

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; revising the provisions governing the reporting of accountability information for charter schools sponsored by the State Board of Education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; making various changes concerning the employment practices of charter schools; 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 the 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:

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



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

9 Existing law authorizes a committee to form a charter school to submit an
10 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 to be responsible
19 for the accountability reporting for all charter schools located in the district.

20 This bill amends existing law to require a charter school that is sponsored by
21 the State Board of Education to report directly to the Department of Education, and
22 removes the responsibility for a school district to report accountability information
23 for those charter schools.

24 Existing law prescribes requirements for the enrollment of pupils in a charter
25 school. (NRS 386.580)

26 This bill amends existing law to require a charter school that is sponsored by
27 the board of trustees of a school district to enroll pupils from within the district
28 before enrolling pupils who reside outside the district.

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

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

38 This bill makes various changes relating to the revocation of the charter of a
39 charter school, including time periods for notices of hearings and correction of
40 deficiencies concerning the charter school. This bill requires the Department of
41 Education to provide appropriate information, education and training for charter
42 schools and the governing bodies of the charter schools concerning statutes and
43 regulations relating to education.

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

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

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

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

59 This bill amends existing law to require the board of trustees of a school district
60 that sponsors a charter school to include in its annual report a description of all



administrative services that were provided for which the district requested reimbursement.

Existing law allows a licensed teacher to take up to a 6-year leave of absence from employment with the board of trustees of a school district to work at a charter school.

This bill amends existing law to limit such a leave of absence to 3 years.

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

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

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

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

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. NRS 385.347 is hereby amended to read as follows:

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

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

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

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



1 previous school years. The report must include, for each school in
2 the district, including, without limitation, each charter school ~~that~~
3 *sponsored by* the district, and each grade in which the examinations
4 were administered:

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

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

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

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

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

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

20 (III) Pupils with disabilities;

21 (IV) Pupils who are limited English proficient; and

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

24 (5) A comparison of the achievement of pupils in each
25 subgroup identified in paragraph (b) of subsection 1 of NRS
26 385.361 with the annual measurable objectives of the State Board;

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

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

32 (8) The most recent 3-year trend in pupil achievement in
33 each subject area tested and each grade level tested pursuant to NRS
34 389.015 and 389.550, which may include information regarding the
35 trend in the achievement of pupils for more than 3 years, if such
36 information is available;

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

43 (10) For each school in the district, including, without
44 limitation, each charter school ~~that~~ *sponsored by* the district,



1 information that compares the results of pupils in the school with the
2 results of pupils throughout the school district and throughout this
3 State. The information required by this subparagraph must be
4 provided in consultation with the Department to ensure the accuracy
5 of the comparison.

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

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

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

24 (1) The percentage of teachers who are:

25 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

41 (e) The total expenditure per pupil for each school in the district
42 and the district as a whole, including, without limitation, each
43 charter school ~~fin~~ *sponsored by* the district. If this State has a
44 financial analysis program that is designed to track educational
45 expenditures and revenues to individual schools, each school district



1 shall use that statewide program in complying with this paragraph.
2 If a statewide program is not available, each school district shall use
3 its own financial analysis program in complying with this
4 paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (k) Records of incidents involving weapons or violence for each
2 school in the district, including, without limitation, each charter
3 school ~~that~~ *sponsored by* the district.

4 (l) Records of incidents involving the use or possession of
5 alcoholic beverages or controlled substances for each school in the
6 district, including, without limitation, each charter school ~~that~~
7 *sponsored by* the district.

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

10 (n) The number of pupils who are deemed habitual disciplinary
11 problems pursuant to NRS 392.4655, for each school in the district
12 and the district as a whole, including, without limitation, each
13 charter school ~~that~~ *sponsored by* the district.

14 (o) The number of pupils in each grade who are retained in the
15 same grade pursuant to NRS 392.033 or 392.125, for each school in
16 the district and the district as a whole, including, without limitation,
17 each charter school ~~that~~ *sponsored by* the district.

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

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

26 (r) The amount and sources of money received for remedial
27 education for each school in the district and the district as a whole,
28 including, without limitation, each charter school ~~that~~ *sponsored by*
29 the district.

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

37 (t) The technological facilities and equipment available at each
38 school, including, without limitation, each charter school, *sponsored*
39 *by the district*, and the district's plan to incorporate educational
40 technology at each school.

41 (u) For each school in the district and the district as a whole,
42 including, without limitation, each charter school ~~that~~ *sponsored by*
43 the district, the number and percentage of pupils who received:

44 (1) A standard high school diploma.

45 (2) An adjusted diploma.



1 (3) A certificate of attendance.

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

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

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

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

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

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

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

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

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

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



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

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district , *including, without limitation, charter schools sponsored by the district* and programs approved by the Legislature to improve the academic achievement of pupils.

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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;



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

(6) Legislative Counsel Bureau,
➔ concerning the program and consider any advice or
recommendations submitted by the representatives with respect to
the program.

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

7. On or before ~~April 1~~ **August 15** of each year, the board of
trustees of each school district shall submit to:

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

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

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

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

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

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

9. As used in this section:

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

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

Sec. 2. 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***



1 *complete set of his fingerprints and written permission authorizing*
2 *the governing body to forward the fingerprints to the Central*
3 *Repository for Nevada Records of Criminal History for its report*
4 *on the criminal history of the applicant and for submission to the*
5 *Federal Bureau of Investigation for its report on the criminal*
6 *history of the applicant.*

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

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

21 4. *The Superintendent of Public Instruction or his designee*
22 *shall promptly review the report to determine whether the*
23 *conviction of the applicant is related or unrelated to the position*
24 *with the charter school for which the applicant has applied. If the*
25 *applicant desires employment with the charter school, he shall,*
26 *upon the request of the Superintendent of Public Instruction or*
27 *his designee, provide any further information that the*
28 *Superintendent or his designee determines is necessary to make*
29 *the determination. If the governing body of the charter school*
30 *desires to employ the applicant, the governing body shall, upon the*
31 *request of the Superintendent of Public Instruction or his*
32 *designee, provide any further information that the Superintendent*
33 *or his designee determines is necessary to make the determination.*
34 *The Superintendent of Public Instruction or his designee shall*
35 *provide written notice of the determination to the applicant and to*
36 *the governing body of the charter school.*

37 5. *If the Superintendent of Public Instruction or his designee*
38 *determines that the conviction of the applicant is related to the*
39 *position with the charter school for which the applicant has*
40 *applied, the governing body of the charter school shall not employ*
41 *the applicant. If the Superintendent of Public Instruction or his*
42 *designee determines that the conviction of the applicant is*
43 *unrelated to the position with the charter school for which the*
44 *applicant has applied, the governing body of the charter school*
45 *may employ the applicant for that position.*



1 **Sec. 3.** NRS 386.500 is hereby amended to read as follows:

2 386.500 For the purposes of NRS 386.500 to 386.610,
3 inclusive, *and section 2 of this act*, a pupil is “at risk” if he has an
4 economic or academic disadvantage such that he requires special
5 services and assistance to enable him to succeed in educational
6 programs. The term includes, without limitation, pupils who are
7 members of economically disadvantaged families, pupils who are
8 limited English proficient, pupils who are at risk of dropping out of
9 high school and pupils who do not meet minimum standards of
10 academic proficiency. The term does not include a pupil with a
11 disability.

12 **Sec. 4.** NRS 386.510 is hereby amended to read as follows:

13 386.510 1. Except as otherwise provided in subsection 2:

14 (a) In a county whose population is *400,000 or more*, ~~than~~
15 ~~400,000,~~ two charter schools may be formed per every 75,000
16 pupils who are enrolled in public schools in the county school
17 district.

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

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

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

25 3. *If an application to form a charter school that is dedicated*
26 *to providing educational programs and opportunities for pupils*
27 *who are at risk is approved, the governing body of the charter*
28 *school shall, on or before November 1 of each year, submit a*
29 *report to the sponsor of the charter school that includes*
30 *demographic information concerning the pupils enrolled in the*
31 *charter school and other information to demonstrate that the*
32 *charter school is dedicated to providing educational programs and*
33 *opportunities to pupils who are at risk in compliance with its*
34 *written charter. The State Board shall adopt regulations setting*
35 *forth the action, if any, that may be taken against a charter school*
36 *if the sponsor determines that the charter school is not dedicated*
37 *to providing educational programs and opportunities to pupils who*
38 *are at risk in compliance with its written charter.*

39 **Sec. 5.** NRS 386.515 is hereby amended to read as follows:

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



1 its ability to sponsor charter schools and solicit applications for
2 charter schools.

3 2. The State Board shall sponsor charter schools whose
4 applications have been approved by the State Board pursuant to
5 NRS 386.525. *Except as otherwise provided by specific statute, if*
6 *the State Board sponsors a charter school, the State Board or the*
7 *Department is responsible for the evaluation, monitoring and*
8 *oversight of the charter school.*

9 **Sec. 6.** NRS 386.525 is hereby amended to read as follows:

10 386.525 1. Upon approval of an application by the
11 Department, a committee to form a charter school may submit
12 the application to the board of trustees of the school district in which
13 the proposed charter school will be located ~~[If applicable, a~~
14 ~~committee may submit an application]~~ or directly to the
15 Subcommittee on Charter Schools. ~~[pursuant to subsection 4.]~~ If the
16 board of trustees of a school district receives an application to form
17 a charter school, ~~[it]~~ *the board of trustees* shall consider the
18 application at a ~~[regularly-scheduled]~~ meeting that must be held not
19 later than ~~[30]~~ 45 days after the receipt of the application ~~[.]~~ and
20 ensure that notice of the meeting has been provided pursuant to
21 chapter 241 of NRS. The board of trustees, the Subcommittee on
22 Charter Schools or the State Board, as applicable, shall review ~~[an]~~
23 *the* application to determine whether the application:

24 (a) Complies with NRS 386.500 to 386.610, inclusive, *and*
25 *section 2 of this act* and the regulations applicable to charter
26 schools; and

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

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

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

40 4. If the board of trustees denies an application after it has been
41 resubmitted pursuant to subsection 3, the applicant may submit a
42 written request for sponsorship by the State Board to the
43 Subcommittee on Charter Schools created pursuant to NRS 386.507
44 not more than 30 days after receipt of the written notice of denial.
45 ~~[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 applicant may 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 receives ~~[a request]~~ *an application* pursuant to subsection *1 or* 4, it shall hold a meeting to consider the ~~[request and the]~~ application. The meeting must be held not later than ~~[30]~~ *45* 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 approve an application if it satisfies the 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. 7. 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.



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

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

21 3. The governing body of a charter school may submit to the
22 sponsor of the charter school a written request for an amendment of
23 the written charter of the charter school. Such an amendment may
24 include, without limitation, the expansion of instruction and other
25 educational services to pupils who are enrolled in grade levels other
26 than the grade levels of pupils currently enrolled in the charter
27 school if the expansion of grade levels does not change the kind of
28 school, as defined in NRS 388.020, for which the charter school is
29 authorized to operate. If the proposed amendment complies with the
30 provisions of this section, NRS 386.500 to 386.610, inclusive, *and*
31 *section 2 of this act* and any other statute or regulation applicable to
32 charter schools, the sponsor shall amend the written charter in
33 accordance with the proposed amendment. If a charter school
34 wishes to expand the instruction and other educational services
35 offered by the charter school to pupils who are enrolled in grade
36 levels other than the grade levels of pupils currently enrolled in the
37 charter school and the expansion of grade levels changes the kind of
38 school, as defined in NRS 388.020, for which the charter school is
39 authorized to operate, the *governing body of the* charter school must
40 submit a new application to form a charter school. *If such an*
41 *application is approved, the charter school may continue to*
42 *operate under the same governing body and an additional*
43 *governing body does not need to be selected to operate the charter*
44 *school with the expanded grade levels.*



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

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

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

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

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

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

29 (b) Charter school,

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

35 **Sec. 8.** NRS 386.535 is hereby amended to read as follows:

36 386.535 1. The sponsor of a charter school may revoke the
37 written charter of the charter school before the expiration of the
38 charter if the sponsor determines that:

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

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

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



(3) The provisions of NRS 386.500 to 386.610, inclusive, *and section 2 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*



1 *written notice and which was corrected by the charter school,*
2 *unless the deficiency recurred after being corrected.*

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

7 **Sec. 9.** NRS 386.545 is hereby amended to read as follows:

8 386.545 **1.** The Department and the board of trustees of a
9 school district shall:

10 ~~1-1~~ **(a)** Upon request, provide information to the general public
11 concerning the formation and operation of charter schools; *and*

12 ~~2-1~~ **(b)** Maintain a list available for public inspection that
13 describes the location of each charter school. ~~1-1~~

14 ~~3-1~~ **2. The sponsor of a charter school shall:**

15 **(a)** Provide reasonable assistance to an applicant for a charter
16 school and to a charter school in carrying out the provisions of NRS
17 386.500 to 386.610, inclusive ~~1-1~~

18 ~~4-1~~, *and section 2 of this act;*

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

21 ~~5-1~~ **(c)** Provide information to the governing body of a charter
22 school concerning the availability of money for the charter school,
23 including, without limitation, money available from the Federal
24 Government.

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

30 **Sec. 10.** NRS 386.549 is hereby amended to read as follows:

31 386.549 **1.** The governing body of a charter school must
32 consist of at least three teachers, as defined in subsection 4, and may
33 consist of, without limitation, parents and representatives of
34 nonprofit organizations and businesses. A majority of the members
35 of the governing body must reside in this State. If the membership
36 of the governing body changes, the governing body shall provide
37 written notice to the sponsor of the charter school within 10 working
38 days after such change. A person may serve on the governing body
39 only if he submits an affidavit to the Department indicating that the
40 person has not been convicted of a felony relating to serving on the
41 governing body of a charter school or any offense involving moral
42 turpitude.

43 **2.** The governing body of a charter school is a public body. ~~1-1~~
44 *A member of the governing body of a charter school is a public*
45 *officer and is subject to the applicable provisions of chapter 281 of*



1 ***NRS. The governing body of a charter school*** is hereby given such
2 reasonable and necessary powers, not conflicting with the
3 Constitution and the laws of the State of Nevada, as may be
4 requisite to attain the ends for which the charter school is
5 established and to promote the welfare of pupils who are enrolled in
6 the charter school.

7 3. The governing body of a charter school shall, during each
8 calendar quarter, hold at least one regularly scheduled public
9 meeting in the county in which the charter school is located. ***Each***
10 ***member of the governing body may receive a salary of \$80 for***
11 ***each meeting of the governing body that he attends, not to exceed***
12 ***\$960 for 1 year. In addition, each member of the governing body***
13 ***may receive payment for travel and subsistence in the same***
14 ***amount that is authorized for a member of the board of trustees of***
15 ***a school district pursuant to NRS 386.290.***

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

17 (a) Holds a current license to teach issued pursuant to chapter
18 391 of NRS; and

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

20 ➡ The term does not include a person who is employed as a
21 substitute teacher.

22 **Sec. 11.** NRS 386.570 is hereby amended to read as follows:

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



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

4 (b) *Ensure that 0.25 percent is withheld from each quarterly*
5 *apportionment made to the charter school and ensure that the*
6 *money is accounted for separately to support the activities of*
7 *the State Board and the Department that are associated with the*
8 *sponsorship and oversight of charter schools.*

9 2. All money received by the charter school from this State or
10 from the board of trustees of a school district must be deposited in a
11 bank, credit union or other financial institution in this State. The
12 governing body of a charter school may negotiate with the board of
13 trustees of the school district and the State Board for additional
14 money to pay for services which the governing body wishes to offer.

15 3. Upon completion of a school year, the sponsor of a charter
16 school may request reimbursement from the governing body of the
17 charter school for the administrative costs associated with
18 sponsorship for that school year if the sponsor provided
19 administrative services during that school year. Upon receipt of such
20 a request, the governing body shall pay the reimbursement to the
21 board of trustees of the school district, if the board of trustees
22 sponsors the charter school, or to the Department if the State Board
23 sponsors the charter school. If a governing body fails to pay the
24 reimbursement, the charter school shall be deemed to have violated
25 its written charter and the sponsor may take such action to revoke
26 the written charter pursuant to NRS 386.535 as it deems necessary.
27 ~~{The amount of reimbursement that a charter school may be~~
28 ~~required to pay pursuant to this subsection}~~ *If the board of trustees*
29 *of a school district is the sponsor of a charter school, the amount*
30 *of money that may be paid to the sponsor pursuant to subsection 3*
31 *for administrative expenses in 1 school year must not exceed:*

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

35 (b) For any year after the first year of operation of the charter
36 school, 1 percent of the total amount of money apportioned to the
37 charter school during the year pursuant to NRS 387.124.

38 4. *If the State Board is the sponsor of a charter school, the*
39 *amount of money that may be paid to the Department pursuant to*
40 *subsection 3 for administrative expenses in 1 school year must not*
41 *exceed:*

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



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

4 **5.** To determine the amount of money for distribution to a
5 charter school in its first year of operation, the count of pupils who
6 are enrolled in the charter school must initially be determined 30
7 days before the beginning of the school year of the school district,
8 based on the number of pupils whose applications for enrollment
9 have been approved by the charter school. The count of pupils who
10 are enrolled in the charter school must be revised on the last day of
11 the first school month of the school district in which the charter
12 school is located for the school year, based on the actual number of
13 pupils who are enrolled in the charter school. Pursuant to subsection
14 5 of NRS 387.124, the governing body of a charter school may
15 request that the apportionments made to the charter school in its first
16 year of operation be paid to the charter school 30 days before the
17 apportionments are otherwise required to be made.

18 ~~**5-1**~~ **6.** If a charter school ceases to operate as a charter school
19 during a school year, the remaining apportionments that would have
20 been made to the charter school pursuant to NRS 387.124 for that
21 year must be paid on a proportionate basis to the school districts
22 where the pupils who were enrolled in the charter school reside.

23 ~~**6-1**~~ **7.** The governing body of a charter school may solicit and
24 accept donations, money, grants, property, loans, personal services
25 or other assistance for purposes relating to education from members
26 of the general public, corporations or agencies. The governing body
27 may comply with applicable federal laws and regulations governing
28 the provision of federal grants for charter schools. The State Board
29 may assist a charter school that operates exclusively for the
30 enrollment of pupils who receive special education in identifying
31 sources of money that may be available from the Federal
32 Government or this State for the provision of educational programs
33 and services to such pupils.

34 ~~**7-1**~~ **8.** If a charter school uses money received from this State
35 to purchase real property, buildings, equipment or facilities, the
36 governing body of the charter school shall assign a security interest
37 in the property, buildings, equipment and facilities to the State of
38 Nevada.

39 **Sec. 12.** NRS 386.580 is hereby amended to read as follows:

40 386.580 1. An application for enrollment in a charter school
41 may be submitted to the governing body of the charter school by the
42 parent or legal guardian of any child who resides in this State.
43 Except as otherwise provided in this subsection, a charter school
44 shall enroll pupils who are eligible for enrollment in the order in
45 which the applications are received. If the board of trustees of the



1 school district in which the charter school is located has established
2 zones of attendance pursuant to NRS 388.040, the charter school
3 shall, if practicable, ensure that the racial composition of pupils
4 enrolled in the charter school does not differ by more than 10
5 percent from the racial composition of pupils who attend public
6 schools in the zone in which the charter school is located. *If a*
7 *charter school is sponsored by the board of trustees of a school*
8 *district, except for a program of distance education provided by*
9 *the charter school, the charter school shall enroll pupils who are*
10 *eligible for enrollment who reside in the school district in which*
11 *the charter school is located before enrolling pupils who reside*
12 *outside the school district.* If more pupils who are eligible for
13 enrollment apply for enrollment in the charter school than the
14 number of spaces which are available, the charter school shall
15 determine which applicants to enroll on the basis of a lottery system.

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

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

24 ➤ of a pupil.

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

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

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

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

44 ➤ If the governing body of a charter school authorizes a child to
45 participate in a class or extracurricular activity pursuant to this



1 subsection, the governing body is not required to provide
2 transportation for the child to attend the class or activity. A charter
3 school shall not authorize such a child to participate in a class or
4 activity through a program of distance education provided by the
5 charter school pursuant to NRS 388.820 to 388.874, inclusive.

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

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

17 (a) With disabilities;

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

22 (c) Who are at risk.

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

27 **Sec. 13.** NRS 386.590 is hereby amended to read as follows:

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

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

37 (a) If the charter school offers instruction in kindergarten or
38 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are
39 enrolled in those grades. If required by subsection 3 or 4, such a
40 teacher must possess the qualifications required by 20 U.S.C. §
41 6319(a).

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



- 1 (1) English, including reading, composition and writing;
- 2 (2) Mathematics;
- 3 (3) Science; and
- 4 (4) Social studies, which includes only the subjects of
- 5 history, geography, economics and government.

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

7 (1) If a charter school specializes in arts and humanities,

8 physical education or health education, a licensed teacher to teach

9 those courses of study.

10 (2) If a charter school specializes in the construction industry

11 or other building industry, licensed teachers to teach courses of

12 study relating to the industry if those teachers are employed full

13 time.

14 (3) If a charter school specializes in the construction industry

15 or other building industry and the school offers courses of study in

16 computer education, technology or business, licensed teachers to

17 teach those courses of study if those teachers are employed full

18 time.

19 3. A person who is initially hired by the governing body of a

20 charter school on or after January 8, 2002, to teach in a program

21 supported with money from Title I must possess the qualifications

22 required by 20 U.S.C. § 6319(a). For the purposes of this

23 subsection, a person is not “initially hired” if he has been employed

24 as a teacher by another school district or charter school in this State

25 without an interruption in employment before the date of hire by his

26 current employer.

27 4. A teacher who is employed by a charter school, regardless of

28 the date of hire, must, on or before July 1, 2006, possess the

29 qualifications required by 20 U.S.C. § 6319(a) if he teaches one or

30 more of the following subjects:

- 31 (a) English, reading or language arts;
- 32 (b) Mathematics;
- 33 (c) Science;
- 34 (d) Foreign language;
- 35 (e) Civics or government;
- 36 (f) Economics;
- 37 (g) Geography;
- 38 (h) History; or
- 39 (i) The arts.

40 5. ~~IA~~ *Except as otherwise provided in section 1 of this act, a*

41 charter school may employ a person who is not licensed pursuant to

42 the provisions of chapter 391 of NRS to teach a course of study for

43 which a licensed teacher is not required pursuant to subsections 2, 3

44 and 4 if the person has:



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

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

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

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

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

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

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

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

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

23 **Sec. 14.** NRS 386.595 is hereby amended to read as follows:

24 386.595 1. All employees of a charter school shall be deemed
25 public employees.

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

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

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

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



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

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

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

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

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

6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of



1 absence and employed in a charter school does not count toward the
2 acquisition of permanent status with the school district.

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

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

12 9. For all employees of a charter school:

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

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

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

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

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

36 **Sec. 15.** NRS 386.605 is hereby amended to read as follows:

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



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

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

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

Sec. 16. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 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}~~:

(a) *An* evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

(b) *A description of all administrative support and services provided by the school district to the charter school for which the school district requested reimbursement pursuant to NRS 386.570, including, without limitation, an indication of which support and services the charter school may waive and which support and services are mandatory.*

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. 17. 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:



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

4 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
5 the regulations adopted pursuant thereto, and NRS 385.3469 and
6 385.347; and

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

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

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

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

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

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

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

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

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

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

41 ➡ The information maintained pursuant to paragraphs (c), (d) and
42 (e) must not be used for the purpose of evaluating an individual
43 teacher or paraprofessional.

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



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

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

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

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

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism



1 by which persons or entities, including, without limitation, state
2 officers who are members of the Executive or Legislative Branch,
3 administrators of public schools and school districts, teachers and
4 other educational personnel, and parents and guardians, will have
5 different types of access to the accountability information contained
6 within the automated system to the extent that such information is
7 necessary for the performance of a duty or to the extent that such
8 information may be made available to the general public without
9 posing a threat to the confidentiality of an individual pupil.

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

16 **Sec. 18.** NRS 386.655 is hereby amended to read as follows:

17 386.655 1. The Department, the school districts and the
18 public schools, including, without limitation, charter schools, shall,
19 in operating the automated system of information established
20 pursuant to NRS 386.650, comply with the provisions of:

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

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

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

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



provisions of this subsection . ~~[, regardless of the sponsor of the charter school.]~~

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

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

Sec. 19. NRS 387.124 is hereby amended to read as follows:

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

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, 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.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in 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 minus all the 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. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which



1 the pupil resides shall pay the difference directly to the charter
2 school.

3 3. ~~{Except as otherwise provided in this subsection, the}~~ *The*
4 apportionment to a charter school that is sponsored by the State
5 Board, computed on a yearly basis, is equal to ~~£~~:

6 ~~—(a) The~~ *the* sum of the basic support per pupil in the county in
7 which the pupil resides plus the amount of local funds available per
8 pupil pursuant to NRS 387.1235 and all other funds available for
9 public schools in the county in which the pupil resides ~~£; or~~

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

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

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

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

44 6. If the State Controller finds that such an action is needed to
45 maintain the balance in the State General Fund at a level sufficient



1 to pay the other appropriations from it, he may pay out the
2 apportionments monthly, each approximately one-twelfth of the
3 yearly apportionment less any amount set aside as a reserve. If such
4 action is needed, the State Controller shall submit a report to the
5 Department of Administration and the Fiscal Analysis Division of
6 the Legislative Counsel Bureau documenting reasons for the action.

7 **Sec. 20.** NRS 388.838 is hereby amended to read as follows:

8 388.838 1. The board of trustees of a school district or the
9 governing body of a charter school may submit an application to the
10 Department to provide a program of distance education. *In addition,*
11 *a committee to form a charter school may submit an application to*
12 *the Department to provide a program of distance education if the*
13 *application to form the charter school submitted by the committee*
14 *pursuant to NRS 386.520 indicates that the charter school intends*
15 *to provide a program of distance education.*

16 2. An applicant to provide a program of distance education
17 may seek approval to provide a program that is comprised of one or
18 more courses of distance education included on the list of courses
19 approved by the Department pursuant to NRS 388.834 or a program
20 that is comprised of one or more courses of distance education
21 which have not been reviewed by the Department before submission
22 of the application.

23 3. An application to provide a program of distance education
24 must include:

25 (a) All the information prescribed by the State Board by
26 regulation.

27 (b) Except as otherwise provided in this paragraph, proof
28 satisfactory to the Department that the program satisfies all
29 applicable statutes and regulations. The proof required by this
30 paragraph shall be deemed satisfied if the program is comprised
31 only of courses of distance education approved by the Department
32 pursuant to NRS 388.834 before submission of the application.

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

43 5. If the Department denies an application, the Department
44 shall include in the written notice the reasons for the denial and the
45 deficiencies of the application. The applicant must be granted 30



1 days after receipt of the written notice to correct any deficiencies
2 identified in the written notice and resubmit the application. The
3 Department shall approve an application that has been resubmitted
4 pursuant to this subsection if the application satisfies the
5 requirements of NRS 388.820 to 388.874, inclusive, and all other
6 applicable statutes and regulations.

7 **Sec. 21.** NRS 388.854 is hereby amended to read as follows:

8 388.854 1. Except as otherwise provided in this subsection,
9 before a pupil may enroll full time or part time in a program of
10 distance education that is provided by a school district other than the
11 school district in which the pupil resides, the pupil must obtain the
12 written permission of the board of trustees of the school district in
13 which the pupil resides. Before a pupil who is enrolled in a public
14 school of a school district may enroll part time in a program of
15 distance education that is provided by a charter school, the pupil
16 must obtain the written permission of the board of trustees of the
17 school district in which the pupil resides. A pupil who enrolls full
18 time in a program of distance education that is provided by a charter
19 school is not required to obtain the approval of the board of trustees
20 of the school district in which the pupil resides.

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

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

34 (b) If the pupil plans to enroll part time in the program of
35 distance education, contain a statement prepared by the board of
36 trustees of the school district in which the pupil resides and the
37 board of trustees or governing body that provides the program of
38 distance education setting forth the percentage of the total time
39 services will be provided to the pupil through the program of
40 distance education per school day in proportion to the total time
41 services are provided during a school day to pupils who are counted
42 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of
43 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~~ *March* 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 March* 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. 22. 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



1 to the charter school pursuant to NRS 387.124 to account for the
2 pupil's enrollment in the program of distance education;

3 (b) Contain a statement prepared by the governing body of the
4 charter school in which the pupil is enrolled and the board of
5 trustees or governing body that provides the program of distance
6 education setting forth the percentage of the total time services will
7 be provided to the pupil through the program of distance education
8 per school day in proportion to the total time services are provided
9 during a school day to pupils who are counted pursuant to
10 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
11 for the school district in which the pupil resides;

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

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

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

29 **Sec. 23.** NRS 388.866 is hereby amended to read as follows:

30 388.866 1. The board of trustees of a school district or the
31 governing body of a charter school that provides a program of
32 distance education shall ensure that, for each course offered through
33 the program, a teacher:

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

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

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

42 (a) *Licensed teacher; or*

43 (b) *Teacher, instructor or professor who provides instruction*
44 *at a community college or university. Such a teacher, instructor or*
45 *professor may only be assigned to a course of distance education*



1 *in the subject area for which he provides instruction at a*
2 *community college or university.*

3 **Sec. 24.** NRS 388.874 is hereby amended to read as follows:

4 388.874 1. The State Board shall adopt regulations that
5 prescribe:

6 (a) The process for submission of an application by a person or
7 entity for inclusion of a course of distance education on the list
8 prepared by the Department pursuant to NRS 388.834 and the
9 contents of the application;

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

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

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

20 (e) The requirements for assessing the achievement of pupils
21 who are enrolled in a program of distance education, which must
22 include, without limitation, the administration of the achievement
23 and proficiency examinations required pursuant to NRS 389.015 and
24 389.550; and

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

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

31 **Sec. 25.** NRS 389.632 is hereby amended to read as follows:

32 389.632 1. Except as otherwise provided in subsection 8, if
33 the Department determines:

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

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

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



1 ➡ the Department shall notify the school and the school district in
2 which the school is located that the school is required to provide for
3 an additional administration of the examinations to pupils who are
4 enrolled in a grade that is required to take the examinations pursuant
5 to NRS 389.015, excluding the high school proficiency
6 examination, or to the pupils the Department determines must take
7 the additional administration pursuant to subsection 6. The
8 additional administration must occur in the same school year in
9 which the irregularity described in paragraph (b) occurred. Except
10 as otherwise provided in this subsection, the school district shall pay
11 for all costs related to the administration of examinations pursuant
12 to this subsection. If a charter school is required to administer
13 examinations pursuant to this subsection, the charter school shall
14 pay for all costs related to the administration of the examinations to
15 pupils enrolled in the charter school.

16 2. If the Department determines that:

17 (a) At least one irregularity in testing administration occurred at
18 a school, including, without limitation, a charter school, during 1
19 school year on the examinations administered pursuant to
20 NRS 389.550;

21 (b) In the immediately succeeding school year, at least one
22 additional irregularity in testing administration occurred at that
23 school on the examinations administered pursuant to NRS 389.550;
24 and

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

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

42 3. If the Department determines that:

43 (a) At least one irregularity in testing administration occurred at
44 a school, including, without limitation, a charter school, during 1



1 school year on the examinations administered pursuant to NRS
2 389.015, excluding the high school proficiency examination;

3 (b) In the immediately succeeding school year, at least one
4 additional irregularity in testing administration occurred at that
5 school on the examinations administered pursuant to NRS 389.550;
6 and

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

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

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

26 (a) At least one irregularity in testing administration occurred at
27 a school, including, without limitation, a charter school, during 1
28 school year on the examinations administered pursuant to
29 NRS 389.550;

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

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

37 ➤ the Department shall notify the school and the school district in
38 which the school is located that the school is required to provide for
39 an additional administration of the examinations to pupils who are
40 enrolled in a grade that is required to take the examinations pursuant
41 to NRS 389.015, excluding the high school proficiency
42 examination, or to the pupils the Department determines must take
43 the additional administration pursuant to subsection 6. The
44 additional administration must occur in the same school year in
45 which the irregularity described in paragraph (b) occurred. ~~The~~



1 *Except as otherwise provided in this subsection, the* school district
2 shall pay for all costs related to the administration of examinations
3 pursuant to this subsection. *If a charter school is required to*
4 *administer examinations pursuant to this subsection, the charter*
5 *school shall pay for all costs related to the administration of the*
6 *examinations to pupils enrolled in the charter school.*

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

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

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

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

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

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

37 **Sec. 26.** NRS 391.033 is hereby amended to read as follows:

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

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

44 3. Every applicant for a license must submit with his
45 application a complete set of his fingerprints and written permission



1 authorizing the Superintendent to forward the fingerprints to the
2 Central Repository for Nevada Records of Criminal History for its
3 report on the criminal history of the applicant and for submission to
4 the Federal Bureau of Investigation for its report on the criminal
5 history of the applicant.

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

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

11 (a) The Superintendent determines that the applicant is
12 qualified;

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

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

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

23 (c) The applicant submits the statement required pursuant to
24 NRS 391.034.

25 **Sec. 27.** NRS 391.033 is hereby amended to read as follows:

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

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

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

42 (a) The reports on the criminal history of the applicant from the
43 Federal Bureau of Investigation and the Central Repository for
44 Nevada Records of Criminal History do not indicate that the



1 applicant has been convicted of a felony or any offense involving
2 moral turpitude; or

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

7 **Sec. 28.** NRS 179A.075 is hereby amended to read as follows:

8 179A.075 1. The Central Repository for Nevada Records of
9 Criminal History is hereby created within the Nevada Highway
10 Patrol Division of the Department.

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

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

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

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

25 (a) Through an electronic network;

26 (b) On a medium of magnetic storage; or

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

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

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

39 (1) Records of criminal history; and

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

43 (b) When practicable, use a record of the personal identifying
44 information of a subject as the basis for any records maintained
45 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 ~~[-a]~~ private school for employment; or

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



1 ➡ and notify the superintendent of each county school district , *the*
2 *governing body of each charter school* and the Superintendent of
3 Public Instruction, or the administrator of each private school, as
4 appropriate, if the investigation of the Central Repository indicates
5 that the person has been convicted of a violation of NRS 200.508,
6 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
7 any offense involving moral turpitude.

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

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

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

17 ➡ who the Central Repository's records indicate have been
18 convicted of a violation of NRS 200.508, 201.230, 453.3385,
19 453.339 or 453.3395, or convicted of a felony or any offense
20 involving moral turpitude since the Central Repository's initial
21 investigation. The superintendent of each county school district , *the*
22 *governing body of a charter school* or the administrator of each
23 private school, as applicable, shall determine whether further
24 investigation or action by the district , *charter school* or private
25 school, as applicable, is appropriate.

26 (f) Investigate the criminal history of each person who submits
27 fingerprints or has his fingerprints submitted pursuant to NRS
28 449.176 or 449.179.

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

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

41 (i) Identify and review the collection and processing of
42 statistical data relating to criminal justice and the delinquency of
43 children by any agency identified in subsection 2, and make
44 recommendations for any necessary changes in the manner of
45 collecting and processing statistical data by any such agency.



7. The Central Repository may:

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

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

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

8. As used in this section:

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

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

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

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

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

Sec. 29. The amendatory provisions of section 14 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. 30. 1. This section and sections 1 to 26, inclusive, and 28 and 29 of this act become effective on July 1, 2005.

2. Section 4 of this act expires by limitation on June 30, 2006.

3. Section 26 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and 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 27 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.



