

ASSEMBLY BILL NO. 591—COMMITTEE ON EDUCATION

MARCH 26, 2007

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions governing charter schools.
(BDR 34-49)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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

AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual performance audits and are authorized to receive certain money for facilities; revising provisions regarding the membership of a governing body of a charter school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district and the State Board of Education may sponsor charter schools. (NRS 386.515) **Section 17** of this bill authorizes a college or university within the Nevada System of Higher Education to sponsor charter schools. **Sections 1-14, 17-20, 25, 26 and 28** of this bill revise provisions to reflect sponsorship by a college or university.

Section 15 of this bill sets forth the requirements for a charter school that has been in operation for at least 5 years to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriation or otherwise for facilities. **Section 30** of this bill makes an appropriation for those charter schools which satisfy the requirements for school facilities.

Existing law requires the Department of Education and the sponsor of a charter school to provide certain assistance and information to charter schools. (NRS 386.545) **Section 22** of this bill expands the services that a school district must provide if the school district sponsors a charter school.

Existing law prescribes the membership of the governing body of a charter school. (NRS 386.549) Existing regulation of the Department of Education prohibits more than one member on the governing body representing the same



nonprofit organization or business. (NAC 386.345) **Section 23** of this bill prohibits more than two persons who serve on the governing body from representing the same organization or business or otherwise representing the interests of the same organization or business.

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 *educational* 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 each school district shall ~~[-]~~

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

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ *The information for charter schools must be reported separately and must denote* the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.]~~

~~—(c) Denote separately in the report those charter schools that are located within the school district and]~~ *, the charter schools sponsored by the State Board [-] and the charter schools sponsored by a college or university within the Nevada System of Higher Education.*

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) 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;

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

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

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

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

➤ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual



pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

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

(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;

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

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

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

(5) For each elementary school:



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

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

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

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

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

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

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

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

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



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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including,



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1 without limitation, each charter school sponsored by the district. The
2 compilation must include:

3 (1) The amount and sources of money received for programs
4 of remedial study for each school in the district and the district as a
5 whole, including, without limitation, each charter school in the
6 district.

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

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

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 August 15 of each year, the board of trustees of each school district shall submit to 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.

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

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;



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- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

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

10. As used in this section:

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

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

Sec. 2. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 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 will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to



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1 the form prescribed by the Department if the basic information
2 contained in the expanded form complies with the form prescribed
3 by the Department.

4 4. On or before September 7 of each year, the board of trustees
5 of each school district shall:

6 (a) Submit the summary in an electronic format to the:

7 (1) Governor;

8 (2) State Board;

9 (3) Department;

10 (4) Committee;

11 (5) Bureau; and

12 (6) Schools within the school district.

13 (b) Provide for the public dissemination of the summary by
14 posting a copy of the summary on the Internet website maintained
15 by the school district, if any. If a school district does not maintain a
16 website, the district shall otherwise provide for public dissemination
17 of the summary. The board of trustees of each school district shall
18 ensure that the parents and guardians of pupils enrolled in the school
19 district have sufficient information concerning the availability of the
20 summary, including, without limitation, information that describes
21 how to access the summary on the Internet website maintained by
22 the school district, if any. Upon the request of a parent or legal
23 guardian, the school district shall provide the parent or legal
24 guardian with a written copy of the summary.

25 5. The board of trustees of each school district shall ~~[-]~~

26 ~~—(a) Report[-]~~ *report* the information required by this section for
27 each charter school that is located within the school district,
28 regardless of the sponsor of the charter school.

29 ~~[(b) For the information that is reported in an aggregated format,~~
30 ~~include the data that is applicable to]~~ *The information for charter*
31 *schools must be reported separately and must denote* the charter
32 schools sponsored by the school district ~~[but not the charter schools~~
33 ~~that are sponsored by the State Board.~~

34 ~~—(c) Denote separately in the report those charter schools that are~~
35 ~~located within the school district and]~~ *, the charter schools*
36 sponsored by the State Board ~~[-]~~ *and the charter schools sponsored*
37 *by a college or university within the Nevada System of Higher*
38 *Education.*

39 **Sec. 3.** NRS 385.3613 is hereby amended to read as follows:

40 385.3613 1. Except as otherwise provided in subsection 2, on
41 or before June 15 of each year, the Department shall determine
42 whether each public school is making adequate yearly progress, as
43 defined by the State Board pursuant to NRS 385.361.

44 2. On or before June 30 of each year, the Department shall
45 determine whether each public school that operates on a schedule



1 other than a traditional 9-month schedule is making adequate yearly
2 progress, as defined by the State Board pursuant to NRS 385.361.

3 3. The determination pursuant to subsection 1 or 2, as
4 applicable, for a public school, including, without limitation, a
5 charter school sponsored by the board of trustees of the school
6 district, must be made in consultation with the board of trustees of
7 the school district in which the public school is located. If a charter
8 school is sponsored by the State Board ~~H~~ *or a college or university*
9 *within the Nevada System of Higher Education*, the Department
10 shall make a determination for the charter school in consultation
11 with the State Board ~~H~~ *or the institution that sponsors the charter*
12 *school, as applicable*. The determination made for each school must
13 be based only upon the information and data for those pupils who
14 are enrolled in the school for a full academic year. On or before
15 June 15 or June 30 of each year, as applicable, the Department shall
16 transmit:

17 (a) Except as otherwise provided in paragraph (b) ~~H~~ *or (c)*, the
18 determination made for each public school to the board of trustees
19 of the school district in which the public school is located.

20 (b) To the State Board the determination made for each charter
21 school that is sponsored by the State Board.

22 (c) *The determination made for the charter school to the*
23 *institution that sponsors the charter school if a charter school is*
24 *sponsored by a college or university within the Nevada System of*
25 *Higher Education.*

26 4. Except as otherwise provided in this subsection, the
27 Department shall determine that a public school has failed to make
28 adequate yearly progress if any subgroup identified in paragraph (b)
29 of subsection 1 of NRS 385.361 does not satisfy the annual
30 measurable objectives established by the State Board pursuant to
31 that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
32 regulations adopted pursuant thereto, the State Board shall prescribe
33 by regulation the conditions under which a school shall be deemed
34 to have made adequate yearly progress even though a subgroup
35 identified in paragraph (b) of subsection 1 of NRS 385.361 did not
36 satisfy the annual measurable objectives of the State Board.

37 5. In addition to the provisions of subsection 4, the Department
38 shall determine that a public school has failed to make adequate
39 yearly progress if:

40 (a) The number of pupils enrolled in the school who took the
41 examinations administered pursuant to NRS 389.550 or the high
42 school proficiency examination, as applicable, is less than 95
43 percent of all pupils enrolled in the school who were required to
44 take the examinations; or



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(b) Except as otherwise provided in subsection 6, for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the subgroup enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that subgroup enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular subgroup who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular subgroup.

(b) The pupils in such a subgroup must be included in the overall count of pupils enrolled in the school who took the examinations.

➤ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 4. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the State Board ~~or~~ *or a college or university within the Nevada System of Higher Education*, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives



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1 technical assistance in the manner set forth in 20 U.S.C. §
2 6316(b)(4) and the regulations adopted pursuant thereto.

3 2. If a public school fails to make adequate yearly progress for
4 1 year, the principal of the school shall ensure that the plan to
5 improve the achievement of pupils enrolled in the school is
6 reviewed, revised and approved in accordance with NRS 385.357.

7 **Sec. 5.** NRS 385.366 is hereby amended to read as follows:

8 385.366 1. Based upon the information received from the
9 Department pursuant to NRS 385.3613, the board of trustees of each
10 school district shall, on or before July 1 of each year, issue a
11 preliminary designation for each public school in the school district
12 in accordance with the criteria set forth in NRS 385.3623, excluding
13 charter schools sponsored by the State Board ~~or a college or~~
14 *university within the Nevada System of Higher Education*. The
15 board of trustees shall make preliminary designations for all charter
16 schools that are sponsored by the board of trustees. The Department
17 shall make preliminary designations for all charter schools that are
18 sponsored by the State Board ~~and all charter schools sponsored~~
19 *by a college or university within the Nevada System of Higher*
20 *Education*. The initial designation of a school as demonstrating
21 need for improvement must be based upon 2 consecutive years of
22 data and information for that school.

23 2. Before making a final designation for a school, the board of
24 trustees of the school district or the Department, as applicable, shall
25 provide the school an opportunity to review the data upon which the
26 preliminary designation is based and to present evidence in the
27 manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations
28 adopted pursuant thereto. If the school is a public school of the
29 school district or a charter school sponsored by the board of trustees,
30 the board of trustees of the school district shall, in consultation with
31 the Department, make a final determination concerning the
32 designation for the school on August 1. If the school is a charter
33 school sponsored by the State Board ~~or a college or university~~
34 *within the Nevada System of Higher Education*, the Department
35 shall make a final determination concerning the designation for the
36 school on August 1.

37 3. On or before August 1 of each year, the Department shall
38 provide written notice of the determinations made pursuant to NRS
39 385.3613 and the final designations made pursuant to this section as
40 follows:

41 (a) The determinations and final designations made for all
42 schools in this State to the:

- 43 (1) Governor;
44 (2) State Board;
45 (3) Committee; and



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1 (4) Bureau.

2 (b) The determinations and final designations made for all
3 schools within a school district to the:

4 (1) Superintendent of schools of the school district; and

5 (2) Board of trustees of the school district.

6 (c) The determination and final designation made for each
7 school to the principal of the school.

8 **Sec. 6.** NRS 385.3661 is hereby amended to read as follows:

9 385.3661 1. If a public school is designated as demonstrating
10 need for improvement pursuant to NRS 385.3623 and the provisions
11 of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical
12 assistance partnership established for the school pursuant to this
13 section shall carry out the requirements of NRS 385.3692.

14 2. Except as otherwise provided in subsection 3, if a public
15 school is designated as demonstrating need for improvement
16 pursuant to NRS 385.3623 and the provisions of NRS 385.3693,
17 385.3721 or 385.3745 do not apply, the board of trustees of the
18 school district shall:

19 (a) Provide notice of the designation to the parents and
20 guardians of pupils enrolled in the school on the form prescribed by
21 the Department pursuant to NRS 385.382;

22 (b) Ensure that the school receives technical assistance in the
23 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
24 adopted pursuant thereto; and

25 (c) Establish a technical assistance partnership for the school,
26 with the membership prescribed pursuant to NRS 385.3691.

27 3. If a charter school is designated as demonstrating need for
28 improvement pursuant to NRS 385.3623 and the provisions of NRS
29 385.3693, 385.3721 or 385.3745 do not apply:

30 (a) The governing body of the charter school shall:

31 (1) Provide notice of the designation to the parents and
32 guardians of pupils enrolled in the charter school on the form
33 prescribed by the Department pursuant to NRS 385.382; and

34 (2) Establish a technical assistance partnership for the charter
35 school, with the membership prescribed pursuant to NRS 385.3691.

36 (b) For a charter school sponsored by the board of trustees of a
37 school district, the board of trustees shall, in conjunction with the
38 governing body of the charter school, ensure that the charter school
39 receives technical assistance in the manner set forth in 20 U.S.C. §
40 6316(b)(4) and the regulations adopted pursuant thereto. The
41 provisions of this paragraph do not require the school district to pay
42 for the technical assistance partnership established by the governing
43 body of the charter school.

44 (c) For a charter school sponsored by the State Board ~~or~~ *or a*
45 *college or university within the Nevada System of Higher*



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1 **Education**, the Department shall, in conjunction with the governing
2 body of the charter school, ensure that the charter school receives
3 technical assistance in the manner set forth in 20 U.S.C. §
4 6316(b)(4) and the regulations adopted pursuant thereto.

5 4. In addition to the requirements of subsection 2 or 3, as
6 applicable, if a Title I school is designated as demonstrating need
7 for improvement pursuant to NRS 385.3623 and the provisions of
8 NRS 385.3693, 385.3721 or 385.3745 do not apply:

9 (a) Except as otherwise provided in paragraph (b), the board of
10 trustees of the school district shall provide school choice to the
11 parents and guardians of pupils enrolled in the school, including,
12 without limitation, a charter school sponsored by the school district,
13 in accordance with 20 U.S.C. § 6316(b)(1) and the regulations
14 adopted pursuant thereto.

15 (b) For a charter school sponsored by the State Board ~~or~~ **or a**
16 **college or university within the Nevada System of Higher**
17 **Education**, the Department shall work cooperatively with the board
18 of trustees of the school district in which the charter school is
19 located to provide school choice to the parents and guardians of
20 pupils enrolled in the charter school in accordance with 20 U.S.C. §
21 6316(b)(1) and the regulations adopted pursuant thereto.

22 **Sec. 7.** NRS 385.3691 is hereby amended to read as follows:

23 385.3691 1. The membership of each technical assistance
24 partnership established by the board of trustees of a school district
25 for a public school pursuant to NRS 385.3661:

26 (a) Must consist of:

27 (1) At least one employee of the public school for which the
28 partnership is established; and

29 (2) At least one representative of the school district.

30 (b) May consist of other persons, as determined by the board of
31 trustees, in accordance with the needs of the school based upon the
32 data and information pertaining to that school.

33 2. The membership of each technical assistance partnership
34 established by the governing body of a charter school:

35 (a) Must consist of:

36 (1) At least one employee of the charter school;

37 (2) At least one member of the governing body of the charter
38 school;

39 (3) For a charter school sponsored by the board of trustees of
40 the school district, at least one representative of the school district,
41 appointed by the school district; ~~and~~

42 (4) For a charter school sponsored by the State Board, at
43 least one representative of the Department, appointed by the
44 Department ~~or~~ **;** **and**



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1 (5) *For a charter school sponsored by a college or*
2 *university within the Nevada System of Higher Education, at least*
3 *one representative of that institution, appointed by the president of*
4 *the institution.*

5 (b) May consist of other persons, as determined by the
6 governing body, in accordance with the needs of the charter school
7 based upon the data and information pertaining to that charter
8 school.

9 **Sec. 8.** NRS 385.3693 is hereby amended to read as follows:

10 385.3693 1. If a public school is designated as demonstrating
11 need for improvement pursuant to NRS 385.3623 for 2 consecutive
12 years, the technical assistance partnership established for the school
13 pursuant to NRS 385.3661 shall carry out the requirements of
14 NRS 385.3692.

15 2. Except as otherwise provided in subsection 3, if a public
16 school is designated as demonstrating need for improvement
17 pursuant to NRS 385.3623 for 2 consecutive years, the board of
18 trustees of the school district shall:

19 (a) Provide notice of the designation to the parents and
20 guardians of pupils enrolled in the school on the form prescribed by
21 the Department pursuant to NRS 385.382;

22 (b) Ensure that the school receives technical assistance in the
23 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
24 adopted pursuant thereto; and

25 (c) Continue the technical assistance partnership for the school.

26 3. If a charter school is designated as demonstrating need for
27 improvement pursuant to NRS 385.3623 for 2 consecutive years:

28 (a) The governing body of the charter school shall:

29 (1) Provide notice of the designation to the parents and
30 guardians of pupils enrolled in the school on the form prescribed by
31 the Department pursuant to NRS 385.382; and

32 (2) Continue the technical assistance partnership for the
33 school.

34 (b) For a charter school sponsored by the board of trustees of a
35 school district, the board of trustees shall, in conjunction with the
36 governing body of the charter school, ensure that the charter school
37 receives technical assistance in the manner set forth in 20 U.S.C. §
38 6316(b)(4) and the regulations adopted pursuant thereto. The
39 provisions of this paragraph do not require the school district to pay
40 for the technical assistance partnership established by the governing
41 body of the charter school.

42 (c) For a charter school sponsored by the State Board ~~of~~ *or a*
43 *college or university within the Nevada System of Higher*
44 *Education*, the Department shall, in conjunction with the governing
45 body of the charter school, ensure that the charter school receives



1 technical assistance in the manner set forth in 20 U.S.C. §
2 6316(b)(4) and the regulations adopted pursuant thereto.

3 **Sec. 9.** NRS 385.372 is hereby amended to read as follows:

4 385.372 1. In addition to the requirements of NRS 385.3693,
5 if a Title I school is designated as demonstrating need for
6 improvement pursuant to NRS 385.3623 for 2 consecutive years for
7 failing to make adequate yearly progress:

8 (a) Except as otherwise provided in paragraph (b), the board of
9 trustees of the school district shall:

10 (1) Provide school choice to the parents and guardians of
11 pupils enrolled in the school in accordance with 20 U.S.C. §
12 6316(b)(1) and the regulations adopted pursuant thereto.

13 (2) Except as otherwise provided in subsection 2, provide
14 supplemental educational services in accordance with 20 U.S.C. §
15 6316(e) and the regulations adopted pursuant thereto from a
16 provider approved pursuant to NRS 385.384, unless a waiver is
17 granted pursuant to that provision of federal law.

18 (b) If the school is a charter school:

19 (1) Sponsored by the board of trustees of a school district,
20 the board of trustees shall provide school choice to the parents and
21 guardians of pupils enrolled in the school in accordance with 20
22 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

23 (2) Sponsored by the State Board ~~[H]~~ *or a college or*
24 *university within the Nevada System of Higher Education*, the
25 Department shall work cooperatively with the board of trustees of
26 the school district in which the charter school is located to provide
27 school choice to the parents and guardians of pupils enrolled in the
28 charter school in accordance with 20 U.S.C. § 6316(b)(1) and the
29 regulations adopted pursuant thereto.

30 (3) Except as otherwise provided in subsection 3, the
31 governing body of the charter school shall provide supplemental
32 educational services in accordance with 20 U.S.C. § 6316(e) and the
33 regulations adopted pursuant thereto from a provider approved
34 pursuant to NRS 385.384, unless a waiver is granted pursuant to that
35 provision of federal law.

36 2. The board of trustees of a school district shall grant a delay
37 from the imposition of supplemental educational services for a
38 school for a period not to exceed 1 year if the school qualifies for a
39 delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to
40 make adequate yearly progress during the period of the delay, the
41 provisions of NRS 385.3721 apply to the school as if the delay
42 never occurred.

43 3. The sponsor of a charter school shall grant a delay from the
44 imposition of supplemental educational services for the charter
45 school for a period not to exceed 1 year if the charter school



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1 qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the
2 charter school fails to make adequate yearly progress during the
3 period of the delay, the provisions of NRS 385.3721 apply to
4 the charter school as if the delay never occurred.

5 **Sec. 10.** NRS 385.3721 is hereby amended to read as follows:

6 385.3721 1. If a public school is designated as demonstrating
7 need for improvement pursuant to NRS 385.3623 for 3 consecutive
8 years, the support team established for the school pursuant to this
9 section shall carry out the requirements of NRS 385.3741 and
10 385.3742.

11 2. Except as otherwise provided in subsection 3, if a public
12 school is designated as demonstrating need for improvement
13 pursuant to NRS 385.3623 for 3 consecutive years:

14 (a) The board of trustees of the school district shall:

15 (1) Provide notice of the designation to the parents and
16 guardians of pupils enrolled in the school on the form prescribed by
17 the Department pursuant to NRS 385.382; and


18 (2) Ensure that the school receives technical assistance in the
19 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
20 adopted pursuant thereto.

21 (b) The Department shall establish a support team for the
22 school, with the membership prescribed pursuant to NRS 385.374.

23 3. If a charter school is designated as demonstrating need for
24 improvement pursuant to NRS 385.3623 for 3 consecutive years:

25 (a) The governing body of the charter school shall provide
26 notice of the designation to the parents and guardians of pupils
27 enrolled in the charter school on the form prescribed by the
28 Department pursuant to NRS 385.382.

29 (b) For a charter school sponsored by the board of trustees of a
30 school district, the board of trustees shall, in conjunction with the
31 governing body of the charter school, ensure that the charter school
32 receives technical assistance in the manner set forth in 20 U.S.C. §
33 6316(b)(4) and the regulations adopted pursuant thereto.

34 (c) For a charter school sponsored by the State Board  *or a*
35 *college or university within the Nevada System of Higher*
36 *Education*, the Department shall, in conjunction with the governing
37 body of the charter school, ensure that the charter school receives
38 technical assistance in the manner set forth in 20 U.S.C. §
39 6316(b)(4) and the regulations adopted pursuant thereto.

40 (d) The Department shall establish a support team for the
41 school, with the membership prescribed pursuant to NRS 385.374.

42 **Sec. 11.** NRS 385.3741 is hereby amended to read as follows:

43 385.3741 1. Each support team established for a public
44 school pursuant to NRS 385.3721 shall:



(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. *For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.*

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;



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(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. *If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.*

(i) Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 12. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and



(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~or~~ *or a college or university within the Nevada System of Higher Education*, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 13. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school



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1 pursuant to NRS 385.3721 shall carry out the requirements of NRS
2 385.3741, 385.3742 and 385.3744, as applicable.

3 2. Except as otherwise provided in subsection 3, if a public
4 school is designated as demonstrating need for improvement
5 pursuant to NRS 385.3623 for 4 or more consecutive years:

6 (a) The board of trustees of the school district shall:

7 (1) Provide notice of the designation to the parents and
8 guardians of pupils enrolled in the school on the form prescribed by
9 the Department pursuant to NRS 385.382; and

10 (2) Ensure that the school receives technical assistance in the
11 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
12 adopted pursuant thereto.

13 (b) The Department shall continue a support team for the school.

14 3. If a charter school is designated as demonstrating need for
15 improvement pursuant to NRS 385.3623 for 4 or more consecutive
16 years:

17 (a) The governing body of the charter school shall provide
18 notice of the designation to the parents and guardians of pupils
19 enrolled in the school on the form prescribed by the Department
20 pursuant to NRS 385.382.

21 (b) For a charter school sponsored by the board of trustees of a
22 school district, the board of trustees shall, in conjunction with the
23 governing body of the charter school, ensure that the charter school
24 receives technical assistance in the manner set forth in 20 U.S.C. §
25 6316(b)(4) and the regulations adopted pursuant thereto.

26 (c) For a charter school sponsored by the State Board **or a**
27 **college or university within the Nevada System of Higher**
28 **Education**, the Department shall, in conjunction with the governing
29 body of the charter school, ensure that the charter school receives
30 technical assistance in the manner set forth in 20 U.S.C. §
31 6316(b)(4) and the regulations adopted pursuant thereto.

32 (d) The Department shall continue a support team for the charter
33 school.

34 **Sec. 14.** NRS 385.3746 is hereby amended to read as follows:

35 385.3746 1. In addition to the requirements of NRS
36 385.3745, if a Title I school is designated as demonstrating need for
37 improvement pursuant to NRS 385.3623 for 4 or more consecutive
38 years:

39 (a) Except as otherwise provided in paragraph (b), the board of
40 trustees of the school district shall:

41 (1) Provide school choice to the parents and guardians of
42 pupils enrolled in the school in accordance with 20 U.S.C. §
43 6316(b)(1) and the regulations adopted pursuant thereto;

44 (2) Provide supplemental educational services in accordance
45 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant



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thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~of Higher Education~~ *or a college or university within the Nevada System of Higher Education*, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.



4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 15. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.



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Sec. 16. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and section 15 of this act* a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 17. 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.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 18. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses;
or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➔ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, ~~for~~ the State Board ~~to~~ *or a college or university within the Nevada System of Higher*



Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the



1 proposed plan for the transportation of pupils. If the charter school
2 will not provide transportation, the application must include a
3 statement that the charter school will work with the parents and
4 guardians of pupils enrolled in the charter school to develop a plan
5 for transportation to ensure that pupils have access to transportation
6 to and from the charter school.

7 (m) The procedure for the evaluation of teachers of the charter
8 school, if different from the procedure prescribed in NRS 391.3125.
9 If the procedure is different from the procedure prescribed in NRS
10 391.3125, the procedure for the evaluation of teachers of the charter
11 school must provide the same level of protection and otherwise
12 comply with the standards for evaluation set forth in NRS 391.3125.

13 (n) The time by which certain academic or educational results
14 will be achieved.

15 (o) The kind of school, as defined in subsections 1 to 4,
16 inclusive, of NRS 388.020, for which the charter school intends to
17 operate.

18 3. The Department shall review an application to form a charter
19 school to determine whether it is complete. If an application
20 proposes to convert an existing public school, home school or other
21 program of home study into a charter school, the Department shall
22 deny the application. The Department shall provide written notice to
23 the applicant of its approval or denial of the application. If the
24 Department denies an application, the Department shall include in
25 the written notice the reason for the denial and the deficiencies in
26 the application. The applicant must be granted 30 days after receipt
27 of the written notice to correct any deficiencies identified in the
28 written notice and resubmit the application.

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

30 (a) Holds a current license to teach issued pursuant to chapter
31 391 of NRS; and

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

33 ➡ The term does not include a person who is employed as a
34 substitute teacher.

35 **Sec. 19.** NRS 386.525 is hereby amended to read as follows:

36 386.525 1. Upon approval of an application by the
37 Department, a committee to form a charter school may submit the
38 application to the board of trustees of the school district in which
39 the proposed charter school will be located, *a college or university*
40 *within the Nevada System of Higher Education* or directly to the
41 Subcommittee on Charter Schools. If the board of trustees of a
42 school district, *a college or a university, as applicable*, receives an
43 application to form a charter school, the board of trustees *or the*
44 *institution, as applicable*, shall consider the application at a meeting
45 that must be held not later than 45 days after the receipt of the



1 application, or a period mutually agreed upon by the committee to
2 form the charter school and the board of trustees of the school
3 district **[H] or the institution, as applicable**, and ensure that notice of
4 the meeting has been provided pursuant to chapter 241 of NRS. The
5 board of trustees, **the college, the university**, the Subcommittee on
6 Charter Schools or the State Board, as applicable, shall review an
7 application to determine whether the application:

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

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

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

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

26 4. If the board of trustees **, the college or the university, as**
27 **applicable**, denies an application after it has been resubmitted
28 pursuant to subsection 3, the applicant may submit a written request
29 for sponsorship by the State Board to the Subcommittee on Charter
30 Schools created pursuant to NRS 386.507 not more than 30 days
31 after receipt of the written notice of denial. Any request that is
32 submitted pursuant to this subsection must be accompanied by the
33 application to form the charter school.

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

43 6. The Subcommittee on Charter Schools shall transmit the
44 application and the recommendation of the Subcommittee for
45 approval or denial of the application to the State Board. Not more



1 than 14 days after the date of the meeting of the Subcommittee
2 pursuant to subsection 5, the State Board shall hold a meeting to
3 consider the recommendation of the Subcommittee. Notice of the
4 meeting must be posted in accordance with chapter 241 of NRS.
5 The State Board shall review the application in accordance with the
6 factors set forth in paragraphs (a) and (b) of subsection 1. The State
7 Board may approve an application if it satisfies the requirements of
8 paragraphs (a) and (b) of subsection 1. Not more than 30 days after
9 the meeting, the State Board shall provide written notice of its
10 determination to the applicant.

11 7. If the State Board denies an application, it shall include in
12 the written notice the reasons for the denial and the deficiencies in
13 the application. The applicant must be granted 30 days after receipt
14 of the written notice to correct any deficiencies identified in the
15 written notice and resubmit the application.

16 8. If the State Board denies an application after it has been
17 resubmitted pursuant to subsection 7, the applicant may, not more
18 than 30 days after the receipt of the written notice from the State
19 Board, appeal the final determination to the district court of the
20 county in which the proposed charter school will be located.

21 9. On or before January 1 of each odd-numbered year, the
22 Superintendent of Public Instruction shall submit a written report to
23 the Director of the Legislative Counsel Bureau for transmission to
24 the next regular session of the Legislature. The report must include:

25 (a) A list of each application to form a charter school that was
26 submitted to the board of trustees of a school district, ~~for~~ the State
27 Board, *a college or a university* during the immediately preceding
28 biennium;

29 (b) The educational focus of each charter school for which an
30 application was submitted;

31 (c) The current status of the application; and

32 (d) If the application was denied, the reasons for the denial.

33 **Sec. 20.** NRS 386.527 is hereby amended to read as follows:

34 386.527 1. If the State Board, ~~for~~ the board of trustees of a
35 school district *or a college or university within the Nevada System
36 of Higher Education* approves an application to form a charter
37 school, it shall grant a written charter to the applicant. The State
38 Board, ~~for~~ the board of trustees, *the college or the university*, as
39 applicable, shall, not later than 10 days after the approval of the
40 application, provide written notice to the Department of the
41 approval and the date of the approval. If the board of trustees
42 approves the application, the board of trustees shall be deemed the
43 sponsor of the charter school.

44 2. If the State Board approves the application:



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

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

~~3. [Upon the initial renewal of a written charter and each renewal thereafter, the]~~ *If a college or university within the Nevada System of Higher Education approves the application:*

(a) That institution shall be deemed the sponsor of the charter school.

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

4. The governing body of a charter school may request, **at any time**, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt objective criteria for the conditions under which such a request may be granted.

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

~~[5-]~~ **6.** The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may 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



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

16 ~~[6.]~~ 7. The State Board shall adopt objective criteria for the
17 issuance of a written charter to an applicant who is not prepared to
18 commence operation on the date of issuance of the written charter.
19 The criteria must include, without limitation, the:

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

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

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

30 ~~[7.]~~ 8. The holder of a written charter that is issued pursuant to
31 subsection ~~[6.]~~ 7 shall not commence operation of the charter school
32 and is not eligible to receive apportionments pursuant to NRS
33 387.124 until the sponsor has determined that the requirements
34 adopted by the State Board pursuant to subsection ~~[6.]~~ 7 have been
35 satisfied and that the facility the charter school will occupy has been
36 inspected and meets the requirements of any applicable building
37 codes, codes for the prevention of fire, and codes pertaining to
38 safety, health and sanitation. Except as otherwise provided in this
39 subsection, the sponsor shall make such a determination 30 days
40 before the first day of school for the:

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

44 (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. 21. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district and the Subcommittee on Charter Schools, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the Subcommittee on Charter Schools and the State Board in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the ~~procedures~~:

(a) Procedures for accounting ~~and~~ and budgeting ~~and annual audits~~;

(b) Requirements for performance audits and financial audits of charter schools ~~on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of section 15 of this act~~; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of section 15 of this act.

Sec. 22. NRS 386.545 is hereby amended to read as follows:

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

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;



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

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

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. *If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:*

(a) If a pupil enrolled in the charter school is on an extended leave of absence from the charter school due to a physical condition or illness, provide for in-home educational services to the pupil in the same manner as other pupils enrolled in the school district receive those services.

(b) Provide the charter school with an updated list of available substitute teachers within the school district.

(c) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(d) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

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

Sec. 23. 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. *Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.* 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



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1 only if he submits an affidavit to the Department indicating that the
2 person:

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

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

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

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

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

21 (a) Holds a current license to teach issued pursuant to chapter
22 391 of NRS; and

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

24 ➤ The term does not include a person who is employed as a
25 substitute teacher.

26 **Sec. 24.** NRS 386.560 is hereby amended to read as follows:

27 386.560 1. The governing body of a charter school may
28 contract with the board of trustees of the school district in which the
29 charter school is located or the Nevada System of Higher Education
30 for the provision of facilities to operate the charter school or to
31 perform any service relating to the operation of the charter school,
32 including, without limitation, transportation ~~and~~, the provision of
33 health services for the pupils who are enrolled in the charter school
34 ~~and~~ *and the provision of school police officers.*

35 2. A charter school may use any public facility located within
36 the school district in which the charter school is located. A charter
37 school may use school buildings owned by the school district only
38 upon approval of the board of trustees of the school district and
39 during times that are not regular school hours.

40 3. The board of trustees of a school district may donate surplus
41 personal property of the school district to a charter school that is
42 located within the school district.

43 4. Except as otherwise provided in this subsection, upon the
44 request of a parent or legal guardian of a pupil who is enrolled in a
45 charter school, the board of trustees of the school district in which



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1 the charter school is located shall authorize the pupil to participate
2 in a class that is not available to the pupil at the charter school or
3 participate in an extracurricular activity, excluding sports, at a
4 public school within the school district if:

5 (a) Space for the pupil in the class or extracurricular activity is
6 available; and

7 (b) The parent or legal guardian demonstrates to the satisfaction
8 of the board of trustees that the pupil is qualified to participate in the
9 class or extracurricular activity.

10 ➔ If the board of trustees of a school district authorizes a pupil to
11 participate in a class or extracurricular activity, excluding sports,
12 pursuant to this subsection, the board of trustees is not required to
13 provide transportation for the pupil to attend the class or activity.
14 The provisions of this subsection do not apply to a pupil who is
15 enrolled in a charter school and who desires to participate on a part-
16 time basis in a program of distance education provided by the board
17 of trustees of a school district pursuant to NRS 388.820 to 388.874,
18 inclusive. Such a pupil must comply with NRS 388.858.

19 5. Upon the request of a parent or legal guardian of a pupil who
20 is enrolled in a charter school, the board of trustees of the school
21 district in which the charter school is located shall authorize the
22 pupil to participate in sports at the public school that he would
23 otherwise be required to attend within the school district, or upon
24 approval of the board of trustees, any public school within the same
25 zone of attendance as the charter school if:

26 (a) Space is available for the pupil to participate; and

27 (b) The parent or legal guardian demonstrates to the satisfaction
28 of the board of trustees that the pupil is qualified to participate.

29 ➔ If the board of trustees of a school district authorizes a pupil to
30 participate in sports pursuant to this subsection, the board of trustees
31 is not required to provide transportation for the pupil to participate.

32 6. The board of trustees of a school district may revoke its
33 approval for a pupil to participate in a class, extracurricular activity
34 or sports at a public school pursuant to subsections 4 and 5 if the
35 board of trustees or the public school determines that the pupil has
36 failed to comply with applicable statutes, or applicable rules and
37 regulations of the board of trustees, the public school or an
38 association for interscholastic activities. If the board of trustees so
39 revokes its approval, neither the board of trustees nor the public
40 school is liable for any damages relating to the denial of services to
41 the pupil.

42 **Sec. 25.** NRS 386.570 is hereby amended to read as follows:

43 386.570 1. Each pupil who is enrolled in a charter school,
44 including, without limitation, a pupil who is enrolled in a program
45 of special education in a charter school, must be included in the



1 count of pupils in the school district for the purposes of
2 apportionments and allowances from the State Distributive School
3 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
4 pupil is exempt from compulsory attendance pursuant to NRS
5 392.070. A charter school is entitled to receive its proportionate
6 share of any other money available from federal, state or local
7 sources that the school or the pupils who are enrolled in the school
8 are eligible to receive. If a charter school receives special education
9 program units directly from this State, the amount of money for
10 special education that the school district pays to the charter school
11 may be reduced proportionately by the amount of money the charter
12 school received from this State for that purpose.

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

19 3. Upon completion of a school year, the sponsor of a charter
20 school may request reimbursement from the governing body of the
21 charter school for the administrative costs associated with
22 sponsorship for that school year if the sponsor provided
23 administrative services during that school year. *The request must*
24 *include an itemized list of those costs.* Upon receipt of such a
25 request, the governing body shall pay the reimbursement to the
26 board of trustees of the school district ~~or~~ if the board of trustees
27 sponsors the charter school, ~~to~~ to the Department if the State
28 Board sponsors the charter school ~~or~~ *or to the college or university*
29 *within the Nevada System of Higher Education if that institution*
30 *sponsors the charter school.* If a governing body fails to pay the
31 reimbursement, the charter school shall be deemed to have violated
32 its written charter and the sponsor may take such action to revoke
33 the written charter pursuant to NRS 386.535 as it deems necessary.
34 If the board of trustees of a school district is the sponsor of a charter
35 school, the amount of money that may be paid to the sponsor
36 pursuant to this subsection for administrative expenses in 1 school
37 year must not exceed:

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

44 4. If the State Board *or a college or university within the*
45 *Nevada System of Higher Education* is the sponsor of a charter



1 school, the amount of money that may be paid to the Department *or*
2 *to the institution, as applicable*, pursuant to subsection 3 for
3 administrative expenses in 1 school year must not exceed:

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

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

10 5. To determine the amount of money for distribution to a
11 charter school in its first year of operation, the count of pupils who
12 are enrolled in the charter school must initially be determined 30
13 days before the beginning of the school year of the school district,
14 based on the number of pupils whose applications for enrollment
15 have been approved by the charter school. The count of pupils who
16 are enrolled in the charter school must be revised on the last day of
17 the first school month of the school district in which the charter
18 school is located for the school year, based on the actual number of
19 pupils who are enrolled in the charter school. Pursuant to subsection
20 5 of NRS 387.124, the governing body of a charter school may
21 request that the apportionments made to the charter school in its first
22 year of operation be paid to the charter school 30 days before the
23 apportionments are otherwise required to be made.

24 6. If a charter school ceases to operate as a charter school
25 during a school year, the remaining apportionments that would have
26 been made to the charter school pursuant to NRS 387.124 for that
27 year must be paid on a proportionate basis to the school districts
28 where the pupils who were enrolled in the charter school reside.

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

40 8. If a charter school uses money received from this State to
41 purchase real property, buildings, equipment or facilities, the
42 governing body of the charter school shall assign a security interest
43 in the property, buildings, equipment and facilities to the State of
44 Nevada.



Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the board of trustees of a school district *or a college or university within the Nevada System of Higher Education* sponsors a charter school, the board of trustees *or the institution, as applicable*, shall submit a written report to the State Board. The written report must include:

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

(b) A description of all administrative support and services provided by the school district *or institution, as applicable*, to the charter school.

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. 27. (Deleted by amendment.)

Sec. 28. NRS 387.124 is hereby amended to read as follows:

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

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



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

3. The apportionment to a charter school that is sponsored by the State Board **or a college or university within the Nevada System of Higher Education**, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all 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. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

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

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$1,000,000 for distribution to charter schools that satisfy certain requirements for facilities for those charter schools.

2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application to the Department of Education, on a form prescribed by the Department, for a grant of money in the amount of \$250,000. The application must include proof satisfactory to the Department that the charter school satisfies the requirements of subsection 1 of section 15 of this act.

3. Upon receipt of an application and verification by the Department of Education that the charter school satisfies the requirements of subsection 1 of section 15 of this act, the Department shall provide the charter school with a grant of money in the amount of \$250,000. A charter school that receives a grant of money shall use the money for facilities for the charter school.

4. Applications must be considered and accepted in the order in which the applications are received. A charter school that satisfies the requirements of subsection 1 of section 15 of this act is eligible for one grant pursuant to this section and may not reapply after it receives a grant.

5. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after



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- 1 September 16, 2011, by either the entity to which the money was
- 2 appropriated or the entity to which the money was subsequently
- 3 granted or transferred, and must be reverted to the State General
- 4 Fund on or before September 16, 2011.
- 5 **Sec. 31.** This act becomes effective on July 1, 2007.

