

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; 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:

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

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

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



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

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

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

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

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

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

32 This bill makes various changes relating to the revocation of the charter of a
33 charter school, including time periods for notices of hearings and correction of
34 deficiencies concerning the charter school. This bill requires the Department of
35 Education to provide appropriate information, education and training for charter
36 schools and the governing bodies of the charter schools concerning statutes and
37 regulations relating to education.

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

41 This bill amends existing law to require the board of trustees of a school district
42 that sponsors a charter school to include in its annual report a description of all
43 administrative services that were provided for which the district requested
44 reimbursement.

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

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

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

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

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

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

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

62 This bill would also allow a teacher, instructor or professor at a community
63 college or university to teach core academic subjects in distance education
64 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 in the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.

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

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

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

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

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

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

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

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

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



- 1 (III) Pupils with disabilities;
- 2 (IV) Pupils who are limited English proficient; and
- 3 (V) Pupils who are migratory children, as defined by the
- 4 State Board;

5 (5) A comparison of the achievement of pupils in each
6 subgroup identified in paragraph (b) of subsection 1 of NRS
7 385.361 with the annual measurable objectives of the State Board;

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

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

13 (8) The most recent 3-year trend in pupil achievement in
14 each subject area tested and each grade level tested pursuant to NRS
15 389.015 and 389.550, which may include information regarding the
16 trend in the achievement of pupils for more than 3 years, if such
17 information is available;

18 (9) Information that compares the results of pupils in the
19 school district, including, without limitation, pupils enrolled in
20 charter schools in the district, with the results of pupils 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; and

24 (10) For each school in the district, including, without
25 limitation, each charter school in the district, information that
26 compares the results of pupils in the school with the results of pupils
27 throughout the school district and throughout this State. The
28 information required by this subparagraph must be provided in
29 consultation with the Department to ensure the accuracy of the
30 comparison.

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

38 (c) The ratio of pupils to teachers in kindergarten and at each
39 grade level for each elementary school in the district and the district
40 as a whole, including, without limitation, each charter school in the
41 district, and the average class size for each core academic subject, as
42 set forth in NRS 389.018, for each secondary school in the district
43 and the district as a whole, including, without limitation, each
44 charter school in the district.



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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(2) The curriculum used by each charter school in the district.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (p) The transiency rate of pupils for each school in the district
43 and the district as a whole, including, without limitation, each
44 charter school in the district. For the purposes of this paragraph, a
45 pupil is not transient if he is transferred to a different school within



1 the school district as a result of a change in the zone of attendance
2 by the board of trustees of the school district pursuant to
3 NRS 388.040.

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

5 (r) The amount and sources of money received for remedial
6 education for each school in the district and the district as a whole,
7 including, without limitation, each charter school in the district.

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

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

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

21 (1) A standard high school diploma.

22 (2) An adjusted diploma.

23 (3) A certificate of attendance.

24 (v) For each school in the district and the district as a whole,
25 including, without limitation, each charter school in the district, the
26 number and percentage of pupils who did not receive a high school
27 diploma because the pupils failed to pass the high school
28 proficiency examination.

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

35 (x) The amount and sources of money received for the training
36 and professional development of teachers and other educational
37 personnel for each school in the district and for the district as a
38 whole, including, without limitation, each charter school in the
39 district.

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,

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

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

7. On or before ~~April 11~~ **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 in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

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

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

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

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



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

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

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

23 386.500 For the purposes of NRS 386.500 to 386.610,
24 inclusive, *and section 2 of this act*, a pupil is "at risk" if he has an
25 economic or academic disadvantage such that he requires special
26 services and assistance to enable him to succeed in educational
27 programs. The term includes, without limitation, pupils who are
28 members of economically disadvantaged families, pupils who are
29 limited English proficient, pupils who are at risk of dropping out of
30 high school and pupils who do not meet minimum standards of
31 academic proficiency. The term does not include a pupil with a
32 disability.

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

34 386.510 1. Except as otherwise provided in subsection 2:

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



1 in paragraphs (a) and (b) of subsection 1. The State Board shall
2 approve an application if it satisfies the requirements of paragraphs
3 (a) and (b) of subsection 1. Not more than 30 days after the meeting,
4 the State Board shall provide written notice of its determination to
5 the applicant.

6 7. If the State Board denies the application, the applicant may,
7 not more than 30 days after the receipt of the written notice from the
8 State Board, appeal the final determination to the district court of
9 the county in which the proposed charter school will be located.

10 **Sec. 7.** NRS 386.527 is hereby amended to read as follows:

11 386.527 1. If the State Board or the board of trustees of a
12 school district approves an application to form a charter school, it
13 shall grant a written charter to the applicant. The State Board or
14 the board of trustees, as applicable, shall, not later than 10 days after
15 the approval of the application, provide written notice to the
16 Department of the approval and the date of the approval. If the
17 board of trustees approves the application, the board of trustees shall
18 be deemed the sponsor of the charter school. If the State Board
19 approves the application:

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

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

25 2. Except as otherwise provided in subsection 4, a written
26 charter must be for a term of 6 years unless the governing body of a
27 charter school renews its initial charter after 3 years of operation
28 pursuant to subsection 2 of NRS 386.530. A written charter must
29 include all conditions of operation set forth in paragraphs (a) to (o),
30 inclusive, of subsection 2 of NRS 386.520 and include the kind of
31 school, as defined in subsections 1 to 4, inclusive, of NRS 388.020
32 for which the charter school is authorized to operate. If the State
33 Board is the sponsor of the charter school, the written charter must
34 set forth the responsibilities of the sponsor and the charter school
35 with regard to the provision of services and programs to pupils with
36 disabilities who are enrolled in the charter school in accordance with
37 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
38 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of
39 the issuance of a written charter pursuant to this subsection, the
40 charter school must agree to comply with all conditions of operation
41 set forth in NRS 386.550.

42 3. The governing body of a charter school may submit to the
43 sponsor of the charter school a written request for an amendment of
44 the written charter of the charter school. Such an amendment may
45 include, without limitation, the expansion of instruction and other



educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, **and section 2 of this act** and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the **governing body of the** charter school must submit a new application to form a charter school. **If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.**

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

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

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

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

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



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

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

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

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

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

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

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

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



1 *correct the deficiencies begins and the date on which that period*
2 *ends;*

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

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

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

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

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

25 386.545 1. The Department and the board of trustees of a
26 school district shall:

27 ~~1-1~~ (a) Upon request, provide information to the general public
28 concerning the formation and operation of charter schools; *and*

29 ~~1-2~~ (b) Maintain a list available for public inspection that
30 describes the location of each charter school. ~~1-3~~

31 ~~3-1~~ 2. *The sponsor of a charter school shall:*

32 (a) Provide reasonable assistance to an applicant for a charter
33 school and to a charter school in carrying out the provisions of NRS
34 386.500 to 386.610, inclusive ~~1-4~~

35 ~~4-1~~, *and section 2 of this act;*

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

38 ~~1-5~~ (c) Provide information to the governing body of a charter
39 school concerning the availability of money for the charter school,
40 including, without limitation, money available from the Federal
41 Government.

42 3. *The Department shall provide appropriate information,*
43 *education and training for charter schools and the governing*
44 *bodies of charter schools concerning the applicable provisions of*



title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

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

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

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

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

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

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

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

↪ The term does not include a person who is employed as a substitute teacher.

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

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education



1 program units directly from this State, the amount of money for
2 special education that the school district pays to the charter school
3 may be reduced proportionately by the amount of money the charter
4 school received from this State for that purpose.

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

11 3. Upon completion of a school year, the sponsor of a charter
12 school may request reimbursement from the governing body of the
13 charter school for the administrative costs associated with
14 sponsorship for that school year if the sponsor provided
15 administrative services during that school year. Upon receipt of such
16 a request, the governing body shall pay the reimbursement to the
17 board of trustees of the school district, if the board of trustees
18 sponsors the charter school, or to the Department if the State Board
19 sponsors the charter school. If a governing body fails to pay the
20 reimbursement, the charter school shall be deemed to have violated
21 its written charter and the sponsor may take such action to revoke
22 the written charter pursuant to NRS 386.535 as it deems necessary.

23 ~~[The amount of reimbursement that a charter school may be~~
24 ~~required to pay pursuant to this subsection]~~ *If the board of trustees*
25 *of a school district is the sponsor of a charter school, the amount*
26 *of money that may be paid to the sponsor pursuant to subsection 3*
27 *for administrative expenses in 1 school year* must not exceed:

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

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

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

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

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

44 5. To determine the amount of money for distribution to a
45 charter school in its first year of operation, the count of pupils who



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

13 ~~15-1~~ 6. If a charter school ceases to operate as a charter school
14 during a school year, the remaining apportionments that would have
15 been made to the charter school pursuant to NRS 387.124 for that
16 year must be paid on a proportionate basis to the school districts
17 where the pupils who were enrolled in the charter school reside.

18 ~~16-1~~ 7. The governing body of a charter school may solicit and
19 accept donations, money, grants, property, loans, personal services
20 or other assistance for purposes relating to education from members
21 of the general public, corporations or agencies. The governing body
22 may comply with applicable federal laws and regulations governing
23 the provision of federal grants for charter schools. The State Board
24 may assist a charter school that operates exclusively for the
25 enrollment of pupils who receive special education in identifying
26 sources of money that may be available from the Federal
27 Government or this State for the provision of educational programs
28 and services to such pupils.

29 ~~17-1~~ 8. If a charter school uses money received from this State
30 to purchase real property, buildings, equipment or facilities, the
31 governing body of the charter school shall assign a security interest
32 in the property, buildings, equipment and facilities to the State of
33 Nevada.

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

35 386.580 1. An application for enrollment in a charter school
36 may be submitted to the governing body of the charter school by the
37 parent or legal guardian of any child who resides in this State.
38 Except as otherwise provided in this subsection, a charter school
39 shall enroll pupils who are eligible for enrollment in the order in
40 which the applications are received. If the board of trustees of the
41 school district in which the charter school is located has established
42 zones of attendance pursuant to NRS 388.040, the charter school
43 shall, if practicable, ensure that the racial composition of pupils
44 enrolled in the charter school does not differ by more than 10
45 percent from the racial composition of pupils who attend public



1 schools in the zone in which the charter school is located. *If a*
2 *charter school is sponsored by the board of trustees of a school*
3 *district, except for a program of distance education provided by*
4 *the charter school, the charter school shall enroll pupils who are*
5 *eligible for enrollment who reside in the school district in which*
6 *the charter school is located before enrolling pupils who reside*
7 *outside the school district.* If more pupils who are eligible for
8 enrollment apply for enrollment in the charter school than the
9 number of spaces which are available, the charter school shall
10 determine which applicants to enroll on the basis of a lottery system.

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

- 14 (a) Race;
 - 15 (b) Gender;
 - 16 (c) Religion;
 - 17 (d) Ethnicity; or
 - 18 (e) Disability,
- 19 ➡ of a pupil.

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

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

- 34 (a) Space for the child in the class or extracurricular activity is
- 35 available; and
- 36 (b) The parent or legal guardian demonstrates to the satisfaction
- 37 of the governing body that the child is qualified to participate in the
- 38 class or extracurricular activity.

39 ➡ If the governing body of a charter school authorizes a child to
40 participate in a class or extracurricular activity pursuant to this
41 subsection, the governing body is not required to provide
42 transportation for the child to attend the class or activity. A charter
43 school shall not authorize such a child to participate in a class or
44 activity through a program of distance education provided by the
45 charter school pursuant to NRS 388.820 to 388.874, inclusive.



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

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

(a) With disabilities;

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

(c) Who are at risk.

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

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

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

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

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

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

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

(2) Mathematics;

(3) Science; and

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



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

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

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

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

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

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

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

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

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

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

6. ~~FA~~ *Except as otherwise provided in section 2 of this act, a charter school may employ such administrators for the school as it*



1 deems necessary. A person employed as an administrator must
2 possess:

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

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

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

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

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

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

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

19 386.595 1. All employees of a charter school shall be deemed
20 public employees.

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

33 ~~{that the employee is on a leave of absence:}~~

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

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

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



1 separate provisions relating to the discipline of licensed employees
2 of a school.

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

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

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

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

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

43 7. Upon the return of a teacher to employment in the school
44 district, he is entitled to the same level of retirement, salary and any



1 other benefits to which he would otherwise be entitled if he had not
2 taken a leave of absence to teach in a charter school.

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

8 9. For all employees of a charter school:

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

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

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

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

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

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

33 386.605 1. On or before July 15 of each year, the governing
34 body of ~~each~~ a charter school *that is sponsored by the board of*
35 *trustees of a school district* shall submit the information concerning
36 the charter school that is required pursuant to subsection 2 of NRS
37 385.347 to the board of trustees ~~[of the school district in which]~~ *that*
38 *sponsors* the charter school ~~[is located, regardless of the sponsor of~~
39 ~~the charter school.]~~ for inclusion in the report of the school district
40 pursuant to that section. The information must be submitted by the
41 charter school in a format prescribed by the board of trustees.

42 2. *On or before July 15 of each year, the governing body of a*
43 *charter school that is sponsored by the State Board shall submit*
44 *the information described in subsection 2 of NRS 385.347 to the*
45 *Department in a format prescribed by the Department for*



inclusion in the report of the school district in which the charter school is located that is prepared pursuant to that section.

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.

~~3.1~~ 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 ~~and~~:

(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:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including,



1 without limitation, the development of plans for the educational
2 technology which is necessary to adopt and maintain the program;

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

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

8 3. The Superintendent of Public Instruction shall:

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

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

17 (c) Prescribe the format for the data;

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

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

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

27 (1) Individual pupils;

28 (2) Individual teachers and paraprofessionals;

29 (3) Individual schools and school districts; and

30 (4) Programs and financial information;

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

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

39 4. The Department shall establish, to the extent authorized by
40 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
41 1232g, and any regulations adopted pursuant thereto, a mechanism
42 by which persons or entities, including, without limitation, state
43 officers who are members of the Executive or Legislative Branch,
44 administrators of public schools and school districts, teachers and
45 other educational personnel, and parents and guardians, will have



1 different types of access to the accountability information contained
2 within the automated system to the extent that such information is
3 necessary for the performance of a duty or to the extent that such
4 information may be made available to the general public without
5 posing a threat to the confidentiality of an individual pupil.

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

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

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

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

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

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

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



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

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

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

8 387.124 Except as otherwise provided in this section and
9 NRS 387.528:

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

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



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

~~—(a) The~~ **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 ~~the or~~

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

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

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

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

6. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the



1 yearly apportionment less any amount set aside as a reserve. If such
2 action is needed, the State Controller shall submit a report to the
3 Department of Administration and the Fiscal Analysis Division of
4 the Legislative Counsel Bureau documenting reasons for the action.

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

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

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

21 3. An application to provide a program of distance education
22 must include:

23 (a) All the information prescribed by the State Board by
24 regulation.

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

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

41 5. If the Department denies an application, the Department
42 shall include in the written notice the reasons for the denial and the
43 deficiencies of the application. The applicant must be granted 30
44 days after receipt of the written notice to correct any deficiencies
45 identified in the written notice and resubmit the application. The



1 Department shall approve an application that has been resubmitted
2 pursuant to this subsection if the application satisfies the
3 requirements of NRS 388.820 to 388.874, inclusive, and all other
4 applicable statutes and regulations.

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

6 388.854 1. Except as otherwise provided in this subsection,
7 before a pupil may enroll full time or part time in a program of
8 distance education that is provided by a school district other than the
9 school district in which the pupil resides, the pupil must obtain the
10 written permission of the board of trustees of the school district in
11 which the pupil resides. Before a pupil who is enrolled in a public
12 school of a school district may enroll part time in a program of
13 distance education that is provided by a charter school, the pupil
14 must obtain the written permission of the board of trustees of the
15 school district in which the pupil resides. A pupil who enrolls full
16 time in a program of distance education that is provided by a charter
17 school is not required to obtain the approval of the board of trustees
18 of the school district in which the pupil resides.

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

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

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

42 (c) Be signed by the board of trustees of the school district in
43 which the pupil resides and the board of trustees or governing body
44 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 to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;



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

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

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

4. On or before ~~September 1 or January 1~~ *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 charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the Superintendent of Public Instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

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

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

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

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

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

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he provides instruction at a community college or university.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

➤ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are



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

13 2. If the Department determines that:

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

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

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

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

39 3. If the Department determines that:

40 (a) At least one irregularity in testing administration occurred at
41 a school, including, without limitation, a charter school, during 1
42 school year on the examinations administered pursuant to NRS
43 389.015, excluding the high school proficiency examination;

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



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

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

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

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

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

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

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

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



1 *school shall pay for all costs related to the administration of the*
2 *examinations to pupils enrolled in the charter school.*

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

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

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

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

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

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

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

34 391.033 1. All licenses for teachers and other educational
35 personnel are granted by the Superintendent of Public Instruction
36 pursuant to regulations adopted by the Commission and as
37 otherwise provided by law.

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

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



1 the Federal Bureau of Investigation for its report on the criminal
2 history of the applicant.

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

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

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

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

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

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

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

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

23 391.033 1. All licenses for teachers and other educational
24 personnel are granted by the Superintendent of Public Instruction
25 pursuant to regulations adopted by the Commission and as
26 otherwise provided by law.

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

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

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

44 (b) The Superintendent determines, in his discretion, that any
45 conviction indicated in the reports on the criminal history of the



1 applicant is unrelated to the position within the county school
2 district **or charter school** for which the applicant applied.

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

4 179A.075 1. The Central Repository for Nevada Records of
5 Criminal History is hereby created within the Nevada Highway
6 Patrol Division of the Department.

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

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

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

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

21 (a) Through an electronic network;

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

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

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

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

35 (1) Records of criminal history; and

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

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

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

45 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 ~~fat~~ private school for employment; or

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

➔ and notify the superintendent of each county school district , *the governing body of each charter school* and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates



1 that the person has been convicted of a violation of NRS 200.508,
2 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
3 any offense involving moral turpitude.

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

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

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

13 ➡ who the Central Repository's records indicate have been
14 convicted of a violation of NRS 200.508, 201.230, 453.3385,
15 453.339 or 453.3395, or convicted of a felony or any offense
16 involving moral turpitude since the Central Repository's initial
17 investigation. The superintendent of each county school district , *the*
18 *governing body of a charter school* or the administrator of each
19 private school, as applicable, shall determine whether further
20 investigation or action by the district , *charter school* or private
21 school, as applicable, is appropriate.

22 (f) Investigate the criminal history of each person who submits
23 fingerprints or has his fingerprints submitted pursuant to NRS
24 449.176 or 449.179.

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

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

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

42 7. The Central Repository may:

43 (a) At the recommendation of the Advisory Committee and in
44 the manner prescribed by the Director of the Department,



1 disseminate compilations of statistical data and publish statistical
2 reports relating to crime or the delinquency of children.

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

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

16 8. As used in this section:

17 (a) “Advisory Committee” means the Committee established by
18 the Director of the Department pursuant to NRS 179A.078.

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

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

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

28 (c) “Private school” has the meaning ascribed to it in
29 NRS 394.103.

30 **Sec. 29.** The amendatory provisions of section 14 of this act
31 do not apply to a teacher who is on an approved leave of absence
32 from a school district and is employed by the governing body of a
33 charter school before July 1, 2005.

34 **Sec. 30.** 1. This section and sections 1 to 26, inclusive, and
35 28 and 29 of this act become effective on July 1, 2005.

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

37 3. Section 26 of this act expires by limitation on the date on
38 which the provisions of 42 U.S.C. § 666 requiring each state to
39 establish procedures under which the state has authority to withhold
40 or suspend, or to restrict the use of professional, occupational and
41 recreational licenses of persons who:

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



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

3 ➡ are repealed by the Congress of the United States.

4 4. Section 27 of this act becomes effective on the date on
5 which the provisions of 42 U.S.C. § 666 requiring each state to
6 establish procedures under which the state has authority to withhold
7 or suspend, or to restrict the use of professional, occupational and
8 recreational licenses of persons who:

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

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

14 ➡ are repealed by the Congress of the United States.



