

Amendment No. 255

Assembly Amendment to Assembly Bill No. 591

(BDR 34-49)

Proposed by: Assembly Committee on Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

KCR



Date: 4/13/2007

A.B. No. 591—Revises provisions governing charter schools. (BDR 34-49)



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 financing~~ for facilities ; ~~from a school district;~~ 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.

~~Existing law requires annual audits of charter schools. (NRS 386.540; NAC 386.380)~~
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 ~~the~~ an annual **performance** audit and undergo ~~an~~ a **performance** audit every 3 years and to be eligible for **available** money ~~for financing~~ from legislative appropriation or otherwise for facilities . ~~from the school district in which the charter school is located. Section 27 of this bill requires the board of trustees of a school district that includes such a charter school to provide money or financing for the charter school for facilities under certain circumstances.~~ **Section 30** of this bill makes an appropriation for those charter schools which satisfy the requirements ~~for~~ **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

24 body from representing the same organization or business or otherwise representing the
25 interests of the same organization or business.

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

1 **Section 1.** NRS 385.347 is hereby amended to read as follows:

2 385.347 1. The board of trustees of each school district in this State, in
3 cooperation with associations recognized by the State Board as representing
4 licensed *educational* personnel in ~~{education in}~~ the district, shall adopt a program
5 providing for the accountability of the school district to the residents of the district
6 and to the State Board for the quality of the schools and the educational
7 achievement of the pupils in the district, including, without limitation, pupils
8 enrolled in charter schools in the school district. The board of trustees of each
9 school district shall ~~{~~:

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

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

17 ~~—(c) Denote separately in the report those charter schools that are located within~~
18 ~~the school district and} , the charter schools sponsored by the State Board ~~{~~ and~~
19 ~~the charter schools sponsored by a college or university within the Nevada System~~
20 ~~of Higher Education.~~

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

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

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

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

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

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

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

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

43 (III) Pupils with disabilities;

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

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

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

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

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

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

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

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

22 ➤ A separate reporting for a subgroup of pupils must not be made pursuant to this
23 paragraph if the number of pupils in that subgroup is insufficient to yield
24 statistically reliable information or the results would reveal personally identifiable
25 information about an individual pupil. The State Board shall prescribe the
26 mechanism for determining the minimum number of pupils that must be in a
27 subgroup for that subgroup to yield statistically reliable information.

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

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

37 (1) The percentage of teachers who are:

38 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

51 (I) On and after July 1, 2005, the number of persons employed as
52 substitute teachers for 20 consecutive days or more in the same classroom or
53 assignment, designated as long-term substitute teachers, including the total number

1 of days long-term substitute teachers were employed at each school, identified by
2 grade level and subject area; and

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

7 (5) For each elementary school:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

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

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to

1 review school attendance pursuant to paragraph (b) of subsection 2 of NRS
2 392.144, for each school in the district and for the district as a whole.

3 (x) The amount and sources of money received for the training and
4 professional development of teachers and other educational personnel for each
5 school in the district and for the district as a whole, including, without limitation,
6 each charter school in the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 5. The Superintendent of Public Instruction shall:

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

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

7 (c) Consult with a representative of the:

8 (1) Nevada State Education Association;

9 (2) Nevada Association of School Boards;

10 (3) Nevada Association of School Administrators;

11 (4) Nevada Parent Teacher Association;

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

13 (6) Legislative Counsel Bureau,

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

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

20 7. On or before August 15 of each year, the board of trustees of each school
21 district shall submit to each advisory board to review school attendance created in
22 the county pursuant to NRS 392.126 the information required in paragraph (g) of
23 subsection 2.

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

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

30 (1) Governor;

31 (2) State Board;

32 (3) Department;

33 (4) Committee; and

34 (5) Bureau.

35 (b) Provide for public dissemination of the annual report of accountability
36 prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. §
37 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by
38 the school district, if any. If a school district does not maintain a website, the
39 district shall otherwise provide for public dissemination of the annual report by
40 providing a copy of the report to the schools in the school district, including,
41 without limitation, each charter school in the district, the residents of the district,
42 and the parents and guardians of pupils enrolled in schools in the district, including,
43 without limitation, each charter school in the district.

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

48 10. As used in this section:

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

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

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

52 385.349 1. The board of trustees of each school district shall prepare a
53 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 the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

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

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

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary 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 summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

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

~~—(a) Report~~ *report* the information required by this section 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.*

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

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is

1 making adequate yearly progress, as defined by the State Board pursuant to
2 NRS 385.361.

3 2. On or before June 30 of each year, the Department shall determine whether
4 each public school that operates on a schedule other than a traditional 9-month
5 schedule is making adequate yearly progress, as defined by the State Board
6 pursuant to NRS 385.361.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 8. As used in this section:

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

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

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

16 385.362 1. If a public school fails to make adequate yearly progress for 1
17 year:

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

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

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

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

34 385.366 1. Based upon the information received from the Department
35 pursuant to NRS 385.3613, the board of trustees of each school district shall, on or
36 before July 1 of each year, issue a preliminary designation for each public school in
37 the school district in accordance with the criteria set forth in NRS 385.3623,
38 excluding charter schools sponsored by the State Board *or a college or*
39 *university within the Nevada System of Higher Education*. The board of trustees
40 shall make preliminary designations for all charter schools that are sponsored by the
41 board of trustees. The Department shall make preliminary designations for all
42 charter schools that are sponsored by the State Board *and all charter schools*
43 *sponsored by a college or university within the Nevada System of Higher*
44 *Education*. The initial designation of a school as demonstrating need for
45 improvement must be based upon 2 consecutive years of data and information for
46 that school.

47 2. Before making a final designation for a school, the board of trustees of the
48 school district or the Department, as applicable, shall provide the school an
49 opportunity to review the data upon which the preliminary designation is based and
50 to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the
51 regulations adopted pursuant thereto. If the school is a public school of the school
52 district or a charter school sponsored by the board of trustees, the board of trustees
53 of the school district shall, in consultation with the Department, make a final

determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State Board ~~or a college or university within the Nevada System of Higher Education~~, the Department shall make a final determination concerning the designation for the school on August 1.

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

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

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

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

- (1) Superintendent of schools of the school district; and
- (2) Board of trustees of the school district.

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

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

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

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

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

(b) 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; and

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

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

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

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

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

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

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

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

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

(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 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 charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

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

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

(a) Must consist of:

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

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

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

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

(a) Must consist of:

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

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

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

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

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

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

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

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

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

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

(b) 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; and

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

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

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

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

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

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

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

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

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

(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) Except as otherwise provided in subsection 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.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall 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) Sponsored by the State Board **or a college or university within the Nevada System of Higher Education**, the Department shall 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 charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Except as otherwise provided in subsection 3, 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 supplemental educational services 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 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services 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 385.3721 apply to the charter school as if the delay never occurred.

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

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

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

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

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


(2) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (g) In accordance with its findings pursuant to this section and NRS 385.3742,
22 submit, on or before November 1, written revisions to the most recent plan to
23 improve the achievement of the school's pupils for approval pursuant to NRS
24 385.357. The written revisions must:

25 (1) Comply with NRS 385.357;

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

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

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

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

33 (II) Specific;

34 (III) Measurable; and

35 (IV) Conducive to reliable evaluation;

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

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

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

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

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

51 (1) Submit the progress report to the Department.

52 (2) Distribute copies of the progress report to each employee of the school
53 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

1 charter school 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 period of the delay,
3 the provisions of NRS 385.3745 apply as if the delay never occurred.

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

5 385.3745 1. If a public school is designated as demonstrating need for
6 improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the
7 support team established for the school pursuant to NRS 385.3721 shall carry out
8 the requirements of NRS 385.3741, 385.3742 and 385.3744, as applicable.

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

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

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

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

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

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

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

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

28 (c) For a charter school sponsored by the State Board ~~H~~ *or a college or*
29 *university within the Nevada System of Higher Education*, the Department shall,
30 in conjunction with the governing body of the charter school, ensure that the charter
31 school receives technical assistance in the manner set forth in 20 U.S.C. §
32 6316(b)(4) and the regulations adopted pursuant thereto.

33 (d) The Department shall continue a support team for the charter 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 385.3745, if a Title I
36 school is designated as demonstrating need for improvement pursuant to NRS
37 385.3623 for 4 or more consecutive years:

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

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

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

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

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

51 (1) Sponsored by the board of trustees of a school district, the board of
52 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 ~~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, 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. ~~1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the board of trustees of a school district Department for money for facilities pursuant to section 27 of this act~~ 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 pursuant to NRS 386.540 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; and*

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

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 ~~if~~ or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The

1 application must include all information prescribed by the Department by
2 regulation and:

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

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

7 (1) Improving the opportunities for pupils to learn;

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

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

11 (4) Establishing accountability of public schools;

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

14 (6) Creating new professional opportunities for teachers.

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

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

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

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

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

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

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

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

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

37 (l) A statement of whether the charter school will provide for the transportation
38 of pupils to and from the charter school. If the charter school will provide
39 transportation, the application must include the proposed plan for the transportation
40 of pupils. If the charter school will not provide transportation, the application must
41 include a statement that the charter school will work with the parents and guardians
42 of pupils enrolled in the charter school to develop a plan for transportation to ensure
43 that pupils have access to transportation to and from the charter school.

44 (m) The procedure for the evaluation of teachers of the charter school, if
45 different from the procedure prescribed in NRS 391.3125. If the procedure is
46 different from the procedure prescribed in NRS 391.3125, the procedure for the
47 evaluation of teachers of the charter school must provide the same level of
48 protection and otherwise comply with the standards for evaluation set forth in
49 NRS 391.3125.

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

51 (o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS
52 388.020, for which the charter school intends to operate.

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

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

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

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

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

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

386.525 1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, *a college or university within the Nevada System of Higher Education* or directly to the Subcommittee on Charter Schools. If the board of trustees of a school district, *a college or a university, as applicable*, receives an application to form a charter school, the board of trustees *or the institution, as applicable*, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district *or the institution, as applicable*, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, *the college, the university*, the Subcommittee on Charter Schools or the State Board, as applicable, shall review an application to determine whether the application:

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

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

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

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

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

5. If the Subcommittee on Charter Schools receives an application pursuant to subsection 1 or 4, it shall hold a meeting to consider the application. The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The Subcommittee

1 shall review the application in accordance with the factors set forth in paragraphs
2 (a) and (b) of subsection 1. The Subcommittee may approve an application if it
3 satisfies the requirements of paragraphs (a) and (b) of subsection 1.

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

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

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

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

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

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

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

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

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

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

43 2. If the State Board approves the application:

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

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

48 ~~Upon the initial renewal of a written charter and each renewal thereafter,~~
49 ~~the~~ *If a college or university within the Nevada System of Higher Education*
50 *approves the application:*

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

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

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

8 ~~4.5~~ **5.** Except as otherwise provided in subsection ~~4.6~~ **7,** a written charter
9 must be for a term of 6 years unless the governing body of a charter school renews
10 its initial charter after 3 years of operation pursuant to subsection 2 of NRS
11 386.530. A written charter must include all conditions of operation set forth in
12 paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the
13 kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for
14 which the charter school is authorized to operate. If the State Board is the sponsor
15 of the charter school, the written charter must set forth the responsibilities of the
16 sponsor and the charter school with regard to the provision of services and
17 programs to pupils with disabilities who are enrolled in the charter school in
18 accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
19 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a
20 written charter pursuant to this subsection, the charter school must agree to comply
21 with all conditions of operation set forth in NRS 386.550.

22 ~~5.5~~ **6.** The governing body of a charter school may submit to the sponsor of
23 the charter school a written request for an amendment of the written charter of the
24 charter school. Such an amendment may include, without limitation, the expansion
25 of instruction and other educational services to pupils who are enrolled in grade
26 levels other than the grade levels of pupils currently enrolled in the charter school if
27 the expansion of grade levels does not change the kind of school, as defined in NRS
28 388.020, for which the charter school is authorized to operate. If the proposed
29 amendment complies with the provisions of this section, NRS 386.500 to 386.610,
30 inclusive, and any other statute or regulation applicable to charter schools, the
31 sponsor may amend the written charter in accordance with the proposed
32 amendment. If a charter school wishes to expand the instruction and other
33 educational services offered by the charter school to pupils who are enrolled in
34 grade levels other than the grade levels of pupils currently enrolled in the charter
35 school and the expansion of grade levels changes the kind of school, as defined in
36 NRS 388.020, for which the charter school is authorized to operate, the governing
37 body of the charter school must submit a new application to form a charter school.
38 If such an application is approved, the charter school may continue to operate under
39 the same governing body and an additional governing body does not need to be
40 selected to operate the charter school with the expanded grade levels.

41 ~~6.5~~ **7.** The State Board shall adopt objective criteria for the issuance of a
42 written charter to an applicant who is not prepared to commence operation on the
43 date of issuance of the written charter. The criteria must include, without limitation,
44 the:

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

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

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

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

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

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

Sec. 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) ~~Audits~~ *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) ~~Audits of charter schools~~ *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;

(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

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

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

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

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

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

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

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

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

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

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

2 386.560 1. The governing body of a charter school may contract with the
3 board of trustees of the school district in which the charter school is located or
4 the Nevada System of Higher Education for the provision of facilities to operate the
5 charter school or to perform any service relating to the operation of the charter
6 school, including, without limitation, transportation ~~and~~, the provision of health
7 services for the pupils who are enrolled in the charter school ~~and~~ *and the provision*
8 *of school police officers.*

9 2. A charter school may use any public facility located within the school
10 district in which the charter school is located. A charter school may use school
11 buildings owned by the school district only upon approval of the board of trustees
12 of the school district and during times that are not regular school hours.

13 3. The board of trustees of a school district may donate surplus personal
14 property of the school district to a charter school that is located within the school
15 district.

16 4. Except as otherwise provided in this subsection, upon the request of a
17 parent or legal guardian of a pupil who is enrolled in a charter school, the board of
18 trustees of the school district in which the charter school is located shall authorize
19 the pupil to participate in a class that is not available to the pupil at the charter
20 school or participate in an extracurricular activity, excluding sports, at a public
21 school within the school district if:

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

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

26 ➤ If the board of trustees of a school district authorizes a pupil to participate in a
27 class or extracurricular activity, excluding sports, pursuant to this subsection, the
28 board of trustees is not required to provide transportation for the pupil to attend the
29 class or activity. The provisions of this subsection do not apply to a pupil who is
30 enrolled in a charter school and who desires to participate on a part-time basis in a
31 program of distance education provided by the board of trustees of a school district
32 pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with
33 NRS 388.858.

34 5. Upon the request of a parent or legal guardian of a pupil who is enrolled in
35 a charter school, the board of trustees of the school district in which the charter
36 school is located shall authorize the pupil to participate in sports at the public
37 school that he would otherwise be required to attend within the school district, or
38 upon approval of the board of trustees, any public school within the same zone of
39 attendance as the charter school if:

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

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

43 ➤ If the board of trustees of a school district authorizes a pupil to participate in
44 sports pursuant to this subsection, the board of trustees is not required to provide
45 transportation for the pupil to participate.

46 6. The board of trustees of a school district may revoke its approval for a
47 pupil to participate in a class, extracurricular activity or sports at a public school
48 pursuant to subsections 4 and 5 if the board of trustees or the public school
49 determines that the pupil has failed to comply with applicable statutes, or applicable
50 rules and regulations of the board of trustees, the public school or an association for
51 interscholastic activities. If the board of trustees so revokes its approval, neither the
52 board of trustees nor the public school is liable for any damages relating to the
53 denial of services to the pupil.

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

2 386.570 1. Each pupil who is enrolled in a charter school, including,
3 without limitation, a pupil who is enrolled in a program of special education in a
4 charter school, must be included in the count of pupils in the school district for the
5 purposes of apportionments and allowances from the State Distributive School
6 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt
7 from compulsory attendance pursuant to NRS 392.070. A charter school is entitled
8 to receive its proportionate share of any other money available from federal, state or
9 local sources that the school or the pupils who are enrolled in the school are eligible
10 to receive. If a charter school receives special education program units directly
11 from this State, the amount of money for special education that the school district
12 pays to the charter school may be reduced proportionately by the amount of money
13 the charter school received from this State for that purpose.

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

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

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

40 4. If the State Board *or a college or university within the Nevada System of*
41 *Higher Education* is the sponsor of a charter school, the amount of money that may
42 be paid to the Department *or to the institution, as applicable,* pursuant to
43 subsection 3 for administrative expenses in 1 school year must not exceed:

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

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

50 5. To determine the amount of money for distribution to a charter school in its
51 first year of operation, the count of pupils who are enrolled in the charter school
52 must initially be determined 30 days before the beginning of the school year of the
53 school district, based on the number of pupils whose applications for enrollment

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

9 6. If a charter school ceases to operate as a charter school during a school
10 year, the remaining apportionments that would have been made to the charter
11 school pursuant to NRS 387.124 for that year must be paid on a proportionate basis
12 to the school districts where the pupils who were enrolled in the charter school
13 reside.

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

23 8. If a charter school uses money received from this State to purchase real
24 property, buildings, equipment or facilities, the governing body of the charter
25 school shall assign a security interest in the property, buildings, equipment and
26 facilities to the State of Nevada.

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

28 386.610 1. On or before August 15 of each year, if the board of trustees of a
29 school district *or a college or university within the Nevada System of Higher*
30 *Education* sponsors a charter school, the board of trustees *or the institution, as*
31 *applicable*, shall submit a written report to the State Board. The written report must
32 include:

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

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

38 2. The governing body of a charter school shall, after 3 years of operation
39 under its initial charter, submit a written report to the sponsor of the charter school.
40 The written report must include a description of the progress of the charter school
41 in achieving its educational goals and objectives. If the charter school submits an
42 application for renewal in accordance with the regulations of the Department, the
43 sponsor may renew the written charter of the school pursuant to subsection 2 of
44 NRS 386.530.

45 **Sec. 27.** ~~[Chapter 387 of NRS is hereby amended by adding thereto a new~~
46 ~~section to read as follows:~~

47 ~~1. The board of trustees of a school district that includes a charter school~~
48 ~~which satisfies the requirements of subsection 1 of section 15 of this act,~~
49 ~~regardless of the sponsor of the charter school, shall provide money or financing~~
50 ~~for school facilities for those charter schools in an amount equal to 1 percent of~~
51 ~~the proceeds of all bonds issued by the school district for school facilities after~~
52 ~~July 1, 2007. This percentage is solely a measure of the amount for use by~~

~~charter schools pursuant to this section and does not authorize or require a school district to set aside or in any way hold bond proceeds.~~

~~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 for money from the school district in which the charter school is located, regardless of the sponsor of the charter school, for the construction, alteration or remodel of a facility for the charter school. The application must include:~~

~~(a) A description of the project;~~

~~(b) The cost of the project;~~

~~(c) The amount requested by the governing body; and~~

~~(d) Unless standard plans, designs and specifications adopted by the State Board of Education pursuant to NRS 385.125 are to be used for the project, proof that the plans for the project have been approved by the State Public Works Board or local building department, as applicable, for the county.~~

~~3. Upon receipt of an application, the board of trustees of a school district shall provide a grant of money to the governing body of the charter school to the extent that money or other financing is available pursuant to subsection 1 if the application submitted by the governing body satisfies the requirements of subsection 2. The board of trustees shall ensure that the money available is distributed in a fair and equitable manner among those charter schools that submit applications which comply with this section.~~

~~4. If a charter school does not use the money provided pursuant to subsection 3 in the manner set forth in its application, the charter school shall repay the entire amount provided to the school district. If a charter school completes the project for which the money was provided and a portion of that money remains unexpended, the charter school shall repay the unexpended portion to the school district.~~

~~5. The board of trustees of each school district that includes one or more charter schools which satisfy the requirements of subsection 1 of section 15 of this act shall adopt a policy prescribing the procedure for the submission of applications by those charter schools and the annual deadline for submission of applications.~~ (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. ~~[NRS 387.335 is hereby amended to read as follows:]~~
~~387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:~~
~~(a) Construction, design or purchase of new buildings for schools, including, [but not limited to,] without limitation, charter schools that satisfy the~~

~~requirements of subsection 1 of section 15 of this act, teacherages, dormitories, dining halls, gymnasiums and stadiums.~~

~~(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, [but not limited to,] without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act, teacherages, dormitories, dining halls, gymnasiums and stadiums.~~

~~(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, [but not limited to,] without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act, playgrounds, athletic fields and sites for stadiums.~~

~~(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.~~

~~(e) Purchasing necessary furniture and equipment for schools. If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations.~~

~~2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.~~

~~3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.] (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 **[in accordance with its written charter.] 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 ~~[section 1 of this act]~~ **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 September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 31. This act becomes effective on July 1, 2007.