

SENATE BILL NO. 56—SENATOR WASHINGTON

FEBRUARY 15, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning charter schools and distance education programs. (BDR 34-18)

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

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

AN ACT relating to education; making various changes concerning the employment practices of charter schools; prescribing the circumstances under which a charter school shall be deemed a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk; revising provisions governing an application to form a charter school and the revocation of the written charter of a charter school; revising the provisions governing apportionments from the State Distributive School Account to charter schools sponsored by the State Board of Education; revising provisions governing programs of distance education; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires all unlicensed applicants for employment with a charter school to submit a set of fingerprints to the governing body of the charter school for submission to the FBI for a criminal history report. This bill also requires the Superintendent of Public Instruction to review the criminal history report of an applicant for employment with a charter school if that applicant has been convicted of a felony or an offense involving moral turpitude.

This bill requires a charter school that is dedicated to providing education to at-risk pupils to submit an annual report to the sponsor of the charter school.

Existing law authorizes a committee to form a charter school to submit an application for sponsorship directly to the State Board only if: (1) the application is



11 first denied by a school district; or (2) the charter school will offer enrollment
12 exclusively for pupils who are receiving special education. (NRS 386.525)

13 This bill amends existing law to allow an applicant to submit an application for
14 sponsorship directly to the State Board, regardless of whether the charter school
15 will offer enrollment exclusively for pupils who receive special education and
16 regardless of whether the application has been previously denied by a school
17 district.

18 Existing law requires the board of trustees of a school district or the State
19 Board's Subcommittee on Charter Schools to hold a meeting to consider an
20 application to form a charter school within 30 days after the application is received.
21 (NRS 386.525)

22 This bill amends existing law to require the meeting to be held within 45 days
23 after the application is received. This bill clarifies that when an application for a
24 charter school to expand instruction or educational services is approved the charter
25 school may continue to operate under the same governing body and is not required
26 to form an additional governing body.

27 This bill makes various changes relating to the revocation of the charter of a
28 charter school, including time periods for notices of hearings and correction of
29 deficiencies concerning the charter school. This bill requires the Department of
30 Education to provide appropriate information, education and training for charter
31 schools and the governing bodies of the charter schools concerning statutes and
32 regulations relating to education.

33 This bill clarifies that a member of the governing body of a charter school is a
34 public officer who is subject to the applicable provisions of Chapter 281 of NRS
35 concerning public officers and employees. This bill authorizes a member of a
36 governing body to receive a salary of \$80 for each meeting of the governing body
37 he attends, not to exceed \$960 per year. The bill also authorizes a member to
38 receive payment for travel expenses and subsistence at the rate authorized for
39 members of the board of trustees of a school district.

40 Existing law requires that charter schools receive a portion of the money in the
41 State Distributive School Account and any other money available from federal,
42 state or local sources. (NRS 386.570)

43 This bill requires the Superintendent to withhold certain amounts of money
44 from each quarterly apportionment to a charter school.

45 Existing law authorizes the sponsor of a charter school to request
46 reimbursement from the governing body of the charter school for the administrative
47 costs associated with sponsorship during the school year. (NRS 386.570)

48 This bill amends existing law to require the sponsor to submit to the charter
49 school a statement of administrative services that will be provided during the
50 school year. The sponsor may request payment from each quarterly apportionment
51 of the charter school for the administrative services not to exceed the maximum
52 amounts stated in the bill.

53 Existing law requires additional testing to be conducted when irregularities
54 occur in the administration of statewide exams and requires a school district to pay
55 the costs for the additional administration. (NRS 389.632)

56 This bill requires a charter school to pay for the costs of administering
57 additional examinations when irregularities in the administration of the tests occur
58 at the charter school.

59 Existing law governs the application process to provide distance education.
60 (NRS 388.838)

61 This bill also allows a committee to form a charter school to apply to provide
62 distance education. If the committee's application to form a charter school is
63 denied, the application for distance education will also be denied.



Existing law requires the filing of a written agreement for every pupil enrolled in distance education on or before September 1 or January 1, depending on the semester of enrollment. (NRS 388.854 and 388.858)

This bill changes the filing date of the written agreement to the last day of the first school month of each school year or February 1 of each school year, depending on the semester of enrollment.

Existing law requires that a licensed teacher provide distance education for any course that is a core academic subject, as defined in NRS 389.018. (NRS 388.866)

This bill would also allow a teacher, instructor, or professor at a community college or university to teach core academic subjects in distance education programs.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction must, as a condition to employment, submit to the governing body of the charter school a complete set of his fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. The Superintendent of Public Instruction or his designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, he shall,



1 upon the request of the Superintendent of Public Instruction or
2 his designee, provide any further information that the
3 Superintendent or his designee determines is necessary to make
4 the determination. If the governing body of the charter school
5 desires to employ the applicant, the governing body shall, upon the
6 request of the Superintendent of Public Instruction or his
7 designee, provide any further information that the Superintendent
8 or his designee determines is necessary to make the determination.
9 The Superintendent of Public Instruction or his designee shall
10 provide written notice of the determination to the applicant and to
11 the governing body of the charter school.

12 5. If the Superintendent of Public Instruction or his designee
13 determines that the conviction of the applicant is related to the
14 position with the charter school for which the applicant has
15 applied, the governing body of the charter school shall not employ
16 the applicant. If the Superintendent of Public Instruction or his
17 designee determines that the conviction of the applicant is
18 unrelated to the position with the charter school for which the
19 applicant has applied, the governing body of the charter school
20 may employ the applicant for that position.

21 **Sec. 2.** NRS 386.500 is hereby amended to read as follows:

22 386.500 For the purposes of NRS 386.500 to 386.610,
23 inclusive, *and section 1 of this act*, a pupil is “at risk” if he has an
24 economic or academic disadvantage such that he requires special
25 services and assistance to enable him to succeed in educational
26 programs. The term includes, without limitation, pupils who are
27 members of economically disadvantaged families, pupils who are
28 limited English proficient, pupils who are at risk of dropping out of
29 high school and pupils who do not meet minimum standards of
30 academic proficiency. The term does not include a pupil with a
31 disability.

32 **Sec. 3.** NRS 386.510 is hereby amended to read as follows:

33 386.510 1. Except as otherwise provided in subsection 2:

34 (a) In a county whose population is *400,000 or more*, ~~{than~~
35 ~~400,000,}~~ two charter schools may be formed per every 75,000
36 pupils who are enrolled in public schools in the county school
37 district.

38 (b) In a county whose population is ~~{more than}~~ 100,000 *or*
39 *more* but less than 400,000, two charter schools may be formed.

40 (c) In a county whose population is less than 100,000, one
41 charter school may be formed.

42 2. The limitations set forth in subsection 1 do not apply to
43 charter schools that are dedicated to providing educational programs
44 and opportunities for pupils who are at risk.



1 3. *For the purposes of subsection 2, a charter school shall be*
2 *deemed a charter school that is dedicated to providing educational*
3 *programs and opportunities for pupils who are at risk if the*
4 *charter school offers educational programs and opportunities to*
5 *pupils who are at risk in accordance with its written charter,*
6 *regardless of the actual number or percentage of such pupils who*
7 *are enrolled in the charter school.*

8 4. *If an application to form a charter school that is dedicated*
9 *to providing educational programs and opportunities for pupils*
10 *who are at risk is approved, the governing body of the charter*
11 *school shall, on or before November 1 of each year, submit a*
12 *report to the sponsor of the charter school that includes*
13 *demographic information concerning the pupils enrolled in the*
14 *charter school and other information to demonstrate that the*
15 *charter school is dedicated to providing educational programs and*
16 *opportunities to pupils who are at risk in compliance with its*
17 *written charter. The State Board shall adopt regulations setting*
18 *forth the action, if any, that may be taken against a charter school*
19 *if the sponsor determines that the charter school is not dedicated*
20 *to providing educational programs and opportunities to pupils who*
21 *are at risk in compliance with its written charter.*

22 **Sec. 4.** NRS 386.515 is hereby amended to read as follows:

23 386.515 1. The board of trustees of a school district may
24 apply to the Department for authorization to sponsor charter schools
25 within the school district. An application must be approved by the
26 Department before the board of trustees may sponsor a charter
27 school. Not more than 180 days after receiving approval to sponsor
28 charter schools, the board of trustees shall provide public notice of
29 its ability to sponsor charter schools and solicit applications for
30 charter schools.

31 2. The State Board shall sponsor charter schools whose
32 applications have been approved by the State Board pursuant to
33 NRS 386.525. *Except as otherwise provided by specific statute, if*
34 *the State Board sponsors a charter school, the State Board or the*
35 *Department is responsible for the evaluation, monitoring and*
36 *oversight of the charter school.*

37 **Sec. 5.** NRS 386.525 is hereby amended to read as follows:

38 386.525 1. Upon approval of an application by the
39 Department, a committee to form a charter school may submit
40 the application to the board of trustees of the school district in which
41 the proposed charter school will be located ~~[If applicable, a~~
42 ~~committee may submit an application]~~ **or** directly to the
43 Subcommittee on Charter Schools. ~~[pursuant to subsection 4.]~~ If the
44 board of trustees of a school district receives an application to form



1 a charter school, ~~[[the board of trustees~~ shall consider the
2 application at a ~~[regularly scheduled]~~ meeting that must be held not
3 later than ~~[30]~~ 45 days after the receipt of the application ~~[-]~~ and
4 ensure that notice of the meeting has been provided pursuant to
5 chapter 241 of NRS. The board of trustees, the Subcommittee on
6 Charter Schools or the State Board, as applicable, shall review ~~[an]~~
7 ~~the~~ application to determine whether the application:

8 (a) Complies with NRS 386.500 to 386.610, inclusive, ~~and~~
9 ~~section 1 of this act~~ and the regulations applicable to charter
10 schools; and

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

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

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

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

36 5. If the Subcommittee receives ~~[a request]~~ ~~an application~~
37 pursuant to subsection ~~1 or~~ 4, it shall hold a meeting to consider the
38 ~~[request and the]~~ application. The meeting must be held not later
39 than ~~[30]~~ 45 days after receipt of the application. Notice of the
40 meeting must be posted in accordance with chapter 241 of NRS.
41 The Subcommittee shall review the application in accordance with
42 the factors set forth in paragraphs (a) and (b) of subsection 1. The
43 Subcommittee shall approve an application if it satisfies the
44 requirements of paragraphs (a) and (b) of subsection 1.



6. The Subcommittee 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 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 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. 6. 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 pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with



1 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
2 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of
3 the issuance of a written charter pursuant to this subsection, the
4 charter school must agree to comply with all conditions of operation
5 set forth in NRS 386.550.

6 3. The governing body of a charter school may submit to the
7 sponsor of the charter school a written request for an amendment of
8 the written charter of the charter school. Such an amendment may
9 include, without limitation, the expansion of instruction and other
10 educational services to pupils who are enrolled in grade levels other
11 than the grade levels of pupils currently enrolled in the charter
12 school if the expansion of grade levels does not change the kind of
13 school, as defined in NRS 388.020, for which the charter school is
14 authorized to operate. If the proposed amendment complies with the
15 provisions of this section, NRS 386.500 to 386.610, inclusive, *and*
16 *section 1 of this act* and any other statute or regulation applicable to
17 charter schools, the sponsor shall amend the written charter in
18 accordance with the proposed amendment. If a charter school
19 wishes to expand the instruction and other educational services
20 offered by the charter school to pupils who are enrolled in grade
21 levels other than the grade levels of pupils currently enrolled in the
22 charter school and the expansion of grade levels changes the kind of
23 school, as defined in NRS 388.020, for which the charter school is
24 authorized to operate, the *governing body of the* charter school must
25 submit a new application to form a charter school. *If such an*
26 *application is approved, the charter school may continue to*
27 *operate under the same governing body and an additional*
28 *governing body does not need to be selected to operate the charter*
29 *school with the expanded grade levels.*

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

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

35 (b) Timelines by which the applicant must satisfy certain
36 requirements demonstrating its progress in preparing to commence
37 operation.

38 ➤ A holder of such a written charter may apply for grants of money
39 to prepare the charter school for operation. A written charter issued
40 pursuant to this subsection must not be designated as a conditional
41 charter or a provisional charter or otherwise contain any other
42 designation that would indicate the charter is issued for a temporary
43 period.



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

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

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

Sec. 7. NRS 386.535 is hereby amended to read as follows:

386.535 1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:

(1) The terms and conditions of the written charter;

(2) Generally accepted standards of accounting and fiscal management; or

(3) The provisions of NRS 386.500 to 386.610, inclusive, *and section 1 of this act* or any other statute or regulation applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. ~~{At least 90 days before}~~ *Before* the sponsor ~~{intends to revoke}~~ *revokes* a written charter, the sponsor shall provide written



notice *of its intention* to the governing body of the charter school .
~~{of its intention.}~~ The written notice must:

(a) Include a statement of the deficiencies or reasons upon
which the action of the sponsor is based; ~~{and~~

~~—(b) Prescribe}~~

*(b) Except as otherwise provided in subsection 4, prescribe a
period, not less than 30 days, during which the charter school may
correct the deficiencies* ~~{~~

~~→ If the charter school corrects the deficiencies to the satisfaction of
the sponsor within the time prescribed in paragraph (b), the sponsor
shall not revoke the written charter of the charter school.}~~ ,
*including, without limitation, the date on which the period to
correct the deficiencies begins and the date on which that period
ends;*

*(c) Prescribe the date on which the sponsor will make a
determination regarding whether the charter school has corrected
the deficiencies, which determination may be made during the
public hearing held pursuant to subsection 3; and*

*(d) Prescribe the date on which the sponsor will hold a public
hearing to consider whether to revoke the charter.*

*3. Except as otherwise provided in subsection 4, not more
than 90 days after the notice is provided pursuant to subsection 2,
the sponsor shall hold a public hearing to make a determination
regarding whether to revoke the written charter. If the charter
school corrects the deficiencies to the satisfaction of the sponsor
within the time prescribed in paragraph (b) of subsection 2, the
sponsor shall not revoke the written charter of the charter school.
The sponsor may not include in a written notice pursuant to
subsection 2 any deficiency which was included in a previous
written notice and which was corrected by the charter school,
unless the deficiency recurred after being corrected.*

*4. The sponsor of a charter school and the governing body of
the charter school may enter into a written agreement that
prescribes different time periods than those set forth in
subsections 2 and 3.*

Sec. 8. NRS 386.545 is hereby amended to read as follows:

386.545 *1.* The Department and the board of trustees of a
school district shall:

~~{1.}~~ *(a)* Upon request, provide information to the general public
concerning the formation and operation of charter schools; *and*

~~{2.}~~ *(b)* Maintain a list available for public inspection that
describes the location of each charter school . ~~{~~

~~—3.}~~ *2. The sponsor of a charter school shall:*



(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive ~~§~~ ~~4.1~~, and *section 1 of this act*;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school; and

~~§5.1~~ (c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government.

3. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

Sec. 9. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

2. The governing body of a charter school is a public body. ~~§4~~ *A member of the governing body of a charter school is a public officer and is subject to the applicable provisions of chapter 281 of NRS. The governing body of a charter school* is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. *Each member of the governing body may receive a salary of \$80 for each meeting of the governing body that he attends, not to exceed \$960 for 1 year. In addition, each member of the governing body may receive payment for travel and subsistence in the same*



1 *amount that is authorized for a member of the board of trustees of*
2 *a school district pursuant to NRS 386.290.*

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

4 (a) Holds a current license to teach issued pursuant to chapter
5 391 of NRS; and

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

7 ➔ The term does not include a person who is employed as a
8 substitute teacher.

9 **Sec. 10.** NRS 386.570 is hereby amended to read as follows:

10 386.570 1. Each pupil who is enrolled in a charter school,
11 including, without limitation, a pupil who is enrolled in a program
12 of special education in a charter school, must be included in the
13 count of pupils in the school district for the purposes of
14 apportionments and allowances from the State Distributive School
15 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
16 pupil is exempt from compulsory attendance pursuant to NRS
17 392.070. A charter school is entitled to receive its proportionate
18 share of any other money available from federal, state or local
19 sources that the school or the pupils who are enrolled in the school
20 are eligible to receive. If a charter school receives special education
21 program units directly from this State, the amount of money for
22 special education that the school district pays to the charter school
23 may be reduced proportionately by the amount of money the charter
24 school received from this State for that purpose. *If a charter school*
25 *is sponsored by the board of trustees of a school district, the*
26 *Superintendent of Public Instruction shall ensure that 0.25*
27 *percent is withheld from each quarterly apportionment made to*
28 *the charter school and deposited in the Fund for Charter Schools*
29 *created by NRS 386.576. If a charter school is sponsored by the*
30 *State Board, the Superintendent of Public Instruction shall:*

31 (a) *Ensure that 0.25 percent is withheld from each quarterly*
32 *apportionment made to the charter school and deposited in the*
33 *Fund for Charter Schools created by NRS 386.576; and*

34 (b) *Ensure that 0.25 percent is withheld from each quarterly*
35 *apportionment made to the charter school and ensure that the*
36 *money is accounted for separately to support the activities of*
37 *the State Board and the Department that are associated with the*
38 *sponsorship and oversight of charter schools.*

39 2. All money received by the charter school from this State or
40 from the board of trustees of a school district must be deposited in a
41 bank, credit union or other financial institution in this State. The
42 governing body of a charter school may negotiate with the board of
43 trustees of the school district and the State Board for additional
44 money to pay for services which the governing body wishes to offer.



1 3. ~~[Upon completion of a school year, the sponsor of a charter~~
2 ~~school may request reimbursement from the governing body of the~~
3 ~~charter school for the administrative costs associated with~~
4 ~~sponsorship for that school year if the sponsor provided~~
5 ~~administrative services during that school year. Upon receipt of such~~
6 ~~a request, the governing body shall pay the reimbursement to the~~
7 ~~board of trustees of the school district, if the board of trustees~~
8 ~~sponsors the charter school, or to the Department if the State Board~~
9 ~~sponsors the charter school. If a governing body fails to pay the~~
10 ~~reimbursement, the charter school shall be deemed to have violated~~
11 ~~its written charter and the sponsor may take such action to revoke~~
12 ~~the written charter pursuant to NRS 386.535 as it deems necessary.~~
13 ~~The amount of reimbursement that a charter school may be required~~
14 ~~to pay pursuant to this subsection]~~ *At the beginning of each school*
15 *year, the board of trustees of each school district that sponsors a*
16 *charter school shall provide to the governing body of the charter*
17 *school a statement of the administrative services, if any, that will*
18 *be provided by the board of trustees during the school year. If the*
19 *State Board sponsors a charter school, the Department shall*
20 *provide to the governing body of the charter school at the*
21 *beginning of each school year a statement of the administrative*
22 *services, if any, that will be provided by the Department during the*
23 *school year. If the sponsor of a charter school desires to receive*
24 *payment for the administrative services provided to the charter*
25 *school during a school year, the sponsor shall submit to the*
26 *Department, at the beginning of the school year, a request for*
27 *payment from each quarterly apportionment to the charter school.*
28 *If the sponsor makes such a request, the Superintendent of Public*
29 *Instruction shall ensure that an amount of money is withheld from*
30 *each quarterly apportionment to the charter school that is*
31 *proportionate to the total amount that may be withheld in 1 school*
32 *year pursuant to subsection 4 or 5, as applicable. The amount*
33 *withheld must be paid to the board of trustees or, if the State*
34 *Board sponsors the charter school, to the Department.*

35 4. *If the board of trustees of a school district is the sponsor of*
36 *a charter school, the amount of money that may be paid to the*
37 *sponsor pursuant to subsection 3 for administrative expenses in 1*
38 *school year must not exceed:*

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

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



~~[4-]~~ 5. *If the State Board is the sponsor of a charter school, the amount of money that may be paid to the Department pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:*

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

(b) *For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.*

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

~~[5-]~~ 7. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

~~[6-]~~ 8. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

~~[7-]~~ 9. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest



1 in the property, buildings, equipment and facilities to the State of
2 Nevada.

3 **Sec. 11.** NRS 386.590 is hereby amended to read as follows:

4 386.590 1. Except as otherwise provided in this subsection,
5 at least 70 percent of the teachers who provide instruction at a
6 charter school must be licensed teachers. If a charter school is a
7 vocational school, the charter school shall, to the extent practicable,
8 ensure that at least 70 percent of the teachers who provide
9 instruction at the school are licensed teachers, but in no event may
10 more than 50 percent of the teachers who provide instruction at the
11 school be unlicensed teachers.

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

13 (a) If the charter school offers instruction in kindergarten or
14 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are
15 enrolled in those grades. If required by subsection 3 or 4, such a
16 teacher must possess the qualifications required by 20 U.S.C. §
17 6319(a).

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

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

23 (2) Mathematics;

24 (3) Science; and

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

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

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

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

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

40 3. A person who is initially hired by the governing body of a
41 charter school on or after January 8, 2002, to teach in a program
42 supported with money from Title I must possess the qualifications
43 required by 20 U.S.C. § 6319(a). For the purposes of this
44 subsection, a person is not "initially hired" if he has been employed



1 as a teacher by another school district or charter school in this State
2 without an interruption in employment before the date of hire by his
3 current employer.

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

8 (a) English, reading or language arts;

9 (b) Mathematics;

10 (c) Science;

11 (d) Foreign language;

12 (e) Civics or government;

13 (f) Economics;

14 (g) Geography;

15 (h) History; or

16 (i) The arts.

17 5. ~~[A]~~ *Except as otherwise provided in section 1 of this act, a*
18 charter school may employ a person who is not licensed pursuant to
19 the provisions of chapter 391 of NRS to teach a course of study for
20 which a licensed teacher is not required pursuant to subsections 2, 3
21 and 4 if the person has:

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

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

25 6. ~~[A]~~ *Except as otherwise provided in section 1 of this act, a*
26 charter school may employ such administrators for the school as it
27 deems necessary. A person employed as an administrator must
28 possess:

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

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

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

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

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

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



1 **Sec. 12.** NRS 387.124 is hereby amended to read as follows:
2 387.124 Except as otherwise provided in this section and
3 NRS 387.528:

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

25 2. Except as otherwise provided in subsection 3, the
26 apportionment to a charter school, computed on a yearly basis, is
27 equal to the sum of the basic support per pupil in the county in
28 which the pupil resides plus the amount of local funds available per
29 pupil pursuant to NRS 387.1235 and all other funds available for
30 public schools in the county in which the pupil resides minus all the
31 funds attributable to pupils who are enrolled in the charter school
32 but are concurrently enrolled part time in a program of distance
33 education provided by a school district or another charter school. If
34 the apportionment per pupil to a charter school is more than the
35 amount to be apportioned to the school district in which a pupil who
36 is enrolled in the charter school resides, the school district in which
37 the pupil resides shall pay the difference directly to the charter
38 school.

39 3. ~~[Except as otherwise provided in this subsection, the]~~ *The*
40 apportionment to a charter school that is sponsored by the State
41 Board, computed on a yearly basis, is equal to ~~[~~
42 ~~—(a) The]~~ *the* sum of the basic support per pupil in the county in
43 which the pupil resides plus the amount of local funds available per



pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides ~~;~~ or

~~—(b) The statewide average per pupil amount for pupils who are enrolled full time;~~

~~— whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the school district in which the charter school is located shall pay the difference directly to the charter school. If a charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.] , minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.~~

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

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

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



1 **Sec. 13.** NRS 388.838 is hereby amended to read as follows:

2 388.838 1. The board of trustees of a school district or the
3 governing body of a charter school may submit an application to the
4 Department to provide a program of distance education. *In addition,*
5 *a committee to form a charter school may submit an application to*
6 *the Department to provide a program of distance education if the*
7 *application to form the charter school submitted by the committee*
8 *pursuant to NRS 386.520 indicates that the charter school intends*
9 *to provide a program of distance education.*

10 2. An applicant to provide a program of distance education
11 may seek approval to provide a program that is comprised of one or
12 more courses of distance education included on the list of courses
13 approved by the Department pursuant to NRS 388.834 or a program
14 that is comprised of one or more courses of distance education
15 which have not been reviewed by the Department before submission
16 of the application.

17 3. An application to provide a program of distance education
18 must include:

19 (a) All the information prescribed by the State Board by
20 regulation.

21 (b) Except as otherwise provided in this paragraph, proof
22 satisfactory to the Department that the program satisfies all
23 applicable statutes and regulations. The proof required by this
24 paragraph shall be deemed satisfied if the program is comprised
25 only of courses of distance education approved by the Department
26 pursuant to NRS 388.834 before submission of the application.

27 4. ~~[The]~~ *Except as otherwise provided in this subsection, the*
28 Department shall approve an application submitted pursuant to this
29 section if the application satisfies the requirements of NRS 388.820
30 to 388.874, inclusive, and all other applicable statutes and
31 regulations. *The Department shall deny an application to provide*
32 *a program of distance education submitted by a committee to form*
33 *a charter school if the Department denies the application to form a*
34 *charter school submitted by that committee.* The Department shall
35 provide written notice to the applicant of the Department's approval
36 or denial of the application.

37 5. If the Department denies an application, the Department
38 shall include in the written notice the reasons for the denial and the
39 deficiencies of the application. The applicant must be granted 30
40 days after receipt of the written notice to correct any deficiencies
41 identified in the written notice and resubmit the application. The
42 Department shall approve an application that has been resubmitted
43 pursuant to this subsection if the application satisfies the



requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

Sec. 14. NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

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

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

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

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

(d) Include any other information required by the State Board by regulation.



3. On or before ~~[September 1]~~ *the last day of the first school month* of each *school* year or ~~[January]~~ *February* 1 of each *school* year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before ~~[September 1 or January]~~ *the last day of the first school month of each school year or February* 1 of each *school* year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

Sec. 15. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.

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

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

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of



trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

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

(d) Include any other information required by the State Board by regulation.

4. On or before ~~[September 1 or January]~~ *the last day of the first school month of each school year or February* 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the Superintendent of Public Instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

Sec. 16. NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that, for each course offered through the program, a teacher:

(a) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; and

(b) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a ~~[licensed teacher-]~~:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university.

Sec. 17. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:



1 (a) The process for submission of an application by a person or
2 entity for inclusion of a course of distance education on the list
3 prepared by the Department pursuant to NRS 388.834 and the
4 contents of the application;

5 (b) The process for submission of an application by the board of
6 trustees of a school district , ~~for~~ the governing body of a charter
7 school *or a committee to form a charter school* to provide a
8 program of distance education and the contents of the application;

9 (c) The qualifications and conditions for enrollment that a pupil
10 must satisfy to enroll in a program of distance education, consistent
11 with NRS 388.850;

12 (d) A method for reporting to the Department the number of
13 pupils who are enrolled in a program of distance education and the
14 attendance of those pupils;

15 (e) The requirements for assessing the achievement of pupils
16 who are enrolled in a program of distance education, which must
17 include, without limitation, the administration of the achievement
18 and proficiency examinations required pursuant to NRS 389.015 and
19 389.550; and

20 (f) A written description of the process pursuant to which the
21 State Board may revoke its approval for the operation of a program
22 of distance education.

23 2. The State Board may adopt regulations as it determines are
24 necessary to carry out the provisions of NRS 388.820 to 388.874,
25 inclusive.

26 **Sec. 18.** NRS 389.632 is hereby amended to read as follows:

27 389.632 1. Except as otherwise provided in subsection 8, if
28 the Department determines:

29 (a) That at least one irregularity in testing administration
30 occurred at a school, including, without limitation, a charter school,
31 during 1 school year on the examinations administered pursuant to
32 NRS 389.015, excluding the high school proficiency examination;

33 (b) That in the immediately succeeding school year, at least one
34 additional irregularity in testing administration occurred at that
35 school on the examinations administered pursuant to NRS 389.015,
36 excluding the high school proficiency examination; and

37 (c) Based upon the criteria set forth in subsection 5, that the
38 irregularities described in paragraphs (a) and (b) warrant an
39 additional administration of the examinations,

40 ➡ the Department shall notify the school and the school district in
41 which the school is located that the school is required to provide for
42 an additional administration of the examinations to pupils who are
43 enrolled in a grade that is required to take the examinations pursuant
44 to NRS 389.015, excluding the high school proficiency



1 examination, or to the pupils the Department determines must take
2 the additional administration pursuant to subsection 6. The
3 additional administration must occur in the same school year in
4 which the irregularity described in paragraph (b) occurred. Except
5 as otherwise provided in this subsection, the school district shall pay
6 for all costs related to the administration of examinations pursuant
7 to this subsection. If a charter school is required to administer
8 examinations pursuant to this subsection, the charter school shall
9 pay for all costs related to the administration of the examinations to
10 pupils enrolled in the charter school.

11 2. If the Department determines that:

12 (a) At least one irregularity in testing administration occurred at
13 a school, including, without limitation, a charter school, during 1
14 school year on the examinations administered pursuant to
15 NRS 389.550;

16 (b) In the immediately succeeding school year, at least one
17 additional irregularity in testing administration occurred at that
18 school on the examinations administered pursuant to NRS 389.550;
19 and

20 (c) Based upon the criteria set forth in subsection 5, ~~that~~ the
21 irregularities described in paragraphs (a) and (b) warrant an
22 additional administration of the examinations,

23 ➡ the Department shall notify the school and the school district in
24 which the school is located that the school is required to provide for
25 an additional administration of the examinations to pupils who are
26 enrolled in a grade that is required to take the examinations pursuant
27 to NRS 389.550 or to the pupils the Department determines must
28 take the additional administration pursuant to subsection 6. The
29 additional administration must occur in the same school year in
30 which the irregularity described in paragraph (b) occurred. ~~The~~
31 *Except as otherwise provided in this subsection, the* school district
32 shall pay for all costs related to the administration of examinations
33 pursuant to this subsection. *If a charter school is required to*
34 *administer examinations pursuant to this subsection, the charter*
35 *school shall pay for all costs related to the administration of the*
36 *examinations to pupils enrolled in the charter school.*

37 3. If the Department determines that:

38 (a) At least one irregularity in testing administration occurred at
39 a school, including, without limitation, a charter school, during 1
40 school year on the examinations administered pursuant to NRS
41 389.015, excluding the high school proficiency examination;

42 (b) In the immediately succeeding school year, at least one
43 additional irregularity in testing administration occurred at that



1 school on the examinations administered pursuant to NRS 389.550;
2 and

3 (c) Based upon the criteria set forth in subsection 5, ~~[that]~~ the
4 irregularities described in paragraphs (a) and (b) warrant an
5 additional administration of the examinations,

6 ➤ the Department shall notify the school and the school district in
7 which the school is located that the school is required to provide for
8 an additional administration of the examinations to pupils who are
9 enrolled in a grade that is required to take the examinations pursuant
10 to NRS 389.550 or to the pupils the Department determines must
11 take the additional administration pursuant to subsection 6. The
12 additional administration must occur in the same school year in
13 which the irregularity described in paragraph (b) occurred. ~~[The]~~
14 *Except as otherwise provided in this subsection, the* school district
15 shall pay for all costs related to the administration of examinations
16 pursuant to this subsection. *If a charter school is required to*
17 *administer examinations pursuant to this subsection, the charter*
18 *school shall pay for all costs related to the administration of the*
19 *examinations to pupils enrolled in the charter school.*

20 4. Except as otherwise provided in subsection 8, if the
21 Department determines that:

22 (a) At least one irregularity in testing administration occurred at
23 a school, including, without limitation, a charter school, during 1
24 school year on the examinations administered pursuant to
25 NRS 389.550;

26 (b) In the immediately succeeding school year, at least one
27 additional irregularity in testing administration occurred at that
28 school on the examinations administered pursuant to NRS 389.015,
29 excluding the high school proficiency examination; and

30 (c) Based upon the criteria set forth in subsection 5, ~~[that]~~ the
31 irregularities described in paragraphs (a) and (b) warrant an
32 additional administration of the examinations,

33 ➤ the Department shall notify the school and the school district in
34 which the school is located that the school is required to provide for
35 an additional administration of the examinations to pupils who are
36 enrolled in a grade that is required to take the examinations pursuant
37 to NRS 389.015, excluding the high school proficiency
38 examination, or to the pupils the Department determines must take
39 the additional administration pursuant to subsection 6. The
40 additional administration must occur in the same school year in
41 which the irregularity described in paragraph (b) occurred. ~~[The]~~
42 *Except as otherwise provided in this subsection, the* school district
43 shall pay for all costs related to the administration of examinations
44 pursuant to this subsection. *If a charter school is required to*



1 *administer examinations pursuant to this subsection, the charter*
2 *school shall pay for all costs related to the administration of the*
3 *examinations to pupils enrolled in the charter school.*

4 5. In determining whether to require a school to provide for an
5 additional administration of examinations pursuant to this section,
6 the Department shall consider:

7 (a) The effect of each irregularity in testing administration,
8 including, without limitation, whether the irregularity required the
9 scores of pupils to be invalidated; and

10 (b) Whether sufficient time remains in the school year to
11 provide for an additional administration of examinations.

12 6. If the Department determines pursuant to subsection 5 that a
13 school must provide for an additional administration of
14 examinations, the Department may consider whether the most recent
15 irregularity in testing administration affected the test scores of a
16 limited number of pupils and require the school to provide an
17 additional administration of examinations pursuant to this section
18 only to those pupils whose test scores were affected by the most
19 recent irregularity.

20 7. The Department shall provide as many notices pursuant to
21 this section during 1 school year as are applicable to the
22 irregularities occurring at a school. A school shall provide for
23 additional administrations of examinations pursuant to this section
24 within 1 school year as applicable to the irregularities occurring at
25 the school.

26 8. If a school is required to provide an additional
27 administration of examinations pursuant to NRS 385.3621 for a
28 school year, the school is not required to provide for an additional
29 administration pursuant to this section in that school year. The
30 Department shall ensure that the information required pursuant to
31 paragraph (b) of subsection 3 of NRS 389.648 is included in its
32 report for the additional administration provided by such a school
33 pursuant to NRS 385.3621.

34 **Sec. 19.** NRS 391.033 is hereby amended to read as follows:

35 391.033 1. All licenses for teachers and other educational
36 personnel are granted by the Superintendent of Public Instruction
37 pursuant to regulations adopted by the Commission and as
38 otherwise provided by law.

39 2. An application for the issuance of a license must include the
40 social security number of the applicant.

41 3. Every applicant for a license must submit with his
42 application a complete set of his fingerprints and written permission
43 authorizing the Superintendent to forward the fingerprints to the
44 Central Repository for Nevada Records of Criminal History for its



1 report on the criminal history of the applicant and for submission to
2 the Federal Bureau of Investigation for its report on the criminal
3 history of the applicant.

4 4. The Superintendent may issue a provisional license pending
5 receipt of the reports of the Federal Bureau of Investigation and the
6 Central Repository for Nevada Records of Criminal History if he
7 determines that the applicant is otherwise qualified.

8 5. A license must be issued to an applicant if:

9 (a) The Superintendent determines that the applicant is
10 qualified;

11 (b) The reports on the criminal history of the applicant from the
12 Federal Bureau of Investigation and the Central Repository for
13 Nevada Records of Criminal History:

14 (1) Do not indicate that the applicant has been convicted of a
15 felony or any offense involving moral turpitude; or

16 (2) Indicate that the applicant has been convicted of a felony
17 or an offense involving moral turpitude but the Superintendent
18 determines that the conviction is unrelated to the position within the
19 county school district *or charter school* for which the applicant
20 applied; and

21 (c) The applicant submits the statement required pursuant to
22 NRS 391.034.

23 **Sec. 20.** NRS 391.033 is hereby amended to read as follows:

24 391.033 1. All licenses for teachers and other educational
25 personnel are granted by the Superintendent of Public Instruction
26 pursuant to regulations adopted by the Commission and as
27 otherwise provided by law.

28 2. Every applicant for a license must submit with his
29 application a complete set of his fingerprints and written permission
30 authorizing the Superintendent to forward the fingerprints *to the*
31 *Central Repository for Nevada Records of Criminal History for its*
32 *report on the criminal history of the applicant and for submission*
33 *to the Federal Bureau of Investigation* ~~and to the Central~~
34 ~~Repository for Nevada Records of Criminal History for their~~
35 ~~reports~~ *for its report* on the criminal history of the applicant. The
36 Superintendent may issue a provisional license pending receipt of
37 the reports if he determines that the applicant is otherwise qualified.

38 3. A license must be issued to an applicant if the
39 Superintendent determines that the applicant is qualified and:

40 (a) The reports on the criminal history of the applicant from the
41 Federal Bureau of Investigation and the Central Repository for
42 Nevada Records of Criminal History do not indicate that the
43 applicant has been convicted of a felony or any offense involving
44 moral turpitude; or



(b) The Superintendent determines, in his discretion, that any conviction indicated in the reports on the criminal history of the applicant is unrelated to the position within the county school district *or charter school* for which the applicant applied.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Nevada Highway Patrol Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner recommended by the Advisory Committee and approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division in the manner prescribed by the Director of the Department. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.



(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179.

↳ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, *charter school* or ~~private~~ private school for employment; or



(3) Is employed by a county school district , *charter school* or ~~for~~ private school,

➔ and notify the superintendent of each county school district , *the governing body of each charter school* and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district , *the governing body of each charter school* or the administrator of each private school, as appropriate, by providing the superintendent , *governing body* or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district , *charter school* or private school whose fingerprints were sent previously to the Central Repository for investigation,

➔ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district , *the governing body of a charter school* or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district , *charter school* or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are recommended by the Advisory Committee and approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau, for submission to the Legislature, or the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of



1 children by any agency identified in subsection 2, and make
2 recommendations for any necessary changes in the manner of
3 collecting and processing statistical data by any such agency.

4 7. The Central Repository may:

5 (a) At the recommendation of the Advisory Committee and in
6 the manner prescribed by the Director of the Department,
7 disseminate compilations of statistical data and publish statistical
8 reports relating to crime or the delinquency of children.

9 (b) Charge a reasonable fee for any publication or special report
10 it distributes relating to data collected pursuant to this section. The
11 Central Repository may not collect such a fee from an agency of
12 criminal justice, any other agency dealing with crime or the
13 delinquency of children which is required to submit information
14 pursuant to subsection 2 or the State Disaster Identification Team of
15 the Division of Emergency Management of the Department. All
16 money collected pursuant to this paragraph must be used to pay for
17 the cost of operating the Central Repository.

18 (c) In the manner prescribed by the Director of the Department,
19 use electronic means to receive and disseminate information
20 contained in the Central Repository that it is authorized to
21 disseminate pursuant to the provisions of this chapter.

22 8. As used in this section:

23 (a) "Advisory Committee" means the Committee established by
24 the Director of the Department pursuant to NRS 179A.078.

25 (b) "Personal identifying information" means any information
26 designed, commonly used or capable of being used, alone or in
27 conjunction with any other information, to identify a person,
28 including, without limitation:

29 (1) The name, driver's license number, social security
30 number, date of birth and photograph or computer generated image
31 of a person; and

32 (2) The fingerprints, voiceprint, retina image and iris image
33 of a person.

34 (c) "Private school" has the meaning ascribed to it in
35 NRS 394.103.

36 **Sec. 22.** 1. This section and sections 1 to 19, inclusive, and
37 21 of this act become effective on July 1, 2005.

38 2. Section 3 of this act expires by limitation on June 30, 2006.

39 3. Section 19 of this act expires by limitation on the date on
40 which the provisions of 42 U.S.C. § 666 requiring each state to
41 establish procedures under which the state has authority to withhold
42 or suspend, or to restrict the use of professional, occupational and
43 recreational licenses of persons who:



1 (a) Have failed to comply with a subpoena or warrant relating to
2 a proceeding to determine the paternity of a child or to establish or
3 enforce an obligation for the support of a child; or

4 (b) Are in arrears in the payment for the support of one or more
5 children,

6 ➤ are repealed by the Congress of the United States.

7 4. Section 20 of this act becomes effective on the date on
8 which the provisions of 42 U.S.C. § 666 requiring each state to
9 establish procedures under which the state has authority to withhold
10 or suspend, or to restrict the use of professional, occupational and
11 recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant relating to
13 a proceeding to determine the paternity of a child or to establish or
14 enforce an obligation for the support of a child; or

15 (b) Are in arrears in the payment for the support of one or more
16 children,

17 ➤ are repealed by the Congress of the United States.

