

ASSEMBLY BILL NO. 180—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 8, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools and automated system of accountability information for public 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.

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 larger 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 provisions governing the use of certain accountability information in the evaluation of teachers; 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 deny an application to form a charter school. If the board of trustees
- 3 denies the application, the applicant may submit a request for sponsorship by the
- 4 State Board of Education. An applicant may submit an application directly to
- 5 the State Board only if the proposed charter school is designed exclusively for the
- 6 enrollment of special education pupils. Existing law requires the State Board to



7 approve the application and sponsor the charter school if the application meets
8 certain statutory requirements. (NRS 386.525)

9 This bill grants discretion to the State Board whether to approve or deny an
10 application, similar to the discretion currently granted to the boards of trustees of
11 school districts. This bill also amends existing law to provide that an application
12 may be submitted directly to the State Board without first being denied by a school
13 district, regardless of whether the proposed charter school is designed exclusively
14 for the enrollment of special education pupils.

15 Existing law governs the requirements of governing bodies of charter schools
16 and the enrollment of pupils in charter schools. (NRS 386.549, 386.580)

17 This bill requires each member of the governing body of a charter school to
18 submit an affidavit to the Department of Education indicating that he has read and
19 understands the material concerning membership on the governing body, if such
20 material is provided by the Department. This bill requires the governing body of a
21 charter school sponsored by the board of trustees of a school district located in
22 certain larger counties to enroll pupils who live in the district before enrolling
23 pupils who live outside the district.

24 Existing law governs the employment of charter school personnel. (NRS
25 386.590, 386.595)

26 This bill provides that a person who holds a valid license to teach with an
27 administrative endorsement may be employed as an administrator at the charter
28 school. This bill also reduces the period during which a licensed teacher who is on
29 a leave of absence from a school district to work at a charter school may return to a
30 guaranteed comparable teaching position in the district from 6 years to 3 years.

31 Existing law requires a school district to be responsible for the accountability
32 reports of all charter schools located in the district. (NRS 385.347)

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

35 Existing law establishes an automated system of accountability information for
36 Nevada and prohibits the use of certain information collected as part of that system
37 to be used in the evaluation of an individual teacher or paraprofessional.
38 (NRS 386.650)

39 This bill amends existing law to provide that the information collected as part
40 of the automated system may not be used as the only criteria in the evaluation of an
41 individual teacher or paraprofessional.

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

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

2 385.347 1. The board of trustees of each school district in
3 this State, in cooperation with associations recognized by the State
4 Board as representing licensed personnel in education in the district,
5 shall adopt a program providing for the accountability of the school
6 district to the residents of the district and to the State Board for the
7 quality of the schools and the educational achievement of the pupils
8 in the district, including, without limitation, pupils enrolled in
9 charter schools ~~that~~ *sponsored by* the school district. The board of
10 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.

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

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

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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



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

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

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

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

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

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

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the 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.

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

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

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



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

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

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

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

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

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

17 (l) Records of incidents involving the use or possession of
18 alcoholic beverages or controlled substances for each school in the
19 district, including, without limitation, each charter school ~~fin~~
20 *sponsored by* the district.

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

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

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

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

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

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

43 (s) For each high school in the district, including, without
44 limitation, each charter school ~~fin~~ *sponsored by* the district, the
45 percentage of pupils who graduated from that high school or charter



1 school in the immediately preceding year and enrolled in remedial
2 courses in reading, writing or mathematics at a university or
3 community college within the University and Community College
4 System of Nevada.

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

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

11 (1) A standard high school diploma.

12 (2) An adjusted diploma.

13 (3) A certificate of attendance.

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

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

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

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

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

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

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



(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school ~~that~~ *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 provided in consultation with the Department to ensure the accuracy of the comparison.

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

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

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

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

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

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

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

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



5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,

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

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



1 and guardians of pupils enrolled in schools in the district, including,
2 without limitation, each charter school ~~[in]~~ *sponsored by* the district.

3 9. As used in this section:

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

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

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

9 386.525 1. Upon approval of an application by the
10 Department, a committee to form a charter school may submit
11 the application to the board of trustees of the school district in which
12 the proposed charter school will be located ~~[. If applicable,]~~ , *or* a
13 committee may submit an application directly to the Subcommittee
14 on Charter Schools pursuant to subsection 4. If the board of trustees
15 of a school district receives an application to form a charter school,
16 it shall consider the application at a regularly scheduled meeting that
17 must be held not later than 30 days after the receipt of the
18 application ~~[.]~~ *or a period mutually agreed upon by the committee*
19 *to form the charter school and the board of trustees of the school*
20 *district*, and ensure that notice of the meeting has been provided
21 pursuant to chapter 241 of NRS. The board of trustees, the
22 Subcommittee on Charter Schools or the State Board, as applicable,
23 shall review an application to determine whether the application:

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

26 (b) Is complete in accordance with the regulations of the
27 Department.

28 2. The Department shall assist the board of trustees of a school
29 district in the review of an application. The board of trustees may
30 approve an application if it satisfies the requirements of paragraphs
31 (a) and (b) of subsection 1. The board of trustees shall provide
32 written notice to the applicant of its approval or denial of the
33 application.

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

39 4. If the board of trustees denies an application after it has been
40 resubmitted pursuant to subsection 3, the applicant may submit a
41 written request for sponsorship by the State Board to the
42 Subcommittee on Charter Schools created pursuant to NRS 386.507
43 not more than 30 days after receipt of the written notice of denial.
44 ~~If an applicant proposes to form a charter school exclusively for the~~
45 ~~enrollment of pupils who receive special education pursuant to NRS~~



~~388.440 to 388.520, inclusive, the~~ An applicant may *also* submit the written request and application directly to the Subcommittee without first seeking approval from the board of trustees of a school district. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

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

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

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

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

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

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

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



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

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

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

23 3. The governing body of a charter school may submit to the
24 sponsor of the charter school a written request for an amendment of
25 the written charter of the charter school. Such an amendment may
26 include, without limitation, the expansion of instruction and other
27 educational services to pupils who are enrolled in grade levels other
28 than the grade levels of pupils currently enrolled in the charter
29 school if the expansion of grade levels does not change the kind of
30 school, as defined in NRS 388.020, for which the charter school is
31 authorized to operate. If the proposed amendment complies with the
32 provisions of this section, NRS 386.500 to 386.610, inclusive, and
33 any other statute or regulation applicable to charter schools, the
34 sponsor ~~shall~~ **may** amend the written charter in accordance with
35 the proposed amendment. If a charter school wishes to expand the
36 instruction and other educational services offered by the charter
37 school to pupils who are enrolled in grade levels other than the
38 grade levels of pupils currently enrolled in the charter school and the
39 expansion of grade levels changes the kind of school, as defined in
40 NRS 388.020, for which the charter school is authorized to operate,
41 the charter school must submit a new application to form a charter
42 school.

43 4. The State Board shall adopt objective criteria for the
44 issuance of a written charter to an applicant who is not prepared to



1 commence operation on the date of issuance of the written charter.
2 The criteria must include, without limitation, the:

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

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

7 ➔ A holder of such a written charter may apply for grants of money
8 to prepare the charter school for operation. A written charter issued
9 pursuant to this subsection must not be designated as a conditional
10 charter or a provisional charter or otherwise contain any other
11 designation that would indicate the charter is issued for a temporary
12 period.

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

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

27 (b) Charter school,

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

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

34 386.549 1. The governing body of a charter school must
35 consist of at least three teachers, as defined in subsection 4, and may
36 consist of, without limitation, parents and representatives of
37 nonprofit organizations and businesses. A majority of the members
38 of the governing body must reside in this State. If the membership
39 of the governing body changes, the governing body shall provide
40 written notice to the sponsor of the charter school within 10 working
41 days after such change. A person may serve on the governing body
42 only if he submits an affidavit to the Department indicating that the
43 person [has] :



1 (a) *Has* not been convicted of a felony relating to serving on the
2 governing body of a charter school or any offense involving moral
3 turpitude.

4 (b) *Has read and understands material concerning the roles*
5 *and responsibilities of members of governing bodies of charter*
6 *schools and other material designed to assist the governing bodies*
7 *of charter schools, if such material is provided to the person by the*
8 *Department.*

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

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

18 4. As used in subsection 1, “teacher” means a person who:

19 (a) Holds a current license to teach issued pursuant to chapter
20 391 of NRS; and

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

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

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

25 386.580 1. An application for enrollment in a charter school
26 may be submitted to the governing body of the charter school by the
27 parent or legal guardian of any child who resides in this State.
28 Except as otherwise provided in this subsection, a charter school
29 shall enroll pupils who are eligible for enrollment in the order in
30 which the applications are received. If the board of trustees of the
31 school district in which the charter school is located has established
32 zones of attendance pursuant to NRS 388.040, the charter school
33 shall, if practicable, ensure that the racial composition of pupils
34 enrolled in the charter school does not differ by more than 10
35 percent from the racial composition of pupils who attend public
36 schools in the zone in which the charter school is located. *If a*
37 *charter school is sponsored by the board of trustees of a school*
38 *district located in a county whose population is 100,000 or more,*
39 *except for a program of distance education provided by the charter*
40 *school, the charter school shall enroll pupils who are eligible for*
41 *enrollment who reside in the school district in which the charter*
42 *school is located before enrolling pupils who reside outside the*
43 *school district.* If more pupils who are eligible for enrollment apply
44 for enrollment in the charter school than the number of spaces which



1 are available, the charter school shall determine which applicants to
2 enroll on the basis of a lottery system.

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

- 6 (a) Race;
- 7 (b) Gender;
- 8 (c) Religion;
- 9 (d) Ethnicity; or
- 10 (e) Disability,

11 ➤ of a pupil.

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

19 4. Except as otherwise provided in this subsection, upon the
20 request of a parent or legal guardian of a child who is enrolled in a
21 public school of a school district or a private school, or a parent or
22 legal guardian of a homeschooled child, the governing body of the
23 charter school shall authorize the child to participate in a class that
24 is not otherwise available to the child at his school or home school
25 or participate in an extracurricular activity at the charter school if:

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

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

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

38 5. The governing body of a charter school may revoke its
39 approval for a child to participate in a class or extracurricular
40 activity at a charter school pursuant to subsection 4 if the governing
41 body determines that the child has failed to comply with applicable
42 statutes, or applicable rules and regulations. If the governing body
43 so revokes its approval, neither the governing body nor the charter
44 school is liable for any damages relating to the denial of services to
45 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 who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

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

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

~~—— (2) Mathematics;~~

~~—— (3) Science; and~~

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

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

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

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of



1 study relating to the industry if those teachers are employed full
2 time.

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

8 3. A person who is initially hired by the governing body of a
9 charter school on or after January 8, 2002, to teach in a program
10 supported with money from Title I must possess the qualifications
11 required by 20 U.S.C. § 6319(a). For the purposes of this
12 subsection, a person is not "initially hired" if he has been employed
13 as a teacher by another school district or charter school in this State
14 without an interruption in employment before the date of hire by his
15 current employer.

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

- 20 (a) English, reading or language arts;
21 (b) Mathematics;
22 (c) Science;
23 (d) Foreign language;
24 (e) Civics or government;
25 (f) Economics;
26 (g) Geography;
27 (h) History; or
28 (i) The arts.

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

- 33 (a) A degree, a license or a certificate in the field for which he is
34 employed to teach at the charter school; and
35 (b) At least 2 years of experience in that field.

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

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

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

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



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

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

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

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

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

13 386.595 1. All employees of a charter school shall be deemed
14 public employees.

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

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

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

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

41 4. Except as otherwise provided in this subsection, if the
42 written charter of a charter school is revoked or if a charter school
43 ceases to operate as a charter school, the employees of the charter
44 school must be reassigned to employment within the school district
45 in accordance with the applicable collective bargaining agreement.



1 A school district is not required to reassign an employee of a charter
2 school pursuant to this subsection if the employee:

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

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

8 5. The board of trustees of a school district that is a sponsor of
9 a charter school shall grant a leave of absence, not to exceed ~~6~~ 3
10 years, to any employee who is employed by the board of trustees
11 who requests such a leave of absence to accept employment with the
12 charter school. After the first school year in which an employee is
13 on a leave of absence, he may return to his former teaching position
14 with the board of trustees. ~~[After the third school year, an employee~~
15 ~~who is on a leave of absence may submit a written request to the~~
16 ~~board of trustees to return to a comparable teaching position with~~
17 ~~the board of trustees.]~~ After the ~~[sixth]~~ *third* school year, an
18 employee shall either submit a written request to return to a
19 comparable teaching position or resign from the position for which
20 his leave was granted. The board of trustees shall grant a written
21 request to return to a comparable position pursuant to this
22 subsection even if the return of the employee requires the board of
23 trustees to reduce the existing workforce of the school district. The
24 board of trustees may require that a request to return to a teaching
25 position submitted pursuant to this subsection be submitted at least
26 90 days before the employee would otherwise be required to report
27 to duty.

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

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

40 8. An employee of a charter school who is not on a leave of
41 absence from a school district is eligible for all benefits for which he
42 would be eligible for employment in a public school, including,
43 without limitation, participation in the Public Employees'
44 Retirement System.



9. For all employees of a charter school:

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

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

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

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

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

Sec. 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 1~~ **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.

➤ The information maintained pursuant to paragraphs (c), (d) and (e) must not be used *as the only criteria* for the purpose of evaluating an individual teacher or paraprofessional.

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

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

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

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

3. The Superintendent of Public Instruction shall:

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

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 . ~~[, including, without limitation,~~



~~data relating to each charter school located within a school district regardless of the sponsor of the charter school;}~~

(c) Prescribe the format for the data;

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

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

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

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

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



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

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

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

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

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

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

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

36 **Sec. 12.** Section 2 of this act applies to each application to
37 form a charter school that is pending before the Subcommittee on
38 Charter Schools or the State Board of Education on and after the
39 effective date of this act, regardless of whether the application was
40 submitted to the Subcommittee or State Board before the effective
41 date of this act.

42 **Sec. 13.** The amendatory provisions of section 7 of this act do
43 not apply to a teacher who is on an approved leave of absence from
44 a school district and is employed by the governing body of a charter
45 school before July 1, 2005.



- 1 **Sec. 14.** 1. This section and sections 2 and 12 of this act
2 become effective upon passage and approval.
3 2. Sections 1, 3 to 11, inclusive, and 13 of this act become
4 effective on July 1, 2005.



