

SENATE BILL NO. 238—COMMITTEE ON  
HUMAN RESOURCES AND EDUCATION

MARCH 7, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Provides for a program of empowerment schools.  
(BDR 34-112)

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; establishing a program of empowerment schools for the public schools in this State; authorizing public schools to develop empowerment plans; prescribing the process for the approval of empowerment plans by the State Board of Education and the boards of trustees of school districts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 3** of this bill establishes a program of empowerment schools for public schools within this State. **Section 3** also authorizes each board of trustees of a school district to create a design team for the school district to advise the board of trustees on empowerment schools. **Section 4** of this bill provides for the establishment of policies and procedures for schools that wish to convert to empowerment schools.

**Sections 5 and 6** of this bill address the requirements for a school to convert to an empowerment school, including the establishment of an empowerment team and the development of an empowerment plan. The principal of a public school located in a county whose population is less than 100,000 is not required to establish an empowerment team. **Sections 6.3 and 6.5** of this bill require the empowerment plan of a school to be approved by the board of trustees of the school district or, if the school is a charter school that is sponsored by the State Board of Education, the State Board, before the school can operate as an empowerment school.



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

**Section 1.** Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, "empowerment school" means a public school operating under an empowerment plan developed pursuant to section 6 of this act and approved pursuant to section 6.3 or 6.5 of this act, as applicable.*

**Sec. 3. 1.** *There is hereby established a program of empowerment schools for public schools within this State. The program does not include a university school for profoundly gifted pupils.*

**2.** *Except as otherwise provided in this subsection, the board of trustees of a school district which is located:*

**(a)** *In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.*

**(b)** *In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.*

**↪** *The total number of schools which operate as empowerment schools in this State must not exceed 100 schools. The Department shall adopt procedures to ensure compliance with the provisions of this subsection.*

**3.** *The board of trustees of a school district which participates in the program of empowerment schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.*

**4.** *The board of trustees of a school district that participates in the program of empowerment schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:*

**(a)** *At least one representative of the board of trustees;*

**(b)** *The superintendent of the school district, or his designee;*

**(c)** *Parents and legal guardians of pupils enrolled in public schools in the school district;*

**(d)** *Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;*



(e) *Representatives of organizations that represent teachers and other educational personnel;*

(f) *Representatives of the community in which the school district is located and representatives of businesses within the community; and*

(g) *Such other members as the board of trustees determines are necessary.*

5. *If a design team is created for a school district, the design team shall:*

(a) *Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and*

(b) *Advise the board of trustees on issues relating to empowerment schools.*

6. *The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school districts.*

**Sec. 4. 1.** *The board of trustees of a school district that participates in the program of empowerment schools may establish policies and procedures for public schools within the school district that wish to convert to empowerment schools which may provide for:*

(a) *The process by which a public school may convert to an empowerment school, including, without limitation, the development of an empowerment plan for the school in accordance with section 6 of this act;*

(b) *Autonomy for the principal of each empowerment school to decide issues relating to the operation of the school, including, without limitation, the school schedule, governance, incentives for employees, staffing, budgeting and the provision of instruction;*

(c) *The opportunity for empowerment schools within the school district to offer an alternative schedule, including, without limitation, a longer school day or a longer school year, or both, and to offer school during the summer; and*

(d) *Other matters as deemed necessary by the board of trustees.*

2. *The board of trustees of a school district that participates in the program of empowerment schools shall adopt policies and procedures which provide for:*

(a) *Accountability measures designed to ensure that pupils enrolled in an empowerment school are achieving certain goals and standards relating to academic achievement;*

(b) *The process for the selection of empowerment schools and the approval of empowerment plans for those schools;*

(c) *The process for renewal of empowerment plans;*



(d) *The criteria for revocation of an empowerment plan for a school and the procedure for revocation; and*

(e) *The time period for which empowerment plans will be approved.*

3. *A school district that participates in the program of empowerment schools shall provide a process for a pupil who resides in the school district to attend:*

(a) *An empowerment school regardless of the school which the pupil is otherwise zoned to attend.*

(b) *A school that is not an empowerment school if the pupil is zoned to attend a school that converts to an empowerment school.*

↪ *The board of trustees of a school district must comply with the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., when establishing provisions relating to school choice pursuant to this subsection.*

4. *An empowerment school shall:*

(a) *Enroll first the pupils who are zoned to attend that school.*

(b) *After the enrollment of pupils pursuant to paragraph (a), if the school has space available, enroll pupils who are not otherwise zoned to attend the school on the basis of a lottery system.*

5. *A school district is not required to provide transportation to a pupil who attends a public school which the pupil is not otherwise zoned to attend.*

6. *A school district that participates in the program of empowerment schools shall provide a procedure for an empowerment school to obtain a waiver from the requirements and regulations of the board of trustees of the school district. The board of trustees may not waive:*

(a) *The requirements of a state or federal law or regulation.*

(b) *A policy or requirement relating to safety, including, without limitation, hiring security personnel and following procedures designed to ensure the safety of the school, the personnel employed at the school and the pupils.*

**Sec. 5.** 1. *Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the program of empowerment schools who wishes to convert to an empowerment school shall:*

(a) *Establish an empowerment team for the school; and*

(b) *Develop an empowerment plan for the school in consultation with:*

(1) *The empowerment team; and*

(2) *The school support team, if a school support team has been established for the school pursuant to NRS 385.3721.*

2. *The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan*



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1 *for the school without establishing or consulting with an*  
2 *empowerment team. If a school support team has been established*  
3 *for the school, the principal shall develop the empowerment plan*  
4 *in consultation with the school support team. If an empowerment*  
5 *team has not been established pursuant to the exception provided*  
6 *in this subsection, the principal of the school shall carry out the*  
7 *responsibilities and duties otherwise assigned to an empowerment*  
8 *team pursuant to sections 2 to 10, inclusive, of this act.*

9 3. *An empowerment team for a school must consist of the*  
10 *following persons:*

11 (a) *The principal of the school;*

12 (b) *At least two but not more than four teachers and other*  
13 *licensed educational personnel who are employed at the school,*  
14 *selected by a recognized employee organization that represents*  
15 *licensed educational personnel within the school district;*

16 (c) *At least two but not more than four employees, other than*  
17 *teachers and other licensed educational personnel, who are*  
18 *employed at the school, selected by an organization that represents*  
19 *those employees;*

20 (d) *At least two but not more than four parents and legal*  
21 *guardians of pupils enrolled in the school, selected by an*  
22 *association of parents established for the school;*

23 (e) *At least two but not more than four representatives of the*  
24 *community or businesses within the community;*

25 (f) *The facilitator of the school support team, if a school*  
26 *support team has been established for the school pursuant to NRS*  
27 *385.3721; and*

28 (g) *Such other persons as may be necessary to meet the*  
29 *requirements set forth in subsection 4.*

30 4. *Of the total number of members on an empowerment team*  
31 *for a school:*

32 (a) *At least one member must have 5 years or more of*  
33 *experience in school finance;*

34 (b) *At least one member must have 5 years or more of*  
35 *experience in school administration or human resources;*

36 (c) *At least one member must have 5 years or more of*  
37 *experience in overseeing the academic programs and curriculum*  
38 *for a public school; and*

39 (d) *At least one member must have 5 years or more of*  
40 *experience in the collection and analysis of data.*

41 ➡ *The provisions of this subsection do not require the*  
42 *appointment of four persons if one, two or three such persons*  
43 *satisfy the qualifications.*

44 5. *A charter school that wishes to participate in the program*  
45 *of empowerment schools shall comply with the provisions of*



sections 2 to 10, inclusive, of this act. If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

**Sec. 5.5.** *An empowerment team for a school shall:*

1. *Select, from among its members, a Chairman and a Vice Chairman.*

2. *Assist the principal in the development of the empowerment plan for the school.*

3. *Assist in the development of the proposed budget for the school and provide ongoing advice to the principal concerning the expenditure of money apportioned to the school.*

4. *Provide continued oversight of the school and assist in the management decisions for the school.*

**Sec. 6.** *1. Each empowerment plan for a school must:*

(a) *Set forth the manner by which the school will be governed;*

(b) *Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;*

(c) *If a school support team has been established for the school pursuant to NRS 385.3721, require the principal and the empowerment team for the school to work in consultation with the school support team;*

(d) *Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;*

(e) *Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.015 and 389.550;*

(f) *Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;*

(g) *Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;*

(h) *Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;*

(i) *Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;*



1       (j) Provide a description of the professional development that  
2 will be offered to the teachers and other licensed educational  
3 personnel employed at the school;

4       (k) Prescribe the manner by which the empowerment plan will  
5 increase the involvement of parents and legal guardians of pupils  
6 enrolled in the school;

7       (l) Comply with the plan to improve the achievement of the  
8 pupils enrolled in the school prepared pursuant to NRS 385.357;

9       (m) Address the specific educational needs and concerns of the  
10 pupils who are enrolled in the school; and

11       (n) Set forth the calendar and schedule for the school.

12       2. If the empowerment plan includes an incentive pay  
13 structure, that pay structure must:

14       (a) Provide an incentive for all staff employed at the school;

15       (b) Set forth the standards that must be achieved by the pupils  
16 enrolled in the school and any other measurable objectives that  
17 must be met to be eligible for incentive pay; and

18       (c) Be in addition to the salary or hourly rate of pay negotiated  
19 pursuant to chapter 288 of NRS that is otherwise payable to the  
20 employee.

21       3. An empowerment plan may:

22       (a) Request a waiver from a statute contained in this title or a  
23 regulation of the State Board or the Department.

24       (b) Identify the services of the school district which the school  
25 wishes to receive, including, without limitation, professional  
26 development, transportation, food services and discretionary  
27 services. Upon approval of the empowerment plan, the school  
28 district may deduct from the total apportionment to the  
29 empowerment school the costs of such services.

30       4. For purposes of determining the budget pursuant to  
31 paragraph (b) of subsection 1, if a public school which converts to  
32 an empowerment school is a:

33       (a) Charter school, the amount of the budget is the amount  
34 equal to the apportionments and allowances from the State  
35 Distributive School Account pursuant to NRS 387.121 to 387.126,  
36 inclusive, and its proportionate share of any other money available  
37 from federal, state or local sources that the school or the pupils  
38 enrolled in the school are eligible to receive.

39       (b) Public school, other than a charter school, the  
40 empowerment team for the school shall have discretion of 90  
41 percent of the amount of money from the state financial aid and  
42 local funds that the school district apportions for the school,  
43 without regard to any line-item specifications or specific uses  
44 determined advisable by the school district, unless the



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1 *empowerment team determines that a lesser amount is necessary*  
2 *to carry out the empowerment plan.*

3 **Sec. 6.3.** 1. *Except as otherwise provided in subsection 10,*  
4 *the empowerment team of a public school, other than a charter*  
5 *school that is sponsored by the State Board, that develops an*  
6 *empowerment plan pursuant to section 6 of this act shall submit*  
7 *the proposed empowerment plan to the designee of the board of*  
8 *trustees appointed pursuant to this subsection for review and*  
9 *approval pursuant to this section. The board of trustees shall*  
10 *designate a person to review each proposed empowerment plan*  
11 *and recommend the approval or denial of the plan to the board of*  
12 *trustees.*

13 2. *The board of trustees shall approve or deny the*  
14 *empowerment plan. The approval or denial of an empowerment*  
15 *plan must be based solely upon the contents of the plan and may*  
16 *not consider the amount of money required to carry out the*  
17 *empowerment plan if the plan is within the limits of the total*  
18 *apportionment to the school pursuant to subsection 4 of section 6*  
19 *of this act.*

20 3. *Except as otherwise provided in subsection 10, if the board*  
21 *of trustees approves an empowerment plan, the president of*  
22 *the board of trustees, the principal of the public school and the*  
23 *chairman of the empowerment team, if the principal is not the*  
24 *chairman, shall each sign the plan. The empowerment plan is*  
25 *effective for 3 years unless the empowerment team determines that*  
26 *the school will no longer operate under the plan or the board of*  
27 *trustees of the school district revokes the plan.*

28 4. *Except as otherwise provided in subsection 10, if the board*  
29 *of trustees denies an empowerment plan, the board of trustees*  
30 *shall:*

31 (a) *Return the plan to the empowerment team with a written*  
32 *statement indicating the reason for the denial; and*

33 (b) *Provide the empowerment team with a reasonable*  
34 *opportunity to correct any deficiencies identified in the written*  
35 *statement and resubmit it for approval. An empowerment plan*  
36 *may be resubmitted not more than once in a school year.*

37 5. *Except as otherwise provided in subsection 10, an*  
38 *empowerment plan for a public school is not effective and a public*  
39 *school shall not operate as an empowerment school unless the*  
40 *plan is signed by the president of the board of trustees of the*  
41 *school district, the principal of the public school and the chairman*  
42 *of the empowerment team, if the principal is not the chairman. If*  
43 *an empowerment plan includes a request for a waiver from a*  
44 *statute contained in this title or a regulation of the State Board or*  
45 *the Department, a public school may operate under the approved*





1 *plan but the requested waivers from state law are not effective*  
2 *unless approved by the State Board pursuant to subsection 7.*

3 *6. Except as otherwise provided in subsection 10, the*  
4 *empowerment team may submit a written request to the board of*  
5 *trustees for an amendment to the empowerment plan approved*  
6 *pursuant to this section, including an explanation of the reason*  
7 *for the amendment. An amendment must be approved in the same*  
8 *manner as the empowerment plan was approved.*

9 *7. If the empowerment plan includes a request for a waiver*  
10 *from a statute or regulation, the board of trustees shall forward*  
11 *the approved empowerment plan to the State Board for review of*  
12 *the request for a waiver. The State Board shall review the*  
13 *empowerment plan and may approve or deny the request for a*  
14 *waiver from a statute or regulation unless the statute or regulation*  
15 *is required by federal law or is required to carry out federal law.*

16 *8. If the State Board approves the request for a waiver for a*  
17 *school, the Department shall provide written notice of the approval*  
18 *to the board of trustees of the school district that submitted the*  
19 *empowerment plan on behalf of the school.*

20 *9. If the State Board denies a request for a waiver, the State*  
21 *Board shall:*

22 *(a) Return the request to the school district with a written*  
23 *statement indicating the reason for the denial; and*

24 *(b) Except as otherwise provided in subsection 10, provide the*  
25 *empowerment team with a reasonable opportunity to correct any*  
26 *deficiencies identified in the written statement and resubmit it for*  
27 *approval. A request for a waiver may be resubmitted by the school*  
28 *district, after the empowerment team corrects any deficiencies, not*  
29 *more than once in a school year.*

30 *10. If an empowerment team has not been established*  
31 *pursuant to the exception provided in subsection 2 of section 5 of*  
32 *this act, the principal of the school shall carry out the*  
33 *responsibilities and duties assigned to the empowerment team*  
34 *pursuant to this section.*

35 **Sec. 6.5.** *1. Except as otherwise provided in subsection 7,*  
36 *the empowerment team of a charter school that is sponsored by the*  
37 *State Board which develops an empowerment plan pursuant to*  
38 *section 6 of this act shall submit the proposed plan to the*  
39 *Department for transmission to the State Board for review and*  
40 *approval pursuant to this section.*

41 *2. The State Board shall review each proposed empowerment*  
42 *plan and approve or deny the plan, including a request for a*  
43 *waiver from a statute contained in this title or a regulation of the*  
44 *State Board or the Department, if applicable. The approval or*  
45 *denial of an empowerment plan must be based solely upon the*



1 *contents of the plan and may not consider the amount of money*  
2 *required to carry out the empowerment plan if the plan is within*  
3 *the limits of the total apportionment to the charter school pursuant*  
4 *to subsection 4 of section 6 of this act.*

5 3. *Except as otherwise provided in subsection 7, if the State*  
6 *Board approves an empowerment plan, the President of the State*  
7 *Board, the principal of the charter school and the chairman of the*  
8 *empowerment team, if the principal is not the chairman, shall*  
9 *each sign the plan. The empowerment plan is effective for 3 years*  
10 *unless the empowerment team determines that the school will no*  
11 *longer operate under the plan or the State Board revokes the plan.*

12 4. *Except as otherwise provided in subsection 7, if the State*  
13 *Board denies an empowerment plan, the State Board shall:*

14 (a) *Return the plan to the empowerment team with a written*  
15 *statement indicating the reason for the denial; and*

16 (b) *Provide the empowerment team with a reasonable*  
17 *opportunity to correct any deficiencies identified in the written*  
18 *statement and resubmit it for approval. An empowerment plan*  
19 *may be resubmitted not more than once in a school year.*

20 5. *Except as otherwise provided in subsection 7, an*  
21 *empowerment plan for a charter school that is sponsored by the*  
22 *State Board is not effective and a charter school shall not operate*  
23 *as an empowerment school unless the plan is signed by the*  
24 *President of the State Board, the principal of the charter school*  
25 *and the chairman of the empowerment team, if the principal is not*  
26 *the chairman.*

27 6. *Except as otherwise provided in subsection 7, the*  
28 *empowerment team may submit a written request to the*  
29 *Department for an amendment to the empowerment plan approved*  
30 *pursuant to this section, including an explanation of the reason*  
31 *for the amendment. An amendment must be approved in the same*  
32 *manner as the empowerment plan was approved.*

33 7. *If an empowerment team has not been established*  
34 *pursuant to the exception provided in subsection 2 of section 5 of*  
35 *this act, the principal of the school shall carry out the*  
36 *responsibilities and duties assigned to the empowerment team*  
37 *pursuant to this section.*

38 **Sec. 6.7.** 1. *Each empowerment school, other than a*  
39 *charter school that is sponsored by the State Board, shall, on a*  
40 *quarterly basis, submit to the board of trustees of the school*  
41 *district in which the school is located a report that includes:*

42 (a) *The financial status of the school; and*

43 (b) *A description of the school's compliance with each*  
44 *component of the empowerment plan for the school.*



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2. Each charter school that is sponsored by the State Board which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Board. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Board which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Legislative Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Legislative Committee on Education.

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. Except as otherwise provided pursuant to a waiver granted in accordance with section 6.3 or 6.5 of this act, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS 389.015 and 389.550.

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 9. (Deleted by amendment.)



1     **Sec. 10.** *The State Board may adopt regulations to carry out*  
2 *the provisions of sections 2 to 10, inclusive, of this act.*

3     **Sec. 11.** (Deleted by amendment.)

4     **Sec. 12.** (Deleted by amendment.)

5     **Sec. 13.** (Deleted by amendment.)

6     **Sec. 14.** (Deleted by amendment.)

7     **Sec. 15.** (Deleted by amendment.)

8     **Sec. 16.** (Deleted by amendment.)

9     **Sec. 17.** (Deleted by amendment.)

10    **Sec. 18.** (Deleted by amendment.)

11    **Sec. 18.5.** For the purpose of complying with the provisions of  
12 paragraph (b) of subsection 2 of section 3 of this act, the Clark  
13 County School District may, in calculating the number of schools  
14 that must be approved to operate as empowerment schools, include  
15 the four public schools that operated as empowerment schools  
16 during the 2006-2007 school year if those schools continue to  
17 operate as empowerment schools for the 2007-2008 school year and  
18 the 2008-2009 school year.

19    **Sec. 19.** The amount of money available from legislative  
20 authorization for the 2007-2009 biennium for empowerment  
21 programs and the operation of empowerment schools is limited to  
22 the amount specifically designated for that purpose in subsection 5  
23 of section 26 of Assembly Bill No. 627 of this session.

24    **Sec. 20.** This act becomes effective on July 1, 2007, and  
25 expires by limitation on June 30, 2011.

