

## Amendment No. 135

Senate Amendment to Senate Bill No. 164

(BDR 34-298)

**Proposed by:** Senate Committee on Health and 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: 4/2/2009

S.B. No. 164—Revises provisions governing charter schools and university schools for profoundly gifted pupils. (BDR 34-298)



## SENATE BILL NO. 164—COMMITTEE ON HEALTH AND EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

MARCH 2, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing charter schools and university schools for profoundly gifted pupils. (BDR 34-298)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

AN ACT relating to education; revising provisions governing the renewal of a written charter for a charter school; revising provisions regarding the membership of a governing body of a charter school; revising provisions governing reimbursement to sponsors of charter schools for certain administrative costs; revising provisions governing the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill revises the time by which a charter school must submit an application for the renewal of the written charter from not less than 90 days before the expiration of the charter to not less than 120 days before the expiration of the charter. (NRS 386.530)

Existing law prescribes the membership of a governing body of a charter school. (NRS 386.549) **Section 2** of this bill authorizes the sponsor of the charter school, upon the request of the governing body, to ~~appoint~~ nominate one additional member to the governing body.

Existing law authorizes the sponsor of a charter school to request, upon completion of each school year, reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship. (NRS 386.570) **Section 3** of this bill revises the payments for reimbursement of administrative costs from yearly to quarterly.

Existing law creates four regional training programs for the professional development of teachers and administrators. Each regional training program is required to provide certain services to the school districts within the primary jurisdiction of the program. (NRS 391.512) **Sections 4-7** of this bill require each regional training program to also provide services to each charter school located within the primary jurisdiction of the regional training program, regardless of the sponsor of the charter school, and each university school for profoundly gifted pupils located within the primary jurisdiction of the regional training program.

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

**Section 1.** NRS 386.530 is hereby amended to read as follows:

386.530 1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than ~~90~~ **120** days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:

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

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

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

2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:

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

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

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

**Sec. 2.** NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~is~~

~~(a) Must~~ **must** consist of:

~~((1))~~ **(a)** At least three teachers, as defined in subsection ~~(5)~~ **(7)** **10**; or

~~((2))~~ **(b)** Two teachers, as defined in subsection ~~(5)~~ **(7)** **10**, and one person who previously held a license to teach issued pursuant to chapter 391 of NRS as long as his license was held in good standing, including, without limitation, a retired teacher.

~~((b) May)~~ **consist of:**

**2. The governing body of a charter school may include**, without limitation, parents and representatives of nonprofit organizations and businesses.

~~((c) May include)~~

**3. After the formation of the governing body of a charter school, the governing body may request that the sponsor nominate one person ~~appointed by the sponsor of the charter school~~ to serve on the governing body.**

~~1-3~~ 4. Not more than two persons who serve on the governing body of a charter school may represent the same organization or business or otherwise represent the interests of the same organization or business.

~~1-2~~ 5. A majority of the members of the governing body must reside in this State.

~~1-3~~ 6. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

~~1-2~~ ~~1-4~~ 7. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person:

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

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

~~1-3~~ ~~1-5~~ 8. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~1-4~~ ~~1-6~~ 9. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

~~1-5~~ ~~1-7~~ 10. 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. 3.** 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 ~~1-1~~ each school ~~1-year~~ quarter, 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 ~~1-year~~ quarter if the sponsor provided administrative services during that school ~~1-year~~ quarter. 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

1 school, to the Department if the State Board sponsors the charter school or to the  
2 college or university within the Nevada System of Higher Education if that  
3 institution sponsors the charter school. If a governing body fails to pay the  
4 reimbursement, the charter school shall be deemed to have violated its written  
5 charter and the sponsor may take such action to revoke the written charter pursuant  
6 to NRS 386.535 as it deems necessary. If the board of trustees of a school district is  
7 the sponsor of a charter school, the amount of money that may be paid to the  
8 sponsor pursuant to this subsection for administrative expenses in 1 school year  
9 must not exceed:

10 (a) For the first year of operation of the charter school, 2 percent of the total  
11 amount of money apportioned to the charter school during the year pursuant to  
12 NRS 387.124 ~~H~~, *as adjusted by the final computation of apportionment pursuant*  
13 *to subsection 4 of NRS 387.1243.*

14 (b) For any year after the first year of operation of the charter school, 1 percent  
15 of the total amount of money apportioned to the charter school during the year  
16 pursuant to NRS 387.124 ~~H~~, *as adjusted by the final computation of*  
17 *apportionment pursuant to subsection 4 of NRS 387.1243.*

18 4. If the State Board or a college or university within the Nevada System of  
19 Higher Education is the sponsor of a charter school, the amount of money that may  
20 be paid to the Department or to the institution, as applicable, pursuant to subsection  
21 3 for administrative expenses in 1 school year must not exceed:

22 (a) For the first year of operation of the charter school, 2 percent of the total  
23 amount of money apportioned to the charter school during the year pursuant to  
24 NRS 387.124 ~~H~~, *as adjusted by the final computation of apportionment pursuant*  
25 *to subsection 4 of NRS 387.1243.*

26 (b) For any year after the first year of operation of the charter school, 1.5  
27 percent of the total amount of money apportioned to the charter school during the  
28 year pursuant to NRS 387.124 ~~H~~, *as adjusted by the final computation of*  
29 *apportionment pursuant to subsection 4 of NRS 387.1243.*

30 5. To determine the amount of money for distribution to a charter school in its  
31 first year of operation, the count of pupils who are enrolled in the charter school  
32 must initially be determined 30 days before the beginning of the school year of the  
33 school district, based on the number of pupils whose applications for enrollment  
34 have been approved by the charter school. The count of pupils who are enrolled in  
35 the charter school must be revised on the last day of the first school month of the  
36 school district in which the charter school is located for the school year, based on  
37 the actual number of pupils who are enrolled in the charter school. Pursuant to  
38 subsection 5 of NRS 387.124, the governing body of a charter school may request  
39 that the apportionments made to the charter school in its first year of operation be  
40 paid to the charter school 30 days before the apportionments are otherwise required  
41 to be made.

42 6. If a charter school ceases to operate as a charter school during a school  
43 year, the remaining apportionments that would have been made to the charter  
44 school pursuant to NRS 387.124 for that year must be paid on a proportionate basis  
45 to the school districts where the pupils who were enrolled in the charter school  
46 reside.

47 7. The governing body of a charter school may solicit and accept donations,  
48 money, grants, property, loans, personal services or other assistance for purposes  
49 relating to education from members of the general public, corporations or agencies.  
50 The governing body may comply with applicable federal laws and regulations  
51 governing the provision of federal grants for charter schools. The State Board may  
52 assist a charter school that operates exclusively for the enrollment of pupils who  
53 receive special education in identifying sources of money that may be available

1 from the Federal Government or this State for the provision of educational  
2 programs and services to such pupils.

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

7 **Sec. 4.** NRS 391.512 is hereby amended to read as follows:

8 391.512 1. There are hereby created the Southern Nevada Regional  
9 Training Program, the Western Nevada Regional Training Program, the  
10 Northeastern Nevada Regional Training Program and the Northwestern Nevada  
11 Regional Training Program. The governing body of each regional training program  
12 shall establish and operate a:

13 (a) Regional training program for the professional development of teachers and  
14 administrators.

15 (b) Nevada Early Literacy Intervention Program through the regional training  
16 program established pursuant to paragraph (a).

17 2. Except as otherwise provided in subsection 6, the Southern Nevada  
18 Regional Training Program must primarily provide services to teachers and  
19 administrators who are employed by *each* school ~~{districts}~~ *district, each charter*  
20 *school, regardless of the sponsor, and each university school for profoundly*  
21 *gifted pupils located* in:

22 (a) Clark County;

23 (b) Esmeralda County;

24 (c) Lincoln County; and

25 (d) Nye County.

26 3. Except as otherwise provided in subsection 6, the Western Nevada  
27 Regional Training Program must primarily provide services to teachers and  
28 administrators who are employed by *each* school ~~{districts}~~ *district, each charter*  
29 *school, regardless of the sponsor, and each university school for profoundly*  
30 *gifted pupils located* in:

31 (a) Carson City;

32 (b) Churchill County;

33 (c) Douglas County;

34 (d) Lyon County; and

35 (e) Mineral County.

36 4. Except as otherwise provided in subsection 6, the Northeastern Nevada  
37 Regional Training Program must primarily provide services to teachers and  
38 administrators who are employed by *each* school ~~{districts}~~ *district, each charter*  
39 *school, regardless of the sponsor, and each university school for profoundly*  
40 *gifted pupils located* in:

41 (a) Elko County;

42 (b) Eureka County;

43 (c) Lander County;

44 (d) Humboldt County; and

45 (e) White Pine County.

46 5. Except as otherwise provided in subsection 6, the Northwestern Nevada  
47 Regional Training Program must primarily provide services to teachers and  
48 administrators who are employed by *each* school ~~{districts}~~ *district, each charter*  
49 *school, regardless of the sponsor, and each university school for profoundly*  
50 *gifted pupils located* in:

51 (a) Pershing County;

52 (b) Storey County; and

53 (c) Washoe County.

6. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

7. The board of trustees of the:

(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.

(b) Douglas County School District shall serve as the fiscal agent for the Western Nevada Regional Training Program.

(c) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.

(d) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.

➤ As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Intervention Program established and operated by the applicable governing body.

**Sec. 5.** NRS 391.520 is hereby amended to read as follows:

391.520 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) Coordinate the dissemination of information to school districts, *charter schools, university schools for profoundly gifted pupils*, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(c) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(d) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this State.

(e) Adopt uniform procedures for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

**Sec. 6.** NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts, *charter schools, regardless of the sponsor, and university schools for profoundly gifted pupils* within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district, *the governing body of each such charter school and the governing body of each such university school for profoundly gifted pupils* may submit recommendations to the ~~appropriate~~ governing body of *the appropriate regional training program* for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b), review the plans to improve the achievement of pupils prepared pursuant to NRS 385.348 by the school districts within the primary jurisdiction of the regional training program and, as deemed necessary by the governing body, review the plans to improve the achievement of pupils prepared pursuant to NRS 385.357 for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts, *charter schools, regardless of the sponsor, and university schools for profoundly gifted pupils* within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts, *charter schools, regardless of the sponsor, and university schools for profoundly gifted pupils* within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education, ~~and~~ the board of trustees of a school district, *the governing body of a charter school and the governing body of a university school for profoundly gifted pupils* may request the governing body of the regional training program that serves the school district, *charter school or university school for profoundly gifted pupils* to ~~provide~~:

(a) *Provide* training ~~to participate~~;

(b) *Participate* in a program; or ~~otherwise~~

(c) *Otherwise* perform a service,

that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute.

3. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations.

4. The governing body of a regional training program may, but is not required to, grant a request pursuant to ~~this subsection~~ *subsection 2*.

**Sec. 7.** NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program must provide:



(a) Training for teachers in the standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

- (1) Phonemic awareness;
- (2) Phonics;
- (3) Vocabulary;
- (4) Fluency;
- (5) Comprehension; and
- (6) Motivation.

(c) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➤ The governing body shall provide a copy of the list on an annual basis to *the school districts, charter schools, regardless of the sponsor, and university schools for profoundly gifted pupils* for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district, *the governing body of a charter school or the governing body of a university school for profoundly gifted pupils* that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district, *charter school or university school for profoundly gifted pupils, as applicable*, that is in addition to the training required by this section. Any training provided pursuant to this

1 subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed  
2 appropriate by the governing body for the type of training offered.

3 6. To the extent money is available from legislative appropriation or  
4 otherwise, a regional training program may provide training to paraprofessionals.

5 **Sec. 8.** This act becomes effective on July 1, 2009.