield statistically reliable information.

8 (c) The ratio of pupils to teachers in kindergarten and at each  
9 grade level for each elementary school in the district and the district  
10 as a whole, including, without limitation, each charter school ~~fin~~  
11 *sponsored by* the district, and the average class size for each core  
12 academic subject, as set forth in NRS 389.018, for each secondary  
13 school in the district and the district as a whole, including, without  
14 limitation, each charter school ~~fin~~ *sponsored by* the district.

15 (d) Information on the professional qualifications of teachers  
16 employed by each school in the district and the district as a whole,  
17 including, without limitation, each charter school ~~fin~~ *sponsored by*  
18 the district. The information must include, without limitation:

19 (1) The percentage of teachers who are:

20 (I) Providing instruction pursuant to NRS 391.125;

21 (II) Providing instruction pursuant to a waiver of the  
22 requirements for licensure for the grade level or subject area in  
23 which the teachers are employed; or

24 (III) Otherwise providing instruction without an  
25 endorsement for the subject area in which the teachers are  
26 employed;

27 (2) The percentage of classes in the core academic subjects,  
28 as set forth in NRS 389.018, that are not taught by highly qualified  
29 teachers; and

30 (3) The percentage of classes in the core academic subjects,  
31 as set forth in NRS 389.018, that are not taught by highly qualified  
32 teachers, in the aggregate and disaggregated by high-poverty  
33 compared to low-poverty schools, which for the purposes of this  
34 subparagraph, means schools in the top quartile of poverty and the  
35 bottom quartile of poverty in this State.

36 (e) The total expenditure per pupil for each school in the district  
37 and the district as a whole, including, without limitation, each  
38 charter school ~~fin~~ *sponsored by* the district. If this State has a  
39 financial analysis program that is designed to track educational  
40 expenditures and revenues to individual schools, each school district  
41 shall use that statewide program in complying with this paragraph.  
42 If a statewide program is not available, each school district shall use  
43 its own financial analysis program in complying with this  
44 paragraph.

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



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

3 (2) The curriculum used by each charter school ~~fin~~  
4 *sponsored by* the district.

5 (g) Records of the attendance and truancy of pupils in all grades,  
6 including, without limitation:

7 (1) The average daily attendance of pupils, for each school in  
8 the district and the district as a whole, including, without limitation,  
9 each charter school ~~fin~~ *sponsored by* the district.

10 (2) For each elementary school, middle school and junior  
11 high school in the district, including, without limitation, each charter  
12 school ~~fin~~ *sponsored by* the district that provides instruction to  
13 pupils enrolled in a grade level other than high school, information  
14 that compares the attendance of the pupils enrolled in the school  
15 with the attendance of pupils throughout the district and throughout  
16 this State. The information required by this subparagraph must be  
17 provided in consultation with the Department to ensure the accuracy  
18 of the comparison.

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

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

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

27 (3) Withdraw from school to attend another school.

28 (i) Records of attendance of teachers who provide instruction,  
29 for each school in the district and the district as a whole, including,  
30 without limitation, each charter school ~~fin~~ *sponsored by* the district.

31 (j) Efforts made by the school district and by each school in the  
32 district, including, without limitation, each charter school ~~fin~~  
33 *sponsored by* the district, to increase:

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

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

40 (k) Records of incidents involving weapons or violence for each  
41 school in the district, including, without limitation, each charter  
42 school ~~fin~~ *sponsored by* the district.

43 (l) Records of incidents involving the use or possession of  
44 alcoholic beverages or controlled substances for each school in the



1 district, including, without limitation, each charter school ~~fin~~  
2 *sponsored by* the district.

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

5 (n) The number of pupils who are deemed habitual disciplinary  
6 problems pursuant to NRS 392.4655, for each school in the district  
7 and the district as a whole, including, without limitation, each  
8 charter school ~~fin~~ *sponsored by* the district.

9 (o) The number of pupils in each grade who are retained in the  
10 same grade pursuant to NRS 392.033 or 392.125, for each school in  
11 the district and the district as a whole, including, without limitation,  
12 each charter school ~~fin~~ *sponsored by* the district.

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

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

21 (r) The amount and sources of money received for remedial  
22 education for each school in the district and the district as a whole,  
23 including, without limitation, each charter school ~~fin~~ *sponsored by*  
24 the district.

25 (s) For each high school in the district, including, without  
26 limitation, each charter school ~~fin~~ *sponsored by* the district, the  
27 percentage of pupils who graduated from that high school or charter  
28 school in the immediately preceding year and enrolled in remedial  
29 courses in reading, writing or mathematics at a university or  
30 community college within the University and Community College  
31 System of Nevada.

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

35 (u) For each school in the district and the district as a whole,  
36 including, without limitation, each charter school ~~fin~~ *sponsored by*  
37 the district, the number and percentage of pupils who received:

38 (1) A standard high school diploma.

39 (2) An adjusted diploma.

40 (3) A certificate of attendance.

41 (v) For each school in the district and the district as a whole,  
42 including, without limitation, each charter school ~~fin~~ *sponsored by*  
43 the district, the number and percentage of pupils who did not receive  
44 a high school diploma because the pupils failed to pass the high  
45 school proficiency examination.



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

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by* the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school *sponsored by the district* that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be



1 provided in consultation with the Department to ensure the accuracy  
2 of the comparison.

3 (cc) An identification of the appropriations made by the  
4 Legislature that are available to the school district or the schools  
5 within the district and programs approved by the Legislature to  
6 improve the academic achievement of pupils.

7 (dd) Such other information as is directed by the Superintendent  
8 of Public Instruction.

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

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

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

20 4. The annual report of accountability prepared pursuant to  
21 subsection 2 must:

22 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations  
23 adopted pursuant thereto; and

24 (b) Be presented in an understandable and uniform format and to  
25 the extent practicable, provided in a language that parents can  
26 understand.

27 5. The Superintendent of Public Instruction shall:

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

30 (b) Provide statistical information and technical assistance to the  
31 school districts to ensure that the reports provide comparable  
32 information with respect to each school in each district and among  
33 the districts throughout this State.

34 (c) Consult with a representative of the:

35 (1) Nevada State Education Association;

36 (2) Nevada Association of School Boards;

37 (3) Nevada Association of School Administrators;

38 (4) Nevada Parent Teacher Association;

39 (5) Budget Division of the Department of Administration;

40 and

41 (6) Legislative Counsel Bureau,

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





6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before April 1 of each year, the board of trustees of each school district shall submit to:

(a) Each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Submit the report required pursuant to subsection 2 to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district.

9. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

**Sec. 2.** NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. If applicable, a committee may submit an application directly to the Subcommittee on Charter Schools pursuant to subsection 4. If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at a regularly scheduled meeting that must be held not later than 30 days after the receipt of the application ~~or~~ *or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school*



1 *district*, and ensure that notice of the meeting has been provided  
2 pursuant to chapter 241 of NRS. The board of trustees, the  
3 Subcommittee on Charter Schools or the State Board, as applicable,  
4 shall review an application to determine whether the application:

5 (a) Complies with NRS 386.500 to 386.610, inclusive, and the  
6 regulations applicable to charter schools; and

7 (b) Is complete in accordance with the regulations of the  
8 Department.

9 2. The Department shall assist the board of trustees of a school  
10 district in the review of an application. The board of trustees may  
11 approve an application if it satisfies the requirements of paragraphs  
12 (a) and (b) of subsection 1. The board of trustees shall provide  
13 written notice to the applicant of its approval or denial of the  
14 application.

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

20 4. If the board of trustees denies an application after it has been  
21 resubmitted pursuant to subsection 3, the applicant may submit a  
22 written request for sponsorship by the State Board to the  
23 Subcommittee on Charter Schools created pursuant to NRS 386.507  
24 not more than 30 days after receipt of the written notice of denial. If  
25 an applicant proposes to form a charter school exclusively for the  
26 enrollment of pupils who receive special education pursuant to NRS  
27 388.440 to 388.520, inclusive, the applicant may submit the written  
28 request and application directly to the Subcommittee without first  
29 seeking approval from the board of trustees of a school district. Any  
30 request that is submitted pursuant to this subsection must be  
31 accompanied by the application to form the charter school.

32 5. If the Subcommittee *on Charter Schools* receives a request  
33 pursuant to subsection 4, it shall hold a meeting to consider the  
34 request and the application. The meeting must be held not later than  
35 30 days after receipt of the application. Notice of the meeting must  
36 be posted in accordance with chapter 241 of NRS. The  
37 Subcommittee shall review the application in accordance with  
38 the factors set forth in paragraphs (a) and (b) of subsection 1. The  
39 Subcommittee ~~[shall]~~ *may* approve an application if it satisfies the  
40 requirements of paragraphs (a) and (b) of subsection 1.

41 6. The Subcommittee *on Charter Schools* shall transmit the  
42 application and the recommendation of the Subcommittee for  
43 approval or denial of the application to the State Board. Not more  
44 than 14 days after the date of the meeting of the Subcommittee  
45 pursuant to subsection 5, the State Board shall hold a meeting to



1 consider the recommendation of the Subcommittee. Notice of the  
2 meeting must be posted in accordance with chapter 241 of NRS.  
3 The State Board shall review the application in accordance with the  
4 factors set forth in paragraphs (a) and (b) of subsection 1. The State  
5 Board ~~{shall}~~ *may* approve an application if it satisfies the  
6 requirements of paragraphs (a) and (b) of subsection 1. Not more  
7 than 30 days after the meeting, the State Board shall provide written  
8 notice of its determination to the applicant.

9 7. If the State Board denies the application ~~{, the}~~ :

10 *(a) It shall include in the written notice the reasons for the*  
11 *denial and the deficiencies in the application; and*

12 *(b) The* applicant may, not more than 30 days after the receipt of  
13 the written notice from the State Board, appeal the final  
14 determination to the district court of the county in which the  
15 proposed charter school will be located.

16 **Sec. 3.** NRS 386.527 is hereby amended to read as follows:

17 386.527 1. If the State Board or the board of trustees of a  
18 school district approves an application to form a charter school, it  
19 shall grant a written charter to the applicant. The State Board or the  
20 board of trustees, as applicable, shall, not later than 10 days after  
21 the approval of the application, provide written notice to the  
22 Department of the approval and the date of the approval. If the  
23 board of trustees approves the application, the board of trustees shall  
24 be deemed the sponsor of the charter school. If the State Board  
25 approves the application:

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

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

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



1 charter school must agree to comply with all conditions of operation  
2 set forth in NRS 386.550.

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

23 4. The State Board shall adopt objective criteria for the  
24 issuance of a written charter to an applicant who is not prepared to  
25 commence operation on the date of issuance of the written charter.  
26 The criteria must include, without limitation, the:

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

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

31 ➡ A holder of such a written charter may apply for grants of money  
32 to prepare the charter school for operation. A written charter issued  
33 pursuant to this subsection must not be designated as a conditional  
34 charter or a provisional charter or otherwise contain any other  
35 designation that would indicate the charter is issued for a temporary  
36 period.

37 5. The holder of a written charter that is issued pursuant to  
38 subsection 4 shall not commence operation of the charter school and  
39 is not eligible to receive apportionments pursuant to NRS 387.124  
40 until the sponsor has determined that the requirements adopted by  
41 the State Board pursuant to subsection 4 have been satisfied and that  
42 the facility the charter school will occupy has been inspected and  
43 meets the requirements of any applicable building codes, codes for  
44 the prevention of fire, and codes pertaining to safety, health and  
45 sanitation. Except as otherwise provided in this subsection, the



1 sponsor shall make such a determination 30 days before the first day  
2 of school for the:

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

6 (b) Charter school,

7 ➡ whichever date the sponsor selects. The sponsor shall not require  
8 a charter school to demonstrate compliance with the requirements of  
9 this subsection more than 30 days before the date selected.  
10 However, it may authorize a charter school to demonstrate  
11 compliance less than 30 days before the date selected.

12 **Sec. 4.** NRS 386.549 is hereby amended to read as follows:

13 386.549 1. The governing body of a charter school must  
14 consist of at least three teachers, as defined in subsection 4, and may  
15 consist of, without limitation, parents and representatives of  
16 nonprofit organizations and businesses. A majority of the members  
17 of the governing body must reside in this State. If the membership  
18 of the governing body changes, the governing body shall provide  
19 written notice to the sponsor of the charter school within 10 working  
20 days after such change. A person may serve on the governing body  
21 only if he submits an affidavit to the Department indicating that the  
22 person ~~has~~ :

23 (a) ~~Has~~ not been convicted of a felony relating to serving on the  
24 governing body of a charter school or any offense involving moral  
25 turpitude.

26 (b) *Has read and understands material concerning the roles  
27 and responsibilities of members of governing bodies of charter  
28 schools and other material designed to assist the governing bodies  
29 of charter schools, if such material is provided to the person by the  
30 Department.*

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

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

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

41 (a) Holds a current license to teach issued pursuant to chapter  
42 391 of NRS; and

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

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



**Sec. 5.** NRS 386.580 is hereby amended to read as follows:

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

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

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

↳ of a pupil.

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

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or 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. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

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

(a) With disabilities;

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

(c) Who are at risk.

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

**Sec. 6.** NRS 386.590 is hereby amended to read as follows:

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

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

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, ~~for~~ 5, 6, 7 or 8, a licensed teacher to teach pupils





1 who are enrolled in those grades. If required by subsection 3 or 4,  
2 such a teacher must possess the qualifications required by 20 U.S.C.  
3 § 6319(a).

4 (b) ~~Except as otherwise provided in subsections 3 and 4, if~~ *If*  
5 the charter school offers instruction in grade ~~[6, 7, 8,]~~ 9, 10, 11 or  
6 12, a licensed teacher to teach pupils who are enrolled in those  
7 grades for the ~~following courses of study:~~

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

9 ~~(2) Mathematics;~~

10 ~~(3) Science; and~~

11 ~~(4) Social studies, which includes only the subjects of~~  
12 ~~history, geography, economics and government.]~~ *subjects set forth*  
13 *in subsection 4. If required by subsection 3 or 4, such a teacher*  
14 *must possess the qualifications required by 20 U.S.C. § 6319(a).*

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

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

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

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

28 3. A person who is initially hired by the governing body of a  
29 charter school on or after January 8, 2002, to teach in a program  
30 supported with money from Title I must possess the qualifications  
31 required by 20 U.S.C. § 6319(a). For the purposes of this  
32 subsection, a person is not “initially hired” if he has been employed  
33 as a teacher by another school district or charter school in this State  
34 without an interruption in employment before the date of hire by his  
35 current employer.

36 4. A teacher who is employed by a charter school, regardless of  
37 the date of hire, must, on or before July 1, 2006, possess the  
38 qualifications required by 20 U.S.C. § 6319(a) if he teaches one or  
39 more of the following subjects:

40 (a) English, reading or language arts;

41 (b) Mathematics;

42 (c) Science;

43 (d) Foreign language;

44 (e) Civics or government;

45 (f) Economics;





- (g) Geography;
- (h) History; or
- (i) The arts.

5. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

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

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

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

(a) *A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;*

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

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

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

8. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

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

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

**Sec. 7.** NRS 386.595 is hereby amended to read as follows:

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

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



1 a leave of absence from the school district. After the first 3 years :  
2 ~~[that the employee is on a leave of absence:]~~

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

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

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

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

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

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

28 5. The board of trustees of a school district that is a sponsor of  
29 a charter school shall grant a leave of absence, not to exceed ~~[6]~~ 3  
30 years, to any employee who is employed by the board of trustees  
31 who requests such a leave of absence to accept employment with the  
32 charter school. After the first school year in which an employee is  
33 on a leave of absence, he may return to his former teaching position  
34 with the board of trustees. ~~[After the third school year, an employee  
35 who is on a leave of absence may submit a written request to the  
36 board of trustees to return to a comparable teaching position with  
37 the board of trustees.]~~ After the ~~[sixth]~~ third school year, an  
38 employee shall either submit a written request to return to a  
39 comparable teaching position or resign from the position for which  
40 his leave was granted. The board of trustees shall grant a written  
41 request to return to a comparable position pursuant to this  
42 subsection even if the return of the employee requires the board of  
43 trustees to reduce the existing workforce of the school district. The  
44 board of trustees may require that a request to return to a teaching  
45 position submitted pursuant to this subsection be submitted at least



1 90 days before the employee would otherwise be required to report  
2 to duty.

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

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

15 8. An employee of a charter school who is not on a leave of  
16 absence from a school district is eligible for all benefits for which he  
17 would be eligible for employment in a public school, including,  
18 without limitation, participation in the Public Employees'  
19 Retirement System.

20 9. For all employees of a charter school:

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

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

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

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

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



**Sec. 8.** NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ *a charter school that is sponsored by the board of trustees of a school district* shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~[of the school district in which]~~ *that sponsors* the charter school ~~[is located, regardless of the sponsor of the charter school.]~~ for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. *On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a separate report of accountability information for the charter schools sponsored by the State Board.*

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

~~[3.]~~ 4. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

**Sec. 9.** NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before ~~July 15~~ *August 15* of each year, 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. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the 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. 10.** NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.



1   ↪ The information maintained pursuant to paragraphs (c), (d) and  
2 (e) must not be used for the purpose of evaluating an individual  
3 teacher or paraprofessional.

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

5       (a) Adopt and maintain the program prescribed by the  
6 Superintendent of Public Instruction pursuant to subsection 3 for the  
7 collection, maintenance and transfer of data from the records of  
8 individual pupils to the automated system of information, including,  
9 without limitation, the development of plans for the educational  
10 technology which is necessary to adopt and maintain the program;

11       (b) Provide to the Department electronic data concerning pupils  
12 as required by the Superintendent of Public Instruction pursuant to  
13 subsection 3; and

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

16       3. The Superintendent of Public Instruction shall:

17       (a) Prescribe a uniform program throughout this State for the  
18 collection, maintenance and transfer of data that each school district  
19 must adopt, which must include standardized software;

20       (b) Prescribe the data to be collected and reported to the  
21 Department by each school district *and each sponsor of a charter*  
22 *school* pursuant to subsection 2 . ~~[, including, without limitation,~~  
23 ~~data relating to each charter school located within a school district~~  
24 ~~regardless of the sponsor of the charter school;]~~

25       (c) Prescribe the format for the data;

26       (d) Prescribe the date by which each school district shall report  
27 the data;

28       (e) Prescribe the date by which each charter school ~~located~~  
29 ~~within a school district]~~ shall report the data to the ~~[school district~~  
30 ~~for incorporation into the report of the school district, regardless of~~  
31 ~~the]~~ sponsor of the charter school;

32       (f) Prescribe standardized codes for all data elements used  
33 within the automated system and all exchanges of data within the  
34 automated system, including, without limitation, data concerning:

35           (1) Individual pupils;

36           (2) Individual teachers and paraprofessionals;

37           (3) Individual schools and school districts; and

38           (4) Programs and financial information;

39       (g) Provide technical assistance to each school district to ensure  
40 that the data from each public school in the school district,  
41 including, without limitation, each charter school located within the  
42 school district, is compatible with the automated system of  
43 information and comparable to the data reported by other school  
44 districts; and



(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

**Sec. 11.** NRS 386.655 is hereby amended to read as follows:

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

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

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

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

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The



1 electronic record must be maintained and may only be disclosed in  
2 accordance with the provisions of 20 U.S.C. § 1232g. A charter  
3 school shall provide to the ~~[school district in which the charter~~  
4 ~~school is located]~~ *sponsor of the charter school* such information as  
5 is necessary for the ~~[school district]~~ *sponsor* to carry out the  
6 provisions of this subsection . ~~[, regardless of the sponsor of the~~  
7 ~~charter school.]~~

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

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

14 **Sec. 12.** Section 1 of this act applies to each application to  
15 form a charter school that is pending before the Subcommittee on  
16 Charter Schools or the State Board of Education on and after the  
17 effective date of this act, regardless of whether the application was  
18 submitted to the Subcommittee or State Board before the effective  
19 date of this act.

20 **Sec. 13.** The amendatory provisions of section 6 of this act do  
21 not apply to a teacher who is on an approved leave of absence from  
22 a school district and is employed by the governing body of a charter  
23 school before July 1, 2005.

24 **Sec. 14.** 1. This section and sections 2 and 12 of this act  
25 become effective upon passage and approval.

26 2. Sections 1, 3 to 11, inclusive, and 13 of this act become  
27 effective on July 1, 2005.

