

SENATE BILL NO. 304—SENATORS HORSFORD, TITUS, WOODHOUSE,
WIENER, CARE, CARLTON, COFFIN, LEE, MATHEWS AND
SCHNEIDER

MARCH 15, 2007

JOINT SPONSORS: ASSEMBLYMEN PARNELL, SMITH, BUCKLEY,
CONKLIN, DENIS, GERHARDT, KOIVISTO, OHRENSCHALL,
PARKS, PIERCE, SEGERBLOM AND WOMACK

Referred to Committee on Human Resources and Education

SUMMARY—Establishes a program of local empowerment and
accountability for public schools. (BDR 34-249)

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

~

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 local
empowerment and accountability for public schools;
setting forth the criteria for public schools to participate in
the program; providing for an exemption from certain
policies and regulations of school districts and certain
state laws for local empowerment and accountability
public schools; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 This bill establishes a program of local empowerment and accountability for
2 public schools. A design team created for a public school, including a charter
3 school, that wishes to participate in the program is required to develop a plan of
4 local empowerment and accountability. The plan must be submitted to the board of
5 trustees of the school district for approval or, if the plan is submitted by a charter
6 school sponsored by the State Board of Education, to the State Board for approval.
7 If the plan of local empowerment and accountability is approved, the local
8 empowerment and accountability public school is exempt from complying with
9 certain provisions of title 34 of NRS and any regulation or policy of the school
10 district that are not required by federal law.

11 Each board of trustees of a school district in which a public school, other than a
12 charter school that is sponsored by the State Board, operates pursuant to a plan of



local empowerment and accountability must submit reports containing certain information relating to those schools. The Department of Education must submit reports containing certain information for each charter school that is sponsored by the State Board which operates pursuant to a plan of local empowerment and accountability.

The program requires school districts located in a county whose population is 100,000 or more to approve, on or before July 1, 2009, not less than 5 percent of the schools in the school district to operate pursuant to a plan of local empowerment and accountability.

The program expires by limitation on July 1, 2011.

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 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, "local empowerment and accountability public school" means a public school operating under a plan of local empowerment and accountability approved pursuant to section 6 or 7 of this act, as applicable.*

Sec. 3. 1. *There is hereby established a program of local empowerment and accountability for public schools which is designed to:*

(a) Provide access to and control of resources to each local empowerment and accountability public school;

(b) Ensure that local empowerment and accountability public schools are given the power to make decisions and solve problems at the school level; and

(c) Encourage educational personnel to have increased influence in shaping the instructional philosophy of the local empowerment and accountability public school and exercise greater control over the governance of the school.

↪ The program does not include a university school for profoundly gifted pupils.

2. *Except as otherwise provided by specific statute, the provisions of:*

(a) Title 34 of NRS; and

(b) A regulation or policy of a school district,

↪ do not apply to a local empowerment and accountability public school.

3. *A local empowerment and accountability public school shall:*

(a) Comply with all federal laws and regulations, including, without limitation, laws and regulations:



* S B 3 0 4 *

1 (1) *To prevent the loss of any federal money for education*
2 *provided to this State and to the school districts in this State by the*
3 *Federal Government; and*

4 (2) *Required to be adopted by this State or a school district*
5 *to comply with a federal law or regulation.*

6 (b) *Comply with all laws and regulations relating to*
7 *discrimination and civil rights.*

8 (c) *Comply with any plan for desegregation ordered by a court*
9 *that is in effect in the school district in which the local*
10 *empowerment and accountability public school is located.*

11 (d) *Cooperate with the board of trustees of the school district*
12 *in the administration of the achievement and proficiency*
13 *examinations administered pursuant to NRS 389.015 and the*
14 *examinations required pursuant to NRS 389.550 to the pupils who*
15 *are enrolled in the local empowerment and accountability public*
16 *school.*

17 (e) *Comply with applicable statutes and regulations governing*
18 *the achievement and proficiency of pupils in this State.*

19 (f) *Provide instruction in the core academic subjects set forth*
20 *in subsection 1 of NRS 389.018, as applicable for the grade levels*
21 *of pupils who are enrolled in the local empowerment and*
22 *accountability public school, and provide at least the courses of*
23 *study that are required of pupils by statute or regulation for*
24 *promotion to the next grade or graduation from a public high*
25 *school and require the pupils who are enrolled in the local*
26 *empowerment and accountability public school to take those*
27 *courses of study. This paragraph does not preclude a local*
28 *empowerment and accountability public school from offering, or*
29 *requiring the pupils who are enrolled in the local empowerment*
30 *and accountability public school to take, other courses of study*
31 *that are required by statute or regulation.*

32 (g) *If the parent or legal guardian of a child submits an*
33 *application to enroll in kindergarten, first grade or second grade*
34 *at the local empowerment and accountability public school,*
35 *comply with NRS 392.040 regarding the ages for enrollment in*
36 *those grades.*

37 (h) *Comply with the requirements to reduce the ratio of pupils*
38 *to teachers pursuant to NRS 388.700, 388.710 or 388.720, as*
39 *applicable.*

40 (i) *Enforce the academic standards established pursuant to*
41 *NRS 389.520.*

42 (j) *Comply with all requirements of public schools relating to*
43 *the statewide system of accountability set forth in NRS 385.3455 to*
44 *385.391, inclusive, including, without limitation, accountability*



1 *reporting, plans to improve the achievement of pupils and annual*
2 *designations of public schools.*

3 *4. A local empowerment and accountability public school*
4 *may accept gifts, grants and donations from any source for the*
5 *support of its plan of local empowerment and accountability.*

6 **Sec. 4. 1.** *If a public school wishes to convert to a local*
7 *empowerment and accountability public school, a design team*
8 *must be created for the school. A design team must consist of the*
9 *following persons:*

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

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

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

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

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

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

26 (g) *Such other persons as may be necessary to meet the*
27 *requirements set forth in subsection 2.*

28 **2.** *Of the total number of members on a design team for a*
29 *school:*

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

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

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

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

39 *↪ The provisions of this subsection do not require the*
40 *appointment of four persons if one, two or three persons satisfy*
41 *the qualifications.*

42 **3.** *The design team shall select, from among its members, a*
43 *Chairman and a Vice Chairman.*

44 **4.** *The design team for a school shall develop a plan of local*
45 *empowerment and accountability for the school pursuant to*



1 *section 5 of this act. The plan must be developed in consultation*
2 *with the school support team, if a school support team has been*
3 *established for the school pursuant to NRS 385.3721.*

4 *5. A charter school that wishes to participate in the program*
5 *of local empowerment and accountability for public schools shall*
6 *comply with the provisions of sections 2 to 11, inclusive, of this*
7 *act. If a charter school is approved as a local empowerment and*
8 *accountability public school, the charter school does not forfeit its*
9 *status as a charter school.*

10 **Sec. 5. 1. Each plan of local empowerment and**
11 **accountability for a public school must:**

12 (a) *Set forth the budget for the school and the manner by*
13 *which the money allocated to the school will be administered.*

14 (b) *If a school support team has been established for the*
15 *school pursuant to NRS 385.3721, require the design team for the*
16 *school to work in consultation with the school support team.*

17 (c) *Prescribe the manner by which the academic plan for the*
18 *school will increase accountability, including, without limitation,*
19 *the effectiveness of the academic plan for the school, the courses*
20 *of study that will be provided to the pupils enrolled in the school*
21 *and any special programs that will be offered for pupils.*

22 (d) *Prescribe the manner by which teachers and other*
23 *educational personnel will be selected and hired for the school,*
24 *which must be in accordance with chapter 288 of NRS.*

25 (e) *Prescribe the manner by which all other staff for the school*
26 *will be selected and hired, which must be in accordance with*
27 *chapter 288 of NRS.*

28 (f) *Prescribe the measures of accountability that will be used to*
29 *determine the progress of pupils and the manner by which the*
30 *achievement of pupils will be measured and reported for the*
31 *school to ensure that pupils enrolled in the school are achieving*
32 *certain goals and standards relating to academic achievement,*
33 *including, without limitation, the results of the pupils on the*
34 *examinations administered pursuant to NRS 389.015 and 389.550;*

35 (g) *Indicate whether the plan will offer an incentive pay*
36 *structure for staff and a description of that pay structure, which*
37 *must be negotiated in accordance with chapter 288 of NRS.*

38 (h) *Provide a description of the professional development that*
39 *will be offered to the teachers and other educational personnel*
40 *employed at the school.*

41 (i) *Prescribe the manner by which the plan will increase the*
42 *involvement of parents and legal guardians of pupils enrolled in*
43 *the school.*

44 (j) *Comply with the plan to improve the achievement of pupils*
45 *enrolled in the school prepared pursuant to NRS 385.357.*



(k) Address the specific educational needs and concerns of the pupils who are enrolled in the school.

(l) Set forth the calendar and schedule for the school. The calendar and schedule may include, without limitation, an alternative schedule, a longer school day or a longer school year, or both, and school during the summer.

2. A plan of local empowerment and accountability may identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the plan, the school district may deduct from the total allocation to the local empowerment and accountability public school the costs of such services.

3. For purposes of determining the budget pursuant to paragraph (a) of subsection 1, a public school that operates pursuant to a plan of local empowerment and accountability approved pursuant to section 6 or 7 of this act that is a:

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

(b) Public school, other than a charter school, is allocated an amount of money that the school district apportions for the school. The design team for the school shall have discretion over not less than 90 percent of that money without regard to any line-item specifications or specific uses determined advisable by the school district, except that the school shall comply with the provisions of any federal law or regulation.

Sec. 6. 1. The design team of a public school, other than a charter school which is sponsored by the State Board, which develops a plan of local empowerment and accountability pursuant to section 5 of this act shall submit the proposed plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed plan and recommend the approval or denial of the plan to the board of trustees. The board of trustees shall approve or deny the plan.

2. If the board of trustees approves a plan of local empowerment and accountability, the president of the board of trustees, the principal of the public school and the Chairman of the design team, if the principal is not the Chairman, shall each sign the plan. The plan is effective for 3 years unless the design



1 *team determines that the school will no longer operate under the*
2 *plan or the school district revokes the plan.*

3 *3. If the board of trustees denies a plan of local empowerment*
4 *and accountability, the board of trustees shall:*

5 *(a) Return the plan to the design team with a written statement*
6 *indicating the reason for the denial; and*

7 *(b) Provide the design team with a reasonable opportunity to*
8 *correct any deficiencies identified in the written statement and*
9 *resubmit it for approval. A plan of local empowerment and*
10 *accountability may be resubmitted not more than once in a school*
11 *year.*

12 *4. A plan of local empowerment and accountability for a*
13 *public school is not effective and a public school shall not operate*
14 *as a local empowerment and accountability public school unless*
15 *the plan is signed by the president of the board of trustees of the*
16 *school district, the principal of the public school and the*
17 *Chairman of the design team, if the principal is not the Chairman.*

18 *5. The design team may submit a written request to the board*
19 *of trustees for an amendment to the plan of local empowerment*
20 *and accountability approved pursuant to this section, including an*
21 *explanation of the reason for the amendment. An amendment*
22 *must be approved in the same manner as the plan of local*
23 *empowerment and accountability was approved.*

24 *6. A local empowerment and accountability public school*
25 *may submit an application for renewal of its plan after 3 years of*
26 *operation. The process used to review the initial plan applies to the*
27 *application for renewal.*

28 *7. The board of trustees of the school district may revoke the*
29 *approval of a plan of local empowerment and accountability*
30 *before the expiration of the plan if the board of trustees*
31 *determines that:*

32 *(a) The local empowerment and accountability public school,*
33 *its administrators, its design team or its employees have failed to*
34 *comply with:*

35 *(1) The terms and conditions of the plan of local*
36 *empowerment and accountability;*

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

39 *(3) The provisions of sections 2 to 11, inclusive, of this act*
40 *or any other statute or regulation applicable to local empowerment*
41 *and accountability public schools;*

42 *(b) There is reasonable cause to believe that revocation is*
43 *necessary to ensure that pupils who are enrolled in the local*
44 *empowerment and accountability public school receive an*
45 *adequate education; or*



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

Sec. 7. *1. The design team of a charter school that is sponsored by the State Board which develops a plan of local empowerment and accountability pursuant to section 5 of this act shall submit the proposed plan to the Department for transmission to the State Board for approval. The State Board shall review each proposed plan of local empowerment and accountability and approve or deny the plan.*

2. If the State Board approves a plan of local empowerment and accountability, the president of the State Board, the principal of the school and the Chairman of the design team, if the principal is not the Chairman, shall each sign the plan. The plan is effective for 3 years unless the design team determines that the school will no longer operate under the plan or the State Board revokes the plan.

3. If the State Board denies a plan of local empowerment and accountability, the State Board shall:

(a) Return the plan to the design team with a written statement indicating the reason for the denial; and

(b) Provide the design team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A plan of local empowerment and accountability may be resubmitted not more than once in a school year.

4. A plan of local empowerment and accountability for a charter school that is sponsored by the State Board is not effective and a school shall not operate as a local empowerment and accountability school unless the plan is signed by the president of the State Board, the principal of the school and the Chairman of the design team, if the principal is not the Chairman.

5. The design team may submit a written request to the Department for an amendment to the plan of local empowerment and accountability approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the plan of local empowerment and accountability was approved.

6. A local empowerment and accountability public school may submit an application for renewal of its plan after 3 years of



1 operation. The process used to review the initial plan applies to the
2 application for renewal.

3 7. The State Board may revoke the approval of a plan of local
4 empowerment and accountability before the expiration of the plan
5 if the State Board determines that:

6 (a) The local empowerment and accountability public school,
7 its administrators, its design team or its employees have failed to
8 comply with:

9 (1) The terms and conditions of the plan of local
10 empowerment and accountability;

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

13 (3) The provisions of sections 2 to 11, inclusive, of this act
14 or any other statute or regulation applicable to local empowerment
15 and accountability public schools;

16 (b) There is reasonable cause to believe that revocation is
17 necessary to ensure that pupils who are enrolled in the local
18 empowerment and accountability public school receive an
19 adequate education; or

20 (c) There is reasonable cause to believe that revocation is
21 necessary to protect the health and safety of the pupils who are
22 enrolled in the local empowerment and accountability public
23 school or persons who are employed by the local empowerment
24 and accountability public school from jeopardy, or to prevent
25 damage to or loss of the property of the charter school or the
26 community in which the local empowerment and accountability
27 public school is located.

28 **Sec. 8. 1.** Except as otherwise provided in the No Child Left
29 Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., if a local
30 empowerment and accountability public school has space
31 available, the local empowerment and accountability public school
32 may enroll a child who is not otherwise zoned to attend the school
33 and:

34 (a) Is a sibling of a pupil who is currently enrolled in the local
35 empowerment and accountability public school; or

36 (b) Resides within the school district and within 2 miles of the
37 local empowerment and accountability public school.

38 ➤ If more pupils described in this subsection who are eligible
39 apply for enrollment than the number of spaces available, the
40 local empowerment and accountability public school shall
41 determine which applicants to enroll pursuant to this subsection
42 on the basis of a lottery system.

43 2. If a local empowerment and accountability public school
44 enrolls a pupil pursuant to subsection 1, neither the school district



1 *nor the local empowerment and accountability public school is*
2 *required to provide transportation for the pupil.*

3 **Sec. 9.** 1. *Each local empowerment and accountability*
4 *public school that is not a charter school shall, on a quarterly*
5 *basis, submit to the board of trustees of the school district in which*
6 *the school is located a report that includes:*

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

8 *(b) A description of school's compliance with each component*
9 *of the plan for the school that was developed pursuant to section 5*
10 *of this act.*

11 2. *Each charter school that is approved to operate as a local*
12 *empowerment and accountability public school shall, on a*
13 *quarterly basis, submit to the sponsor of the charter school a*
14 *report that includes:*

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

16 *(b) A description of the school's compliance with each*
17 *component of the plan for the school that was developed pursuant*
18 *to section 5 of this act.*

19 3. *The board of trustees of a school district shall conduct a*
20 *financial audit of each local empowerment and accountability*
21 *public school, other than a charter school, that has been approved*
22 *by the school district. Each financial audit must be conducted on*
23 *an annual basis and more frequently if determined necessary by*
24 *the board of trustees.*

25 4. *The sponsor of a charter school that is approved as a local*
26 *empowerment and accountability public school shall conduct a*
27 *financial audit of the school on an annual basis and more*
28 *frequently if determined necessary by the sponsor.*

29 5. *When preparing each annual report of accountability*
30 *information required pursuant to NRS 385.3469 and 385.347, the*
31 *State Board or board of trustees of a school district, as applicable,*
32 *shall denote separately the information in each report relating to*
33 *schools which operate pursuant to a plan of local empowerment*
34 *and accountability approved pursuant to section 6 or 7 of this act.*

35 **Sec. 10.** 1. *Each board of trustees of a school district in*
36 *which a public school, other than a charter school which is*
37 *sponsored by the State Board, operates under a plan of local*
38 *empowerment and accountability approved pursuant to section 6*
39 *of this act shall submit, on or before July 1 of each:*

40 *(a) Odd-numbered year, a report to the Department and the*
41 *Legislative Committee on Education; and*

42 *(b) Even-numbered year, a report to the Department, the*
43 *Legislative Committee on Education and the Director of the*
44 *Legislative Counsel Bureau for transmission to the next regular*
45 *session of the Nevada Legislature.*



2. A report required pursuant to subsection 1 must:

(a) Indicate the number of schools that submitted proposed plans of local empowerment and accountability;

(b) Indicate the number of schools with plans of local empowerment and accountability that were approved by the board of trustees;

(c) Contain an evaluation of the effectiveness of the local plans of empowerment and accountability in improving the academic achievement of pupils and the accountability of the public schools within the school district;

(d) Include the name of each local empowerment and accountability public school in the school district that receives an award of money pursuant to NRS 385.3781 to 385.379, inclusive, for the immediately preceding school year, if any;

(e) Contain an evaluation of the effectiveness of the local plans of empowerment and accountability in recruiting and retaining teachers, educational personnel and other staff of the school; and

(f) Include any recommendations for legislation.

Sec. 11. 1. If a charter school which is sponsored by the State Board operates under a plan of local empowerment and accountability approved pursuant to section 7 of this act, the Department shall submit, on or before July 1 of each:

(a) Odd-numbered year, a report to the Legislative Committee on Education; and

(b) Even-numbered year, a report to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Nevada Legislature.

2. A report required pursuant to subsection 1 must:

(a) Indicate the number of charter schools that submitted proposed local plans of empowerment and accountability;

(b) Indicate the number of charter schools with local plans of empowerment and accountability that were approved by the State Board;

(c) Contain an evaluation of the effectiveness of the local plans of empowerment and accountability for the charter schools in improving the academic achievement of pupils and the accountability of charter schools sponsored by the State Board;

(d) Include the name of each charter school with a plan of local empowerment and accountability that receives an award of money pursuant to NRS 385.3781 to 385.379, inclusive, for the immediately preceding school year, if any;

(e) Contain an evaluation of the effectiveness of the local plans of empowerment and accountability in recruiting and



retaining teachers, educational personnel and other staff of the charter school; and

(f) Include any recommendations for legislation.

Sec. 12. 1. The board of trustees of a school district which is located in a county whose population is less than 100,000 may approve public schools located within the school district to operate pursuant to a plan of local empowerment and accountability in accordance with sections 2 to 11, inclusive, of this act.

2. The board of trustees of a school district which is located in a county whose population is 100,000 or more shall approve, on or before July 1, 2009, not less than 5 percent of the schools located within the school district to operate pursuant to a plan of local empowerment and accountability in accordance with sections 2 to 11, inclusive, of this act.

Sec. 13. On or before February 1, 2009, the board of trustees of a school district that submitted a report pursuant to section 10 of this act and, if a report was submitted pursuant to section 11 of this act, the State Board of Education shall submit to the Director of the Legislative Counsel Bureau, for transmission to the 75th Session of the Nevada Legislature, an update of the most recent report to include any data and information from the 2008 fall school semester.

Sec. 14. This act becomes effective on July 1, 2007, and expires by limitation on July 1, 2011.

