

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; 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)



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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.

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 in the school district. The board of trustees of ~~the~~
10 *each* school district shall ~~report~~:

11 (a) *Report* the information required by subsection 2 for each
12 charter school *that is located* within the school district, regardless of
13 the sponsor of the charter school.

14 (b) *For the information that is reported in an aggregated*
15 *format, include the data that is applicable to the charter schools*
16 *sponsored by the school district but not the charter schools that*
17 *are sponsored by the State Board.*



(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

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 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 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)]~~ (3) 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)]~~ (4) 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)]~~ (5) The percentage of pupils who were not tested;

~~[(7)]~~ (6) 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)]~~ (3);

~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to



1 NRS 389.015 and 389.550, which may include information
2 regarding the trend in the achievement of pupils for more than 3
3 years, if such information is available;

4 ~~[(9)]~~ (8) Information that compares the results of pupils in
5 the school district, including, without limitation, pupils enrolled in
6 charter schools in the district, with the results of pupils throughout
7 this State. The information required by this subparagraph must be
8 provided in consultation with the Department to ensure the accuracy
9 of the comparison; and

10 ~~[(10)]~~ (9) For each school in the district, including, without
11 limitation, each charter school in the district, information that
12 compares the results of pupils in the school with the results of pupils
13 throughout the school district and throughout this State. The
14 information required by this subparagraph must be provided in
15 consultation with the Department to ensure the accuracy of the
16 comparison.

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

24 (c) The ratio of pupils to teachers in kindergarten and at each
25 grade level for each elementary school in the district and the district
26 as a whole, including, without limitation, each charter school in the
27 district, and the average class size for each core academic subject, as
28 set forth in NRS 389.018, for each secondary school in the district
29 and the district as a whole, including, without limitation, each
30 charter school in the district.

31 (d) Information on the professional qualifications of teachers
32 employed by each school in the district and the district as a whole,
33 including, without limitation, each charter school in the district. The
34 information must include, without limitation:

35 (1) The percentage of teachers who are:

36 (I) Providing instruction pursuant to NRS 391.125;

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

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

43 (2) The percentage of classes in the core academic subjects,
44 as set forth in NRS 389.018, that are not taught by highly qualified
45 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 **H**;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in 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.

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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



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

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

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

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

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial [education] study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

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

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

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

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the



1 number and percentage of pupils who did not receive a high school
2 diploma because the pupils failed to pass the high school
3 proficiency examination.

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

10 (x) The amount and sources of money received for the training
11 and professional development of teachers and other educational
12 personnel for each school in the district and for the district as a
13 whole, including, without limitation, each charter school in the
14 district.

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

20 (z) Information on whether each public school in the district,
21 including, without limitation, each charter school in the district, has
22 made adequate yearly progress, including, without limitation:

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

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

30 (aa) Information on the paraprofessionals employed by each
31 public school in the district, including, without limitation, each
32 charter school the district. The information must include:

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

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

41 (bb) For each high school in the district, including, without
42 limitation, each charter school that operates as a high school,
43 information that provides a comparison of the rate of graduation of
44 pupils enrolled in the high school with the rate of graduation of
45 pupils throughout the district and throughout this State. The



1 information required by this paragraph must be provided in
2 consultation with the Department to ensure the accuracy of the
3 comparison.

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

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

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

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

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

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

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

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

28 5. The Superintendent of Public Instruction shall:

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

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

35 (c) Consult with a representative of the:

36 (1) Nevada State Education Association;

37 (2) Nevada Association of School Boards;

38 (3) Nevada Association of School Administrators;

39 (4) Nevada Parent Teacher Association;

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

41 and

42 (6) Legislative Counsel Bureau,

43 ➡ concerning the program and consider any advice or
44 recommendations submitted by the representatives with respect to
45 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]~~ **August 15** of each year, the board of trustees of each school district shall submit to ~~[-~~

~~—(a) Each~~ **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]~~ **Provide written notice that** the report required pursuant to subsection 2 **is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided** 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) **by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report** to the schools in the school district, including, without limitation, each charter school in 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 in the district.

9. **Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.**

10. 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,]~~ , or 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 a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district*, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the Subcommittee on Charter Schools or the State Board, as applicable, shall review an application to determine whether the application:

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

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

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

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

4. If the board of trustees denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507 not more than 30 days after receipt of the written notice of denial. ~~[If an applicant proposes to form a charter school exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, the]~~ 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:

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

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

2. Except as otherwise provided in subsection 4, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation



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

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

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

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

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

43 ➤ A holder of such a written charter may apply for grants of money
44 to prepare the charter school for operation. A written charter issued
45 pursuant to this subsection must not be designated as a conditional



1 charter or a provisional charter or otherwise contain any other
2 designation that would indicate the charter is issued for a temporary
3 period.

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

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

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

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

25 386.549 1. The governing body of a charter school must
26 consist of at least three teachers, as defined in subsection 4, and may
27 consist of, without limitation, parents and representatives of
28 nonprofit organizations and businesses. A majority of the members
29 of the governing body must reside in this State. If the membership
30 of the governing body changes, the governing body shall provide
31 written notice to the sponsor of the charter school within 10 working
32 days after such change. A person may serve on the governing body
33 only if he submits an affidavit to the Department indicating that the
34 person ~~has~~ :

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

38 (b) *Has read and understands material concerning the roles*
39 *and responsibilities of members of governing bodies of charter*
40 *schools and other material designed to assist the governing bodies*
41 *of charter schools, if such material is provided to the person by the*
42 *Department.*

43 2. The governing body of a charter school is a public body. It is
44 hereby given such reasonable and necessary powers, not conflicting
45 with the Constitution and the laws of the State of Nevada, as may be



1 requisite to attain the ends for which the charter school is
2 established and to promote the welfare of pupils who are enrolled in
3 the charter school.

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

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

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

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

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

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

14 386.580 1. An application for enrollment in a charter school
15 may be submitted to the governing body of the charter school by the
16 parent or legal guardian of any child who resides in this
17 State. Except as otherwise provided in this subsection and
18 subsection 2, a charter school shall enroll pupils who are eligible for
19 enrollment in the order in which the applications are received. If the
20 board of trustees of the school district in which the charter school is
21 located has established zones of attendance pursuant to NRS
22 388.040, the charter school shall, if practicable, ensure that the
23 racial composition of pupils enrolled in the charter school does not
24 differ by more than 10 percent from the racial composition of pupils
25 who attend public schools in the zone in which the charter school is
26 located. *If a charter school is sponsored by the board of trustees of
27 a school district located in a county whose population is 100,000
28 or more, except for a program of distance education provided by
29 the charter school, the charter school shall enroll pupils who are
30 eligible for enrollment who reside in the school district in which
31 the charter school is located before enrolling pupils who reside
32 outside the school district.* Except as otherwise provided in
33 subsection 2, if more pupils who are eligible for enrollment apply
34 for enrollment in the charter school than the number of spaces which
35 are available, the charter school shall determine which applicants to
36 enroll pursuant to this subsection on the basis of a lottery system.

37 2. ~~[A]~~ *Before a charter school enrolls pupils who are eligible
38 for enrollment, a* charter school that is dedicated to providing
39 educational programs and opportunities to pupils who are at risk
40 may enroll a child who:

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

43 (b) Resides *within the school district and* within 2 miles of the
44 charter school if the charter school is located in an area that the



1 sponsor of the charter school determines includes a high percentage
2 of children who are at risk . f;

3 ~~↪ before the charter school enrolls other pupils who are eligible for~~
4 ~~enrollment.]~~ *If space is available after the charter school enrolls*
5 *pupils pursuant to this paragraph, the charter school may enroll*
6 *children who reside outside the school district but within 2 miles*
7 *of the charter school if the charter school is located within an area*
8 *that the sponsor determines includes a high percentage of children*
9 *who are at risk.*

10 ↪ If more pupils described in this subsection who are eligible apply
11 for enrollment than the number of spaces available, the charter
12 school shall determine which applicants to enroll pursuant to this
13 subsection on the basis of a lottery system.

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

- 17 (a) Race;
- 18 (b) Gender;
- 19 (c) Religion;
- 20 (d) Ethnicity; or
- 21 (e) Disability,

22 ↪ of a pupil.

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

30 5. Except as otherwise provided in this subsection, upon the
31 request of a parent or legal guardian of a child who is enrolled in a
32 public school of a school district or a private school, or a parent or
33 legal guardian of a homeschooled child, the governing body of the
34 charter school shall authorize the child to participate in a class that
35 is not otherwise available to the child at his school or home school
36 or participate in an extracurricular activity at the charter school if:

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

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

42 ↪ If the governing body of a charter school authorizes a child to
43 participate in a class or extracurricular activity pursuant to this
44 subsection, the governing body is not required to provide
45 transportation for the child to attend the class or activity. A charter



1 school shall not authorize such a child to participate in a class or
2 activity through a program of distance education provided by the
3 charter school pursuant to NRS 388.820 to 388.874, inclusive.

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

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

15 (a) With disabilities;

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

20 (c) Who are at risk.

21 ➔ If more eligible pupils apply for enrollment in such a charter
22 school than the number of spaces which are available, the charter
23 school shall determine which applicants to enroll pursuant to this
24 subsection on the basis of a lottery system.

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

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

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

35 (a) If the charter school offers instruction in kindergarten or
36 grade 1, 2, 3, 4, ~~for~~ 5, 6, 7 or 8, a licensed teacher to teach pupils
37 who are enrolled in those grades. If required by subsection 3 or 4,
38 such a teacher must possess the qualifications required by 20 U.S.C.
39 § 6319(a).

40 (b) ~~Except as otherwise provided in subsections 3 and 4, if~~ *If*
41 the charter school offers instruction in grade ~~6, 7, 8,~~ 9, 10, 11 or
42 12, a licensed teacher to teach pupils who are enrolled in those
43 grades for the ~~following courses of study:~~

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

45 ~~—— (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 study relating to the industry if those teachers are employed full time.

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

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

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

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(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 a leave of absence from the school district. After the first 3 years :

~~[(that the employee is on a leave of absence):]~~

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

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

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with



1 regard to its employees pursuant to NRS 391.311 to 391.3197,
2 inclusive, unless a collective bargaining agreement entered into by
3 the governing body pursuant to chapter 288 of NRS contains
4 separate provisions relating to the discipline of licensed employees
5 of a school.

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

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

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

18 5. The board of trustees of a school district that is a sponsor of
19 a charter school shall grant a leave of absence, not to exceed ~~6~~ 3
20 years, to any employee who is employed by the board of trustees
21 who requests such a leave of absence to accept employment with the
22 charter school. After the first school year in which an employee is
23 on a leave of absence, he may return to his former teaching position
24 with the board of trustees. ~~[After the third school year, an employee
25 who is on a leave of absence may submit a written request to the
26 board of trustees to return to a comparable teaching position with
27 the board of trustees.]~~ After the ~~[sixth]~~ third school year, an
28 employee shall either submit a written request to return to a
29 comparable teaching position or resign from the position for which
30 his leave was granted. The board of trustees shall grant a written
31 request to return to a comparable position pursuant to this
32 subsection even if the return of the employee requires the board of
33 trustees to reduce the existing workforce of the school district. The
34 board of trustees may require that a request to return to a teaching
35 position submitted pursuant to this subsection be submitted at least
36 90 days before the employee would otherwise be required to report
37 to duty.

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



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

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

10 9. For all employees of a charter school:

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

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

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

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

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

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

35 386.605 1. On or before July 15 of each year, the governing
36 body of ~~each~~ a charter school *that is sponsored by the board of*
37 *trustees of a school district* shall submit the information concerning
38 the charter school that is required pursuant to subsection 2 of NRS
39 385.347 to the board of trustees ~~[of the school district in which]~~ *that*
40 *sponsors* the charter school ~~[is located, regardless of the sponsor of~~
41 ~~the charter school,]~~ for inclusion in the report of the school district
42 pursuant to that section. The information must be submitted by the
43 charter school in a format prescribed by the board of trustees.

44 2. On or before ~~[August 15 of each year, the governing body of~~
45 ~~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.~~ *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 forward the information to the school district in which the charter school is located for inclusion in the report that is prepared by the school district pursuant to NRS 385.347.*

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

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

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

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

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

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

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

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

32 ➤ The information maintained pursuant to paragraphs (c), (d) and
33 (e) *must be used for the purpose of improving the achievement of*
34 *pupils and improving classroom instruction but* must not be used
35 for the purpose of evaluating an individual teacher or
36 paraprofessional.

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

38 (a) Adopt and maintain the program prescribed by the
39 Superintendent of Public Instruction pursuant to subsection 3 for the
40 collection, maintenance and transfer of data from the records of
41 individual pupils to the automated system of information, including,
42 without limitation, the development of plans for the educational
43 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



1 necessary for the performance of a duty or to the extent that such
2 information may be made available to the general public without
3 posing a threat to the confidentiality of an individual pupil.

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

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

11 386.655 1. The Department, the school districts and the
12 public schools, including, without limitation, charter schools, shall,
13 in operating the automated system of information established
14 pursuant to NRS 386.650, comply with the provisions of:

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

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

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

29 3. In addition to the record required pursuant to 20 U.S.C.
30 § 1232g(b)(4)(A), each school district *and each sponsor of a*
31 *charter school* shall maintain within the automated system of
32 information an electronic record of all persons and agencies who
33 have requested the education record of a pupil or obtained access to
34 the education record of a pupil, or both, pursuant to 20 U.S.C. §
35 1232g. The electronic record must be maintained and may only be
36 disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A
37 charter school shall provide to the *sponsor of the charter* school
38 ~~[district in which the charter school is located]~~ such information as
39 is necessary for the ~~[school district]~~ *sponsor* to carry out the
40 provisions of this subsection . ~~[, regardless of the sponsor of the~~
41 ~~charter school.]~~

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



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

4 **Sec. 12.** Section 1 of Assembly Bill No. 206 of this session is
5 hereby amended to read as follows:

6 Section 1. NRS 391.019 is hereby amended to read as
7 follows:

8 391.019 1. Except as otherwise provided in NRS
9 391.027, the Commission:

10 (a) Shall adopt regulations:

11 (1) Prescribing the qualifications for licensing
12 teachers and other educational personnel, including,
13 without limitation, the qualifications for a license to teach
14 middle school or junior high school education, and the
15 procedures for the issuance and renewal of such licenses.

16 (2) Identifying fields of specialization in teaching
17 which require the specialized training of teachers.

18 (3) Except as otherwise provided in NRS 391.125,
19 requiring teachers to obtain from the Department an
20 endorsement in a field of specialization to be eligible to
21 teach in that field of specialization.

22 (4) Setting forth the educational requirements a
23 teacher must satisfy to qualify for an endorsement in each
24 field of specialization.

25 (5) Setting forth the qualifications and
26 requirements for obtaining a license or endorsement to
27 teach American Sign Language, including, without
28 limitation, being qualified to engage in the practice of
29 interpreting pursuant to subsection 3 of
30 NRS 656A.100.

31 (6) Except as otherwise authorized by subsection 4
32 of NRS 656A.100, requiring teachers and other
33 educational personnel to satisfy the qualifications set forth
34 in subsection 3 of NRS 656A.100 if they:

35 (I) Provide instruction or other educational
36 services; and

37 (II) Concurrently engage in the practice of
38 interpreting, as defined in NRS 656A.060.

39 ***(7) Providing for the issuance and renewal of a***
40 ***special qualifications license to an applicant who holds a***
41 ***master's degree or a doctoral degree from an accredited***
42 ***degree-granting postsecondary educational institution in***
43 ***a field for which the applicant will provide instruction in***
44 ***a classroom and who has:***



(I) *At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or*

(II) *At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.*

(8) *Requiring an applicant for a special qualifications license to:*

(I) *Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or*

(II) *Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.*

(9) *Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. *A person who is licensed pursuant to subparagraph (7) of paragraph (a) of subsection 1:*

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

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

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



*by statutes and regulations on the licensed employees of
a school district or charter school, as applicable.*

Sec. 13. Section 2 of this act applies to each application to form a charter school that is pending before the Subcommittee on Charter Schools or the State Board of Education on and after the effective date of this act, regardless of whether the application was submitted to the Subcommittee or State Board before the effective date of this act.

Sec. 14. The amendatory provisions of section 7 of this act do not apply to a teacher who is on an approved leave of absence from a school district and is employed by the governing body of a charter school before July 1, 2005.

Sec. 15. 1. This section and sections 2, 12 and 13 of this act become effective upon passage and approval.

2. Sections 1, 3 to 11, inclusive, and 14 of this act become effective on July 1, 2005.

