

Amendment No. 334

Assembly Amendment to Assembly Bill No. 489

(BDR 34-297)

Proposed by: Assembly Committee on Education**Amends:** Summary: No Title: No 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 dashed underlining* is newly added transitory language.

CLP/KCR



Date: 4/19/2009

A.B. No. 489—Revises provisions governing charter schools. (BDR 34-297)



ASSEMBLY BILL NO. 489—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

MARCH 23, 2009

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools. (BDR 34-297)

FISCAL NOTE: Effect on Local Government: No.
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 relating to sponsorship of charter schools; creating the Nevada Charter School Institute for sponsorship of charter schools; prescribing the membership, duties and powers of the Institute; repealing the Subcommittee on Charter Schools of the State Board of Education; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of charter schools and authorizes school districts, the State Board of Education and colleges and universities within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.500-386.610) **Sections 18-27** of this bill create the Nevada Charter School Institute and prescribe the membership of the Charter School Institute. **Section 30** of this bill removes the authority of the State Board of Education to sponsor charter schools and authorizes the Nevada Charter School Institute to sponsor charter schools. (NRS 386.515) **Sections 35 and 41** of this bill authorize the Nevada Charter School Institute to adopt regulations relating to charter schools and eliminates the authority of the Department of Education and the State Board of Education to adopt regulations relating to charter schools. (NRS 386.540, 386.578) **Section 2 of this bill transfers the duty to prepare an annual report of accountability information of all the charter schools in this State from the board of trustees of a school district to the Nevada Charter School Institute. (NRS 385.347)** **Sections 50 and 51** of this bill require the Director of the Nevada Charter School Institute and other persons employed by the Charter School Institute to be appointed or hired, as appropriate, beginning on July 1, 2009, and certain other dates. **Section 52** of this bill requires the members of the Charter School Institute to be appointed on or before January 1, 2010. **Section 55** of this bill transfers the sponsorship of all State Board-sponsored charter schools to the Nevada Charter School Institute beginning with the 2010-2011 school year.

Section 47 of this bill repeals the Subcommittee on Charter Schools of the State Board of Education. (NRS 386.507)

Section 48 of this bill appropriates money to the Account for the Nevada Charter School Institute created by **section 27** of this bill for the establishment and operation of the Nevada Charter School Institute for the 2009-2011 biennium.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this State such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and *the Nevada Charter School Institute*, each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district. ~~[, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the] [State Board] [Nevada Charter School Institute and the charter schools sponsored by a college or university within the Nevada System of Higher Education.]~~

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

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

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

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

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

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

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

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

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

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

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

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

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

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

(I) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(5) For each elementary school:

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

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

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

(f) The curriculum used by the school district, including ~~{~~
~~(1) Any} any~~ special programs for pupils at an individual school, ~~{, and~~
~~(2) The curriculum used by each charter school in the district.}~~

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

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

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

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (r) A compilation of the programs of remedial study that are purchased in
34 whole or in part with money received from this State, for each school in the district
35 and the district as a whole ~~including, without limitation, each charter school~~
36 ~~sponsored by the district.~~ The compilation must include:

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

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

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

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

49 (u) For each school in the district and the district as a whole, ~~including,~~
50 ~~without limitation, each charter school in the district.~~ the number and percentage of
51 pupils who received:
52
53

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

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

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

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

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

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

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

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

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

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

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

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

(dd) For each school in the district and the district as a whole, ~~including, without limitation, each charter school in the district,~~ information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

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

3. The Nevada Charter School Institute shall, on or before August 15 of each year, prepare an annual report of accountability of charter schools in this State concerning the accountability information prescribed by the Department pursuant to this section. The Department shall prescribe by regulation the information that must be prepared by the Nevada Charter School Institute, which must include, without limitation, the information contained in paragraphs (a) to (ee), inclusive, of subsection 2, as applicable for charter schools.

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

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

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

~~4.4~~ 5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

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

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

~~5.4~~ 6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to ~~subsection~~ subsections 2 and 3 and provide the forms to the respective school districts, ~~and~~ and the Nevada Charter School Institute.

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

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

(6) Legislative Counsel Bureau,

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

~~(6)~~ 7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~(7)~~ 8. On or before August 15 of each year ~~(the)~~ :

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~(b)~~ (b) The Nevada Charter School Institute shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in each charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before August 15 of each year, the board of trustees of each school district and the Nevada Charter School Institute shall:

(a) Provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district ~~(or the Nevada Charter School Institute,~~ if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) ~~Nevada Charter School Institute;~~
- ~~(5)~~ Committee; and
- (5) ~~(6)~~ Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district ~~(or the Nevada Charter School Institute,~~ if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, ~~(including, without limitation, each charter school in the district,~~ the residents of the district ~~(and the parents and guardians of pupils enrolled in schools in the district.~~ ~~(including, without limitation, each charter school in the district.~~

~~9.)~~ If the Nevada Charter School Institute does not maintain a website, the Nevada Charter School Institute shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school in this State and the parents and guardians of pupils enrolled in each charter school in this State.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection ~~(b)~~ 2 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2 ~~(or 3, as applicable).~~

~~10.)~~ or 3, as applicable.

11. As used in this section:

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

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

Sec. 3. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district and the Nevada Charter School Institute shall prepare a summary of the annual report of

1 accountability prepared pursuant to NRS 385.347 on the form prescribed by the
2 Department pursuant to subsection 3 or an expanded form, as applicable. The
3 summary must include, without limitation:

4 (a) ~~The~~ If prepared by a school district, the information set forth in
5 subsection 1 of NRS 385.34692, reported for the school district as a whole and for
6 each school within the school district;

7 (b) If prepared by the Nevada Charter School Institute, the information set
8 forth in subsection 1 of NRS 385.34692, reported for the charter schools in this
9 State as a whole and for each charter school in this State;

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

12 ~~(e)~~ (d) Other information required by the Superintendent of Public
13 Instruction in consultation with the Bureau.

14 2. The summary prepared pursuant to subsection 1 must:

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

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

19 3. The Department shall, in consultation with the Bureau, ~~and~~ the school
20 districts ~~and the Nevada Charter School Institute,~~ prescribe a form that contains
21 the basic information required by subsection 1. The board of trustees of a school
22 district or the Nevada Charter School Institute may use an expanded form that
23 contains additions to the form prescribed by the Department if the basic information
24 contained in the expanded form complies with the form prescribed by the
25 Department.

26 4. On or before September 7 of each year, the board of trustees of each school
27 district and the Nevada Charter School Institute shall:

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

29 (1) Governor;

30 (2) State Board;

31 (3) Department;

32 (4) ~~Nevada Charter School Institute;~~

33 ~~(5) Committee;~~

34 ~~(6) Bureau; and~~

35 ~~(6)~~ Schools within the school district ~~or~~ or charter schools, as
36 applicable.

37 (b) Provide for the public dissemination of the summary of the school district
38 or the Nevada Charter School Institute, as applicable, by posting a copy of the
39 summary on the Internet website maintained by the school district ~~or the Nevada~~
40 Charter School Institute, if any. If a school district or the Nevada Charter School
41 Institute does not maintain a website, the district or the Nevada Charter School
42 Institute shall otherwise provide for public dissemination of the summary. The
43 board of trustees of each school district and the Nevada Charter School Institute
44 shall ensure that the parents and guardians of pupils enrolled in the school district
45 or each charter school, as applicable, have sufficient information concerning the
46 availability of the summary, including, without limitation, information that
47 describes how to access the summary on the Internet website maintained by the
48 school district ~~or the Nevada Charter School Institute,~~ if any. Upon the request
49 of a parent or legal guardian, the school district or the Nevada Charter School
50 Institute, as applicable, shall provide the parent or legal guardian with a written
51 copy of the summary.

52 ~~(5. The board of trustees of each school district shall report the information~~
53 ~~required by this section for each charter school that is located within the school~~

~~district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the [State Board] [Nevada Charter School Institute] and the charter schools sponsored by a college or university within the Nevada System of Higher Education.]~~

Sec. 3.3. NRS 385.357 is hereby amended to read as follows:

1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

1 (4) Manage effectively the discipline of pupils; and

2 (5) Enhance the professional development offered for the teachers and
3 administrators employed at the school to include the activities set forth in 20 U.S.C.
4 § 7801(34) and to address the specific needs of pupils enrolled in the school, as
5 deemed appropriate by the principal.

6 (i) An identification, by category, of the employees of the school who are
7 responsible for ensuring that the plan is carried out effectively.

8 (j) In consultation with the school district or governing body, as applicable, an
9 identification, by category, of the employees of the school district or governing
10 body, if any, who are responsible for ensuring that the plan is carried out effectively
11 or for overseeing and monitoring whether the plan is carried out effectively.

12 (k) In consultation with the Department, an identification, by category, of the
13 employees of the Department, if any, who are responsible for overseeing and
14 monitoring whether the plan is carried out effectively.

15 (l) For each provision of the plan, a timeline for carrying out that provision,
16 including, without limitation, a timeline for monitoring whether the provision is
17 carried out effectively.

18 (m) For each provision of the plan, measurable criteria for determining whether
19 the provision has contributed toward improving the academic achievement of
20 pupils, increasing the rate of attendance of pupils and reducing the number of pupils
21 who drop out of school.

22 (n) The resources available to the school to carry out the plan. If this State has
23 a financial analysis program that is designed to track educational expenditures and
24 revenues to individual schools, each school shall use that statewide program in
25 complying with this paragraph. If a statewide program is not available, each school
26 shall use the financial analysis program used by the school district in which the
27 school is located in complying with this paragraph.

28 (o) A summary of the effectiveness of appropriations made by the Legislature
29 that are available to the school to improve the academic achievement of pupils and
30 programs approved by the Legislature to improve the academic achievement of
31 pupils.

32 (p) A budget of the overall cost for carrying out the plan.

33 3. In addition to the requirements of subsection 2, if a school has been
34 designated as demonstrating need for improvement pursuant to NRS 385.3623, the
35 plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted
36 pursuant thereto.

37 4. Except as otherwise provided in subsection 5, the principal of each school
38 shall, in consultation with the employees of the school:

39 (a) Review the plan prepared pursuant to this section annually to evaluate the
40 effectiveness of the plan; and

41 (b) Based upon the evaluation of the plan, make revisions, as necessary, to
42 ensure that the plan is designed to improve the academic achievement of pupils
43 enrolled in the school.

44 5. If a school has been designated as demonstrating need for improvement
45 pursuant to NRS 385.3623 and a support team has been established for the school,
46 the support team shall review the plan and make revisions to the most recent plan
47 for improvement of the school pursuant to NRS 385.3741. If the school is a Title I
48 school that has been designated as demonstrating need for improvement, the
49 support team established for the school shall, in making revisions to the plan, work
50 in consultation with parents and guardians of pupils enrolled in the school and, to
51 the extent deemed appropriate by the entity responsible for creating the support
52 team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located. or the Nevada Charter School Institute, as applicable.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 3.5. NRS 385.358 is hereby amended to read as follows:

385.358 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information 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 only for the school;

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

(c) Such other information as is directed by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must 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 ~~and~~ and the Nevada Charter School Institute, prescribe a form that contains the basic information required by subsection 1. The principal of a school 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:

(a) The principal of each public school shall submit the summary in electronic format to the:

(1) Department;

(2) Bureau; and

(3) Board of trustees of the school district in which the school is located ~~or, if the school is a charter school, to the Nevada Charter School Institute.~~

(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. The Nevada Charter School Institute shall ensure that each summary of a charter school is posted on the Internet website maintained by the charter school, if any, or the Internet website maintained by the Institute, if any. If the summary is not posted on the website of the school, ~~or~~ the school district ~~or the Nevada Charter School Institute, as applicable,~~ the school district or the Nevada Charter School Institute, as applicable, shall otherwise provide for public dissemination of the summary.

(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary.

(d) The principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.

Sec. 3.7. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218.5354, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; ~~and~~

(II) The board of trustees of each school district pursuant to subsection 2 of NRS 385.347; ~~and~~

(III) The Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by:

(I) The State Board pursuant to NRS 385.34691;

(II) The board of trustees of each school district pursuant to NRS 385.348; and

(III) Each school pursuant to NRS 385.357 identified by the Bureau for review, if any.

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district and the Nevada Charter School Institute regarding any methods by which the district or the Nevada Charter School Institute may improve the accuracy of the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, and the plan to improve the achievement of pupils required pursuant to NRS 385.348, and the purposes for which the report and plan to improve are used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 or 3 of NRS 385.347, as applicable, and the plan to improve the achievement of pupils required pursuant to NRS 385.357.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 4. 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 making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

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

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

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

(b) To the ~~{State Board}~~ *Nevada Charter School Institute* the determination made for each charter school that is sponsored by the ~~{State Board}~~ *Institute*.

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

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

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

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

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

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

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

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

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

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

8. As used in this section:

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

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

Sec. 5. NRS 385.362 is hereby amended to read as follows:

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

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

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

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

Sec. 6. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the ~~{State Board}~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the ~~{State Board}~~ *Nevada Charter School Institute* and all charter schools sponsored by a college or university within the Nevada System of Higher Education. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees 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}~~ *Nevada Charter School Institute* or by 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.

(d) The determination and final designation made for each charter school sponsored by the Nevada Charter School Institute to the Institute.

Sec. 7. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. Except as otherwise provided in subsection 2, 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; and

(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.

2. 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 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 Nevada Charter School Institute, the Institute 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) For a charter school sponsored by ~~the State Board or by~~ 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.

3. In addition to the requirements of subsection 1 or 2, 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).~~ *paragraphs (b) and (c)*, 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 Nevada Charter School Institute, the Institute 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.

(c) For a charter school sponsored by ~~the State Board or by~~ 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.

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

2 385.3693 1. Except as otherwise provided in subsection 2, if a public school
3 is designated as demonstrating need for improvement pursuant to NRS 385.3623
4 for 2 consecutive years, the board of trustees of the school district shall:

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

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

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

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

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

19 (c) *For a charter school sponsored by the Nevada Charter School Institute,*
20 *the Institute shall, in conjunction with the governing body of the charter school,*
21 *ensure that the charter school receives technical assistance in the manner set*
22 *forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

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

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

29 385.372 1. In addition to the requirements of NRS 385.3693, if a Title I
30 school is designated as demonstrating need for improvement pursuant to NRS
31 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

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

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

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

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

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

46 (2) *Sponsored by the Nevada Charter School Institute, the Institute shall*
47 *work cooperatively with the board of trustees of the school district in which the*
48 *charter school is located to provide school choice to the parents and guardians of*
49 *pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1)*
50 *and the regulations adopted pursuant thereto.*

51 (3) Sponsored by ~~the State Board or by~~ a college or university within the
52 Nevada System of Higher Education, the Department shall work cooperatively with
53 the board of trustees of the school district in which the charter school is located to

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

4 ~~[(3)]~~ (4) Except as otherwise provided in subsection 3, the governing body
5 of the charter school shall provide supplemental educational services in accordance
6 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a
7 provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to
8 that provision of federal law.

9 2. The board of trustees of a school district shall grant a delay from the
10 imposition of supplemental educational services for a school for a period not to
11 exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. §
12 6316(b)(7)(D). If the school fails to make adequate yearly progress during the
13 period of the delay, the provisions of NRS 385.3721 apply to the school as if the
14 delay never occurred.

15 3. The sponsor of a charter school shall grant a delay from the imposition of
16 supplemental educational services for the charter school for a period not to exceed
17 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. §
18 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during
19 the period of the delay, the provisions of NRS 385.3721 apply to the charter school
20 as if the delay never occurred.

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

22 385.3721 1. If a public school is designated as demonstrating need for
23 improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team
24 established for the school pursuant to this section shall carry out the requirements
25 of NRS 385.3741 and 385.3742.

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

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

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

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

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

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

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

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

46 (c) *For a charter school sponsored by the Nevada Charter School Institute,*
47 *the Institute shall, in conjunction with the governing body of the charter school,*
48 *ensure that the charter school receives technical assistance in the manner set*
49 *forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

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

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

3 ~~[(d)]~~ (e) The Department shall establish a support team for the school, with the
4 membership prescribed pursuant to NRS 385.374.

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

6 385.3741 1. Each support team established for a public school pursuant to
7 NRS 385.3721 shall:

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

10 (b) Review and analyze the data pertaining to the school upon which the report
11 required pursuant to subsection 2 or 3 of NRS 385.347 , as applicable, is based and
12 review and analyze any data that is more recent than the data upon which the report
13 is based.

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

16 (d) Review the information concerning the educational involvement accords
17 provided to the support team pursuant to NRS 392.4575 and the information
18 concerning the reports provided to the support team pursuant to NRS 392.456.

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

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

24 (g) Except as otherwise provided in this paragraph, make recommendations to
25 the board of trustees of the school district, the State Board and the Department
26 concerning additional assistance for the school in carrying out the plan for
27 improvement of the school. For a charter school sponsored by the ~~{State Board,}~~
28 *Nevada Charter School Institute*, the support team shall make the
29 recommendations to the ~~{State Board}~~ *Institute* and the Department. For a charter
30 school sponsored by a college or university within the Nevada System of Higher
31 Education, the support team shall make the recommendations to the sponsor, the
32 State Board and the Department.

33 (h) In accordance with its findings pursuant to this section and NRS 385.3742,
34 submit, on or before November 1, written revisions to the most recent plan to
35 improve the achievement of the school's pupils for approval pursuant to NRS
36 385.357. The written revisions must:

37 (1) Comply with NRS 385.357;

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

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

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

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

45 (II) Specific;

46 (III) Measurable; and

47 (IV) Conducive to reliable evaluation;

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

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

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

52 (i) Except as otherwise provided in this paragraph, work cooperatively with the
53 board of trustees of the school district in which the school is located, the employees

of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the ~~{State Board, the Department}~~ *Nevada Charter School Institute, the Institute* shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, ~~that~~ *the* institution ~~that sponsors the charter school~~ shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

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

(k) 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 quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

Sec. 11.5. NRS 385.3742 is hereby amended to read as follows:

385.3742 1. In addition to the duties prescribed in NRS 385.3741, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils submitted by the support team pursuant to NRS 385.3741;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) ~~PAR~~ Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

2. On or before November 1, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before November 1, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Nevada Charter School Institute;

(c) Department; and

(d) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

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 Nevada Charter School Institute, the Institute 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) Sponsored by ~~the State Board or by~~ 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)~~ (4) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

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

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

Sec. 13. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to subsection 2. The recommendation must be submitted to:

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) *For a charter school sponsored by the Nevada Charter School Institute, the Institute.*

(c) For a charter school sponsored by ~~the State Board or by~~ a college or university within the Nevada System of Higher Education, the Department.

2. Regardless of whether a support team recommends corrective action for a school, *the Nevada Charter School Institute may, for a charter school sponsored by the Institute,* the Department may, for a charter school sponsored by ~~the State Board or by~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) Significantly decrease the managerial authority of the employees at the school.

(c) Extend the school year or the school day.

3. The *Nevada Charter School Institute, the* Department or the board of trustees of a school district, as applicable, 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 in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the *Nevada Charter School Institute, the* Department or the board of trustees, as applicable, may proceed with corrective action as if the delay never occurred.

Sec. 14. NRS 385.3745 is hereby amended to read as follows:

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

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 4 or more 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 continue a support team for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more 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 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 Nevada Charter School Institute, the Institute 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) For a charter school sponsored by ~~the State Board or by~~ 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.

~~(c)~~ (e) The Department shall continue a support team for the charter school.

Sec. 15. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. In addition to the requirements of NRS 385.3745, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more 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, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

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

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

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

(2) *Sponsored by the Nevada Charter School Institute, the Institute 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) Sponsored by ~~the State Board or by~~ 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.

~~(c)~~ (4) 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, *the Nevada Charter School Institute* or the Department proceeds with a plan for restructuring, the board of trustees, *the Institute* 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, *the Institute* 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. 16. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, *the Nevada Charter School Institute may, for a charter school sponsored by the Institute*, the Department may, for a charter school sponsored by ~~the State Board or by~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

3. The *Nevada Charter School Institute*, the Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the *Nevada Charter School Institute*, the Department or the board of trustees, as applicable, may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

4. Before the board of trustees, *the Nevada Charter School Institute* or the Department proceeds with consequences or sanctions, the board of trustees, *the Charter School Institute* 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, *the Charter School Institute* or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 16.5. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347 ~~and~~ and similar information included in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 17. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 27, inclusive, of this act.

Sec. 18. *As used in NRS 386.500 to 386.610, inclusive, and sections 18 to 27, inclusive, of this act, the words and terms defined in NRS 386.500 and sections 19 and 20 of this act have the meanings ascribed to them in those sections.*

Sec. 19. *“Charter School Institute” means the Nevada Charter School Institute created by section 21 of this act.*

Sec. 20. *“Director” means the Director of the Charter School Institute.*

1 **Sec. 21. 1. The Nevada Charter School Institute, consisting of seven**
2 **members, is hereby created. The membership of the Charter School Institute**
3 **consists of:**

4 (a) *Two members appointed by the Governor in accordance with subsection*
5 *2;*

6 (b) *Two members, who must not be Legislators, appointed by the Majority*
7 *Leader of the Senate in accordance with subsection 2;*

8 (c) *Two members, who must not be Legislators, appointed by the Speaker of*
9 *the Assembly in accordance with subsection 2; and*

10 (d) *One member appointed by an association of charter schools pursuant to*
11 *subsection 3.*

12 **2. The Governor, the Majority Leader of the Senate and the Speaker of the**
13 **Assembly shall ensure that the membership of the Charter School Institute:**

14 (a) *Includes persons with specific knowledge of:*

15 (1) *Issues relating to elementary and secondary education;*

16 (2) *School finance;*

17 (3) *Management practices;*

18 (4) *Assessments required in elementary and secondary education;*

19 (5) *Educational technology; and*

20 (6) *The laws and regulations applicable to charter schools; and*

21 (b) *Insofar as practicable, reflects the ethnic and geographical diversity of*
22 *this State.*

23 **3. The Charter School Institute shall establish a list of associations of**
24 **charter schools that operate within this State and designate the order in which**
25 **such associations may appoint a member to the Charter School Institute. Except**
26 **as otherwise provided in subsection 5, an association may not appoint more than**
27 **one member to the Charter School Institute unless each association designated**
28 **pursuant to this subsection has had an opportunity to make an appointment.**

29 **4. Each member of the Charter School Institute must be a resident of this**
30 **State.**

31 **5. After the initial terms, the term of each member of the Charter School**
32 **Institute is 3 years, commencing on July 1 of the year he is appointed. A vacancy**
33 **in the membership of the Charter School Institute must be filled for the**
34 **remainder of the unexpired term in the same manner as the original**
35 **appointment. A member shall continue to serve on the Charter School Institute**
36 **until his successor is appointed.**

37 **6. The members of the Charter School Institute shall select a Chairman and**
38 **Vice Chairman from among its members. After the initial selection of those**
39 **officers, each of those officers holds the position for a term of 2 years**
40 **commencing on July 1 of each odd-numbered year. If a vacancy occurs in the**
41 **Chairmanship or Vice Chairmanship, the vacancy must be filled in the same**
42 **manner as the original selection for the remainder of the unexpired term.**

43 **7. Each member of the Charter School Institute is entitled to receive:**

44 (a) *For each day or portion of a day during which he attends a meeting of*
45 *the Institute, a salary of not more than \$80, as fixed by the Institute; and*

46 (b) *For each day or portion of a day during which he attends a meeting of*
47 *the Institute or is otherwise engaged in the business of the Institute, the per diem*
48 *allowance and travel expenses provided for state officers and employees*
49 *generally.*

50 **Sec. 22. 1. The members of the Charter School Institute shall meet**
51 **throughout the year at the times and places specified by a call of the Chairman or**
52 **a majority of the members.**

2. *Four members of the Charter School Institute constitute a quorum, and a quorum may exercise all the power and authority conferred on the Charter School Institute.*

Sec. 23. 1. *The Charter School Institute shall appoint a Director of the Institute for a term of 3 years. The Charter School Institute may remove the Director from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.*

2. *A vacancy must be filled by the Charter School Institute for the remainder of the unexpired term.*

3. *The Director is in the unclassified service of the State.*

Sec. 24. *The Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the Charter School Institute.*

Sec. 25. *The Director shall:*

1. *Execute, direct and supervise all administrative, technical and procedural activities of the Charter School Institute in accordance with the policies prescribed by the Charter School Institute;*

2. *Organize the Charter School Institute in a manner which will assure efficient operation and service of the Charter School Institute;*

3. *Serve as the Executive Secretary of the Charter School Institute; and*

4. *Perform such other duties as are prescribed by law or the Charter School Institute.*

Sec. 26. *The Charter School Institute may employ such persons as it deems necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 18 to 27, inclusive, of this act.*

Sec. 27. 1. *The Account for the Nevada Charter School Institute is hereby created in the State General Fund, to be administered by the Director.*

2. *The interest and income earned on the money in the Account must be credited to the Account.*

3. *The money in the Account may be used only for the establishment and maintenance of the Charter School Institute.*

4. *Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

5. *The Director may accept gifts, grants and bequests. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with this section.*

Sec. 28. NRS 386.500 is hereby amended to read as follows:

386.500 ~~For the purposes of NRS 386.500 to 386.610, inclusive, a~~ 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. 29. NRS 386.508 is hereby amended to read as follows:

386.508 There is hereby created a school district to be designated as the Charter School District for ~~[State Board Sponsored]~~ *Charter School Institute-Sponsored* Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the ~~[State Board]~~ *Charter School Institute* or sponsored by a college or university within the Nevada System of Higher Education. The ~~[State Board]~~

1 *Charter School Institute* is hereby deemed the Board of Trustees of the School
2 District. The School District is created for the sole purpose of providing local
3 educational agency status to the School District for purposes of federal law
4 governing charter schools.

5 **Sec. 30.** NRS 386.515 is hereby amended to read as follows:

6 386.515 1. The board of trustees of a school district may apply to the
7 Department for authorization to sponsor charter schools within the school district.
8 An application must be approved by the Department before the board of trustees
9 may sponsor a charter school. Not more than 180 days after receiving approval to
10 sponsor charter schools, the board of trustees shall provide public notice of its
11 ability to sponsor charter schools and solicit applications for charter schools.

12 2. The ~~{State Board}~~ *Charter School Institute* shall sponsor charter schools
13 whose applications have been approved by the ~~{State Board}~~ *Charter School*
14 *Institute* pursuant to NRS 386.525. Except as otherwise provided by specific
15 statute, if the ~~{State Board}~~ *Charter School Institute* sponsors a charter school, the
16 ~~{State Board or the Department}~~ *Charter School Institute* is responsible for the
17 evaluation, monitoring and oversight of the charter school.

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

20 **Sec. 31.** NRS 386.520 is hereby amended to read as follows:

21 386.520 1. A committee to form a charter school must consist of at least
22 three teachers, as defined in subsection 4. In addition to the teachers who serve, the
23 committee may consist of:

- 24 (a) Members of the general public;
- 25 (b) Representatives of nonprofit organizations and businesses; or
- 26 (c) Representatives of a college or university within the Nevada System of
27 Higher Education.

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

31 2. Before a committee to form a charter school may submit an application to
32 the board of trustees of a school district, the ~~{Subcommittee on Charter Schools, the~~
33 ~~State Board}~~ *Charter School Institute* or a college or university within the Nevada
34 System of Higher Education, it must submit the application to the Department. The
35 application must include all information prescribed by the ~~{Department}~~ *Charter*
36 *School Institute* by regulation and:

37 (a) A written description of how the charter school will carry out the provisions
38 of NRS 386.500 to 386.610, inclusive ~~{-}~~, and sections 18 to 27, inclusive, of this
39 act.

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

- 42 (1) Improving the opportunities for pupils to learn;
- 43 (2) Encouraging the use of effective methods of teaching;
- 44 (3) Providing an accurate measurement of the educational achievement of
45 pupils;
- 46 (4) Establishing accountability of public schools;
- 47 (5) Providing a method for public schools to measure achievement based
48 upon the performance of the schools; or
- 49 (6) Creating new professional opportunities for teachers.
- 50 (c) The projected enrollment of pupils in the charter school.
- 51 (d) The proposed dates of enrollment for the charter school.

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

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

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

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

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

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

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

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

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

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

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 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, homeschool 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. 32. 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

1 university within the Nevada System of Higher Education or ~~{directly to the~~
2 ~~Subcommittee on Charter Schools.}~~ *the Charter School Institute*. If the board of
3 trustees of a school district, a college or a university, as applicable, receives an
4 application to form a charter school, the board of trustees or the institution, as
5 applicable, shall consider the application at a meeting that must be held not later
6 than 45 days after the receipt of the application, or a period mutually agreed upon
7 by the committee to form the charter school and the board of trustees of the school
8 district or the institution, as applicable, and ensure that notice of the meeting has
9 been provided pursuant to chapter 241 of NRS. The board of trustees, the college,
10 the university or the ~~{Subcommittee on Charter Schools.}~~ *Charter School Institute*,
11 as applicable, shall review an application to determine whether the application:

12 (a) Complies with NRS 386.500 to 386.610, inclusive, *and sections 18 to 27,*
13 *inclusive, of this act* and the regulations applicable to charter schools; and

14 (b) Is complete in accordance with the regulations of the ~~{Department.}~~
15 *Charter School Institute*.

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

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

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

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

43 — 6. ~~The Subcommittee on Charter Schools shall transmit the application and~~
44 ~~the recommendation of the Subcommittee for approval or denial of the application~~
45 ~~to the State Board. Not more than 14 days after the date of the meeting of the~~
46 ~~Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to~~
47 ~~consider the recommendation of the Subcommittee. Notice of the meeting must be~~
48 ~~posted in accordance with chapter 241 of NRS. The State Board shall review the~~
49 ~~application in accordance with the factors set forth in paragraphs (a) and (b) of~~
50 ~~subsection 1. The State Board}~~ *Charter School Institute* may approve an
51 application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.
52 Not more than 30 days after the meeting, the ~~{State Board}~~ *Charter School*
53 *Institute* shall provide written notice of its determination to the applicant.

~~[7-]~~ 6. If the ~~{State-Board}~~ *Charter School Institute* 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.

~~[8-]~~ 7. If the ~~{State-Board}~~ *Charter School Institute* denies an application after it has been resubmitted pursuant to subsection ~~[7-]~~ 6, the applicant may, not more than 30 days after the receipt of the written notice from the ~~{State-Board}~~ *Charter School Institute*, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~[9-]~~ 8. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the ~~{State-Board}~~ *Charter School Institute*, a college or a university during the immediately preceding biennium;

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

(c) The current status of the application; and

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

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

386.527 1. If the ~~{State-Board}~~ *Charter School Institute*, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The ~~{State-Board}~~ *Charter School Institute*, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the ~~{State-Board}~~ *Charter School Institute* approves the application:

(a) The ~~{State-Board}~~ *Charter School Institute* shall be deemed the sponsor of the charter school.

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

3. If a college or university within the Nevada System of Higher Education approves the application:

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

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

4. The governing body of a charter school may request, at any time, a ~~change~~ *transfer* in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The ~~{State-Board}~~ *Charter School Institute* shall adopt:

(a) An application ~~[process for]~~ *to request a transfer of the sponsorship of a charter school*, ~~[that requests a change in the sponsorship of the charter school]~~ which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

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

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of ~~{this section,}~~ NRS 386.500 to 386.610, inclusive, *and sections 18 to 27, inclusive, of this act*, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

7. The ~~{State Board}~~ *Charter School Institute* shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

- (a) Period for which such a written charter is valid; and
 - (b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.
- A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 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}~~ *Charter School Institute* pursuant to subsection 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,

1 codes for the prevention of fire, and codes pertaining to safety, health and
2 sanitation. Except as otherwise provided in this subsection, the sponsor shall make
3 such a determination 30 days before the first day of school for the:

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

6 (b) Charter school,

7 ➤ whichever date the sponsor selects. The sponsor shall not require a charter
8 school to demonstrate compliance with the requirements of this subsection more
9 than 30 days before the date selected. However, it may authorize a charter school to
10 demonstrate compliance less than 30 days before the date selected.

11 **Sec. 34.** NRS 386.530 is hereby amended to read as follows:

12 386.530 1. Except as otherwise provided in subsection 2, an application for
13 renewal of a written charter may be submitted to the sponsor of the charter school
14 not less than 90 days before the expiration of the charter. The application must
15 include the information prescribed by the regulations of the ~~{Department-}~~ *Charter*
16 *School Institute*. The sponsor shall conduct an intensive review and evaluation of
17 the charter school in accordance with the regulations of the ~~{Department-}~~ *Charter*
18 *School Institute*. The sponsor shall renew the charter unless it finds the existence of
19 any ground for revocation set forth in NRS 386.535. The sponsor shall provide
20 written notice of its determination not fewer than 30 days before the expiration of
21 the charter. If the sponsor intends not to renew the charter, the written notice must:

22 (a) Include a statement of the deficiencies or reasons upon which the action of
23 the sponsor is based; and

24 (b) Prescribe a period of not less than 30 days during which the charter school
25 may correct any such deficiencies.

26 ➤ If the charter school corrects the deficiencies to the satisfaction of the sponsor
27 within the time prescribed in paragraph (b), the sponsor shall renew the charter of
28 the charter school.

29 2. A charter school may submit an application for renewal of its initial charter
30 after 3 years of operation of the charter school. The application must include the
31 information prescribed by the regulations of the ~~{Department-}~~ *Charter School*
32 *Institute*. The sponsor shall conduct an intensive review and evaluation of the
33 charter school in accordance with the regulations of the ~~{Department-}~~ *Charter*
34 *School Institute*. The sponsor shall renew the charter unless it finds the existence of
35 any ground for revocation set forth in NRS 386.535. The sponsor shall provide
36 written notice of its determination. If the sponsor intends not to renew the charter,
37 the written notice must:

38 (a) Include a statement of the deficiencies or reasons upon which the action of
39 the sponsor is based; and

40 (b) Prescribe a period of not less than 30 days during which the charter school
41 may correct any such deficiencies.

42 ➤ If the charter school corrects the deficiencies to the satisfaction of the sponsor
43 within the time prescribed in paragraph (b), the sponsor shall renew the charter of
44 the charter school.

45 **Sec. 35.** NRS 386.540 is hereby amended to read as follows:

46 386.540 1. ~~{The Department}~~ *Subject to the provisions of subsections 3*
47 *and 4, the Charter School Institute* shall adopt regulations that prescribe:

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

51 (b) The process for submission of an application to form a charter school to the
52 Department, the board of trustees of a school district, the ~~{Subcommittee on Charter~~

~~Schools~~ *Charter School Institute* and a college or university within the Nevada System of Higher Education, 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, the State Board)~~ *Charter School Institute* and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. *Subject to the provisions of subsections 3 and 4, the Charter School Institute may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 18 to 27, inclusive, of this act, including, without limitation, regulations that prescribe the:*

(a) *Requirements for performance audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and*

(b) *Requirements for performance audits every 3 years for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.*

3. The Department may adopt regulations *relating to the finances and budgets of charter schools* as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, *and sections 18 to 27, inclusive, of this act*, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for ~~(performance audits and)~~ financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for ~~(performance audits every 3 years and)~~ financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

4. *The State Board may disapprove any regulation adopted by the Charter School Institute if the regulation:*

(a) *Threatens the efficient operation of the public schools in this State; or*

(b) *Creates an undue financial hardship for any charter school in this State.*

↪ *A regulation shall be deemed approved if the State Board does not disapprove the regulation within 45 days after it is adopted by the Charter School Institute.*

Sec. 36. NRS 386.547 is hereby amended to read as follows:

386.547 The ~~(State Board)~~ *Charter School Institute* shall:

1. Review all statutes and regulations from which charter schools are exempt and determine whether such exemption assisted or impeded the charter schools in achieving their educational goals and objectives.

2. Make available information concerning the formation and operation of charter schools in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public.

Sec. 37. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

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

(b) Each financial audit and each performance audit of the charter school required ~~(by the Department)~~ *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 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the ~~{State Board,}~~ *Charter School Institute*, for the majority of the years of its operation;

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

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

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

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

Sec. 38. NRS 386.570 is hereby amended to read as follows:

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

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

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. The request must include an itemized list of those costs. Upon receipt of such a request, the governing body shall pay the reimbursement to the ~~{board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors}~~ *sponsor* of the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. ~~{If the board of trustees of a school district is the sponsor of a charter school, the}~~ *The* amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed ~~f~~.

~~1 (a) For the first year of operation of the charter school, 2 percent of the total~~
~~2 amount of money apportioned to the charter school during the year pursuant to~~
~~3 NRS 387.124.~~

~~4 (b) For any year after the first year of operation of the charter school, 1 percent~~
~~5 of the total amount of money apportioned to the charter school during the year~~
~~6 pursuant to NRS 387.124.~~

~~7 4. If the Charter School Institute is the sponsor of a charter school, the~~
~~8 amount of money that may be paid to the Institute pursuant to subsection 3 for~~
~~9 administrative expenses in 1 school year must not exceed 2 percent of the total~~
~~10 amount of money apportioned to the charter school during the year pursuant to~~
~~11 NRS 387.124.~~

~~12 5. If [the State Board or] [a college or university within the Nevada System~~
~~13 of Higher Education is the sponsor of a charter school, the amount of money that~~
~~14 may be paid to the] [Department or to the] [institution] [as applicable,] [pursuant~~
~~15 to subsection 3 for administrative expenses in 1 school year must not exceed.~~

~~16 (a) For the first year of operation of the charter school, 2 percent of the total~~
~~17 amount of money apportioned to the charter school during the year pursuant to~~
~~18 NRS 387.124.~~

~~19 (b) For any year after the first year of operation of the charter school, 1.5~~
~~20 percent of the total amount of money apportioned to the charter school during the~~
~~21 year pursuant to NRS 387.124.]~~

~~22 5.]~~ 4. To determine the amount of money for distribution to a charter
23 school in its first year of operation, the count of pupils who are enrolled in the
24 charter school must initially be determined 30 days before the beginning of the
25 school year of the school district, based on the number of pupils whose applications
26 for enrollment have been approved by the charter school. The count of pupils who
27 are enrolled in the charter school must be revised on the last day of the first school
28 month of the school district in which the charter school is located for the school
29 year, based on the actual number of pupils who are enrolled in the charter school.
30 Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school
31 may request that the apportionments made to the charter school in its first year of
32 operation be paid to the charter school 30 days before the apportionments are
33 otherwise required to be made.

~~34 6.]~~ ~~7.]~~ 5. If a charter school ceases to operate as a charter school during a
35 school year, the remaining apportionments that would have been made to the
36 charter school pursuant to NRS 387.124 for that year must be paid on a
37 proportionate basis to the school districts where the pupils who were enrolled in the
38 charter school reside.

~~39 7.]~~ ~~8.]~~ 6. The governing body of a charter school may solicit and accept
40 donations, money, grants, property, loans, personal services or other assistance for
41 purposes relating to education from members of the general public, corporations or
42 agencies. The governing body may comply with applicable federal laws and
43 regulations governing the provision of federal grants for charter schools. The ~~[State~~
44 ~~Board]~~ Charter School Institute may assist a charter school that operates
45 exclusively for the enrollment of pupils who receive special education in
46 identifying sources of money that may be available from the Federal Government or
47 this State for the provision of educational programs and services to such pupils.

~~48 8.]~~ ~~9.]~~ 7. If a charter school uses money received from this State to
49 purchase real property, buildings, equipment or facilities, the governing body of the
50 charter school shall assign a security interest in the property, buildings, equipment
51 and facilities to the State of Nevada.

1 **Sec. 39.** NRS 386.576 is hereby amended to read as follows:

2 386.576 1. The Fund for Charter Schools is hereby created in the State
3 Treasury as a revolving loan fund, to be administered by the ~~{Department}~~ *Charter*
4 *School Institute*.

5 2. The money in the revolving fund must be invested as other state funds are
6 invested. All interest and income earned on the money in the revolving fund must
7 be credited to the revolving fund. Any money remaining in the revolving fund at
8 the end of a fiscal year does not revert to the State General Fund, and the balance in
9 the Fund must be carried forward.

10 3. All payments of principal and interest on all the loans made to a charter
11 school from the revolving fund must be deposited in the State Treasury for credit to
12 the revolving fund.

13 4. Claims against the revolving fund must be paid as other claims against the
14 State are paid.

15 5. The ~~{Department}~~ *Charter School Institute* may accept gifts, grants,
16 bequests and donations from any source for deposit in the revolving fund.

17 **Sec. 40.** NRS 386.577 is hereby amended to read as follows:

18 386.577 1. After deducting the costs directly related to administering the
19 Fund for Charter Schools, the ~~{Department}~~ *Charter School Institute* may use the
20 money in the Fund for Charter Schools, including repayments of principal and
21 interest on loans made from the Fund, and interest and income earned on money in
22 the Fund, only to make loans at or below market rate to charter schools for the costs
23 incurred:

24 (a) In preparing a charter school to commence its first year of operation; and

25 (b) To improve a charter school that has been in operation.

26 2. The total amount of a loan that may be made to a charter school in 1 year
27 must not exceed \$25,000.

28 **Sec. 41.** NRS 386.578 is hereby amended to read as follows:

29 386.578 1. If the governing body of a charter school has a written charter
30 issued pursuant to NRS 386.527, the governing body may submit an application to
31 the ~~{Department}~~ *Charter School Institute* for a loan from the Fund for Charter
32 Schools. An application must include a written description of the manner in which
33 the loan will be used to prepare the charter school for its first year of operation or to
34 improve a charter school that has been in operation.

35 2. The ~~{Department}~~ *Charter School Institute* shall, within the limits of
36 money available for use in the Fund, make loans to charter schools whose
37 applications have been approved. If the ~~{Department}~~ *Charter School Institute*
38 makes a loan from the Fund, the ~~{Department}~~ *Charter School Institute* shall
39 ensure that the contract for the loan includes all terms and conditions for repayment
40 of the loan.

41 3. ~~{The State Board;}~~ *Subject to the provisions of subsection 3 of NRS*
42 *386.540, the Charter School Institute;*

43 (a) Shall adopt regulations that prescribe the:

44 (1) Annual deadline for submission of an application to the ~~{Department}~~
45 *Charter School Institute* by a charter school that desires to receive a loan from the
46 Fund; and

47 (2) Period for repayment and the rate of interest for loans made from the
48 Fund.

49 (b) May adopt such other regulations as it deems necessary to carry out the
50 provisions of this section and NRS 386.576 and 386.577.

51 **Sec. 41.5. NRS 386.605 is hereby amended to read as follows:**

52 386.605 1. On or before July 15 of each year, the governing body of a
53 charter school shall submit the information concerning the charter school that is

required pursuant to subsection ~~[2]~~ **3** of NRS 385.347 to the ~~{board of trustees of the school district in which the charter school is located}~~ **Nevada Charter School Institute** for inclusion in the report of the ~~{school district}~~ **Institute** pursuant to that section. The information must be submitted by the charter school in a format prescribed by the ~~{board of trustees}~~ **Nevada Charter School Institute**.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the **Nevada Charter School Institute and the** governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 42. NRS 386.610 is hereby amended to read as follows:

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

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

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

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the ~~{Department}~~ **Charter School Institute**, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 42.5. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

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

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

3. The Superintendent of Public Instruction shall:

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

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

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

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each ~~charter school and~~ university school for profoundly gifted pupils located within

1 the school district, is compatible with the automated system of information and
2 comparable to the data reported by other school districts; and

3 (i) Provide for the analysis and reporting of the data in the automated system of
4 information.

5 4. The Department shall establish, to the extent authorized by the Family
6 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any
7 regulations adopted pursuant thereto, a mechanism by which persons or entities,
8 including, without limitation, state officers who are members of the Executive or
9 Legislative Branch, administrators of public schools and school districts, teachers
10 and other educational personnel, and parents and guardians, will have different
11 types of access to the accountability information contained within the automated
12 system to the extent that such information is necessary for the performance of a
13 duty or to the extent that such information may be made available to the general
14 public without posing a threat to the confidentiality of an individual pupil.

15 5. The Department may, to the extent authorized by the Family Educational
16 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted
17 pursuant thereto, enter into an agreement with the Nevada System of Higher
18 Education to provide access to data contained within the automated system for
19 research purposes.

20 **Sec. 43.** NRS 386.745 is hereby amended to read as follows:

21 386.745 1. Except as otherwise provided in subsection 10, the
22 empowerment team of a public school, other than a charter school that is sponsored
23 by the ~~{State Board}~~ *Nevada Charter School Institute* or by a college or university
24 within the Nevada System of Higher Education, that develops an empowerment
25 plan pursuant to NRS 386.740 shall submit the proposed empowerment plan to the
26 designee of the board of trustees appointed pursuant to this subsection for review
27 and approval pursuant to this section. The board of trustees shall designate a person
28 to review each proposed empowerment plan and recommend the approval or denial
29 of the plan to the board of trustees.

30 2. The board of trustees shall approve or deny the empowerment plan. The
31 approval or denial of an empowerment plan must be based solely upon the contents
32 of the plan and may not consider the amount of money required to carry out the
33 empowerment plan if the plan is within the limits of the total apportionment to the
34 school pursuant to subsection 4 of NRS 386.740.

35 3. Except as otherwise provided in subsection 10, if the board of trustees
36 approves an empowerment plan, the president of the board of trustees, the principal
37 of the public school and the chairman of the empowerment team, if the principal is
38 not the chairman, shall each sign the plan. The empowerment plan is effective for 3
39 years unless the empowerment team determines that the school will no longer
40 operate under the plan or the board of trustees of the school district revokes the
41 plan.

42 4. Except as otherwise provided in subsection 10, if the board of trustees
43 denies an empowerment plan, the board of trustees shall:

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

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

49 5. Except as otherwise provided in subsection 10, an empowerment plan for a
50 public school is not effective and a public school shall not operate as an
51 empowerment school unless the plan is signed by the president of the board of
52 trustees of the school district, the principal of the public school and the chairman of
53 the empowerment team, if the principal is not the chairman. If an empowerment

1 plan includes a request for a waiver from a statute contained in this title or a
2 regulation of the State Board, *the Nevada Charter School Institute* or the
3 Department, a public school may operate under the approved plan but the requested
4 waivers from state law are not effective unless approved by the State Board
5 pursuant to subsection 7.

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

11 7. If the empowerment plan includes a request for a waiver from a statute or
12 regulation, the board of trustees shall forward the approved empowerment plan to
13 the State Board for review of the request for a waiver. The State Board shall review
14 the empowerment plan and may approve or deny the request for a waiver from a
15 statute or regulation unless the statute or regulation is required by federal law or is
16 required to carry out federal law. *If the statute or regulation for which the request*
17 *is submitted is within the jurisdiction of the Nevada Charter School Institute, the*
18 *State Board shall work in consultation with the Institute in reviewing the request*
19 *and in making a determination on the request.*

20 8. If the State Board approves the request for a waiver for a school, the
21 Department shall provide written notice of the approval to the board of trustees of
22 the school district that submitted the empowerment plan on behalf of the school.

23 9. If the State Board denies a request for a waiver, the State Board shall:

24 (a) Return the request to the school district with a written statement indicating
25 the reason for the denial; and

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

31 10. If an empowerment team has not been established pursuant to the
32 exception provided in subsection 2 of NRS 386.730, the principal of the school
33 shall carry out the responsibilities and duties assigned to the empowerment team
34 pursuant to this section.

35 **Sec. 44.** NRS 386.750 is hereby amended to read as follows:

36 386.750 1. Except as otherwise provided in subsection 7, the empowerment
37 team of a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter*
38 *School Institute* or by a college or university within the Nevada System of Higher
39 Education which develops an empowerment plan pursuant to NRS 386.740 shall
40 submit the proposed plan to the Department for transmission to the State Board for
41 review and approval pursuant to this section.

42 2. The State Board shall review each proposed empowerment plan and
43 approve or deny the plan, including a request for a waiver from a statute contained
44 in this title or a regulation of the State Board, *the Nevada Charter School Institute*
45 or the Department, if applicable. The approval or denial of an empowerment plan
46 must be based solely upon the contents of the plan and may not consider the
47 amount of money required to carry out the empowerment plan if the plan is within
48 the limits of the total apportionment to the charter school pursuant to subsection 4
49 of NRS 386.740. *If the charter school is sponsored by the Nevada Charter School*
50 *Institute, the State Board shall work in consultation with the Institute in*
51 *reviewing the plan and making a determination on the plan.*

52 3. Except as otherwise provided in subsection 7, if the State Board approves
53 an empowerment plan, the President of the State Board, the principal of the charter

1 school and the chairman of the empowerment team, if the principal is not the
2 chairman, shall each sign the plan. The empowerment plan is effective for 3 years
3 unless the empowerment team determines that the school will no longer operate
4 under the plan or the State Board revokes the plan.

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

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

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

12 5. Except as otherwise provided in subsection 7, an empowerment plan for a
13 charter school that is sponsored by the ~~{State Board}~~ *Nevada Charter School*
14 *Institute* or by a college or university within the Nevada System of Higher
15 Education is not effective and a charter school shall not operate as an empowerment
16 school unless the plan is signed by the President of the State Board, the principal of
17 the charter school and the chairman of the empowerment team, if the principal is
18 not the chairman.

19 6. Except as otherwise provided in subsection 7, the empowerment team may
20 submit a written request to the Department for an amendment to the empowerment
21 plan approved pursuant to this section, including an explanation of the reason for
22 the amendment. An amendment must be approved in the same manner as the
23 empowerment plan was approved.

24 7. If an empowerment team has not been established pursuant to the exception
25 provided in subsection 2 of NRS 386.730, the principal of the school shall carry out
26 the responsibilities and duties assigned to the empowerment team pursuant to this
27 section.

28 **Sec. 45.** NRS 386.760 is hereby amended to read as follows:

29 386.760 1. Each empowerment school, other than a charter school that is
30 sponsored by the ~~{State Board}~~ *Nevada Charter School Institute* or by a college or
31 university within the Nevada System of Higher Education, shall, on a quarterly
32 basis, submit to the board of trustees of the school district in which the school is
33 located a report that includes:

34 (a) The financial status of the school; and

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

37 2. Each charter school that is sponsored by the ~~{State Board}~~ *Nevada Charter*
38 *School Institute* or by a college or university within the Nevada System of Higher
39 Education which is approved to operate as an empowerment school shall, on a
40 quarterly basis, submit to the Department a report that includes:

41 (a) The financial status of the school; and

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

44 3. The board of trustees of a school district shall conduct a financial audit of
45 each empowerment school within the school district, other than a charter school
46 that is sponsored by the ~~{State Board}~~ *Nevada Charter School Institute* or by a
47 college or university within the Nevada System of Higher Education. Each financial
48 audit must be conducted on an annual basis and more frequently if determined
49 necessary by the board of trustees.

50 4. The Department shall conduct a financial audit of each charter school that
51 is sponsored by the ~~{State Board}~~ *Nevada Charter School Institute* or by a college
52 or university within the Nevada System of Higher Education which operates as an

empowerment school on an annual basis and more frequently if determined necessary by the Department.

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

- (a) Governor;
- (b) Department; and
- (c) Legislative Committee on Education.

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

- (a) Governor; and
- (b) Legislative Committee on Education.

Sec. 46. 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, charter schools and university schools for profoundly gifted pupils 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, 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 and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

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}~~ *Nevada Charter School Institute* or by 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. 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 apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located 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 university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university 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 university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. 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.

8. 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. 46.3. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➤ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 46.7. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district **or the Nevada Charter School Institute** pursuant to subsection ~~7~~ **8** of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall

1 notify the board of trustees of the school district of this action. Upon receipt of such
2 a notice, the board of trustees shall establish rules and procedures for each such
3 subcommittee. A subcommittee shall abide by the applicable rules and procedures
4 when it takes action or makes decisions.

5 3. An advisory board to review school attendance may work with a family
6 resource center or other provider of community services to provide assistance to
7 pupils who are truant. The advisory board shall identify areas within the school
8 district in which community services are not available to assist pupils who are
9 truant. As used in this subsection, "family resource center" has the meaning
10 ascribed to it in NRS 430A.040.

11 4. An advisory board to review school attendance created in a county
12 pursuant to NRS 392.126 may use money appropriated by the Legislature and any
13 other money made available to the advisory board for the use of programs to reduce
14 the truancy of pupils in the school district. The advisory board to review school
15 attendance shall, on a quarterly basis, provide to the board of trustees of the school
16 district an accounting of the money used by the advisory board to review school
17 attendance to reduce the truancy of pupils in the school district.

18 **Sec. 47.** NRS 386.507 is hereby repealed.

19 **Sec. 48.** 1. There is hereby appropriated from the State General Fund to the
20 Account for the Nevada Charter School Institute created by section 27 of this act
21 the sum of:

22 For the 2009-2010 Fiscal Year\$326,253
23 For the 2010-2011 Fiscal Year\$390,063

24 2. The sums appropriated by subsection 1 must be used to establish and
25 operate the Nevada Charter School Institute, including appointing and hiring
26 persons pursuant to sections 50 and 51 of this act, obtaining office space and
27 equipment, reimbursing members of the Institute pursuant to section 21 of this act
28 and for other operating expenses as necessary to carry out the duties and
29 responsibilities of the Institute.

30 3. Notwithstanding the provisions of section 27 of this act to the contrary, any
31 remaining balance of the appropriation made by subsection 1 must not be
32 committed for expenditure after June 30, 2011, by the entity to which the
33 appropriation is made or any entity to which money from the appropriation is
34 granted or otherwise transferred in any manner, and any portion of the appropriated
35 money remaining must not be spent for any purpose after September 16, 2011, by
36 either the entity to which the money was appropriated or the entity to which the
37 money was subsequently granted or transferred, and must be reverted to the State
38 General Fund on or before September 16, 2011.

39 **Sec. 49.** On or before September 1, 2010, the Department of Education shall
40 transfer to the Account for the Nevada Charter School Institute created by section
41 27 of this act any unexpended money collected by the Department pursuant to NRS
42 386.570 during the 2009-2010 school year for reimbursement of the administrative
43 costs associated with sponsorship of charter schools sponsored by the State Board
44 of Education.

45 **Sec. 50.** Notwithstanding the provisions of section 23 of this act to the
46 contrary, on July 1, 2009, or immediately thereafter, the Governor shall appoint a
47 Director of the Nevada Charter School Institute created by section 21 of this act to a
48 term of 3 years. Upon the expiration of the term of the Director or if a vacancy
49 occurs before the expiration of the term, the Nevada Charter School Institute shall
50 appoint the Director in accordance with section 23 of this act.

51 **Sec. 51.** 1. To assist the Nevada Charter School Institute created by section
52 21 of this act in carrying out its duties and responsibilities, the Director of the
53 Nevada Charter School Institute shall:

1 (a) On October 1, 2009, or immediately thereafter, hire an administrative
2 assistant and an accounting assistant; and

3 (b) On January 1, 2010, or immediately thereafter, hire an educational
4 consultant.

5 2. On July 1, 2010, one management analyst position in the Department of
6 Education with job duties and responsibilities that relate to charter schools must be
7 transferred to the Nevada Charter School Institute.

8 **Sec. 52.** On or before January 1, 2010, the members of the Nevada Charter
9 School Institute created by section 21 of this act shall be appointed to terms
10 commencing on January 1, 2010, as follows:

11 1. One member appointed by the Governor to a term that expires on June 30,
12 2011.

13 2. One member appointed by the Governor to a term that expires on June 30,
14 2013.

15 3. One member appointed by the Majority Leader of the Senate to a term that
16 expires on June 30, 2011.

17 4. One member appointed by the Majority Leader of the Senate to a term that
18 expires on June 30, 2013.

19 5. One member appointed by the Speaker of the Assembly to a term that
20 expires on June 30, 2011.

21 6. One member appointed by the Speaker of the Assembly to a term that
22 expires on June 30, 2013.

23 7. One member must be appointed by an association of charter schools to a
24 term that expires on June 30, 2013. For the initial selection pursuant to this
25 subsection, the Superintendent of Public Instruction shall designate the association
26 of charter schools that is authorized to appoint a member of the Nevada Charter
27 School Institute.

28 **Sec. 53.** The Legislative Counsel shall, in preparing the reprint and
29 supplement to the Nevada Revised Statutes with respect to any section which is not
30 amended by this act or is adopted or amended by another act, appropriately change
31 any reference to an officer or agency whose responsibilities have been transferred
32 pursuant to the provisions of this act to refer to the appropriate officer or agency. If
33 any internal reference is made to a section repealed by this act, the Legislative
34 Counsel shall delete the reference and replace it by reference to the superseding
35 section, if any.

36 **Sec. 54.** Any regulations adopted by the Department of Education or the
37 State Board of Education before January 1, 2010, pursuant to NRS 386.500 to
38 386.610, inclusive, remain in effect and may be enforced by the Nevada Charter
39 School Institute created by section 21 of this act until the Institute adopts
40 regulations to repeal or replace those regulations.

41 **Sec. 55.** A charter school that is approved to operate as a State Board of
42 Education-sponsored charter school on or before June 30, 2010, shall be deemed to
43 be sponsored by the Nevada Charter School Institute commencing on July 1, 2010,
44 and the current written charter of the charter school shall remain in effect until the
45 expiration of that charter, unless the written charter is revoked by the Nevada
46 Charter School Institute pursuant to NRS 386.535. Before expiration of the written
47 charter, such a charter school may apply to the Nevada Charter School Institute for
48 renewal of its written charter pursuant to NRS 386.530, as amended by section 34
49 of this act.

50 **Sec. 56.** 1. The Department of Personnel shall, upon the request of an
51 employee of the Department of Education or the State Board of Education whose
52 employment is terminated as a result of this act, place the employee on an
53 appropriate reemployment list maintained by the Department of Personnel and

1 allow a preference for each of those employees on that list. The Department of
2 Personnel shall maintain each such employee on the reemployment list until
3 October 1, 2011, or until the employee is reemployed by the Executive Branch of
4 State Government, whichever occurs earlier.

5 2. The provisions of this section apply regardless of whether the employee
6 was in the classified, unclassified or nonclassified service of the State of Nevada.

7 **Sec. 57.** 1. This section and sections 48, 50 to 53, inclusive, and 56 of this
8 act become effective on July 1, 2009.

9 2. Sections ~~2,~~ 17 to 27, inclusive, 35, 41 and 54 of this act become effective
10 on January 1, 2010, for purposes of adopting regulations and on July 1, 2010, for all
11 other purposes.

12 3. Sections 1, ~~3~~ to ~~16,~~ ~~16.5,~~ inclusive, 28, 29, 30 to 34, inclusive, 36 to 40,
13 inclusive, ~~42,~~ ~~41.5~~ to 47, inclusive, 49 and 55 of this act become effective on July
14 1, 2010.

15 4. Sections 43, 44 and 45 of this act expire by limitation on June 30, 2011.

TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his service on the Subcommittee, his term on the Subcommittee expires when his membership on the State Board expires. Members of the Subcommittee may be reappointed.