

ASSEMBLY BILL NO. 171—ASSEMBLYMEN BENITEZ-THOMPSON,  
SMITH; CARRILLO, DALY, DIAZ, DONDERO LOOP,  
FRIERSON, KIRKPATRICK, NEAL AND PIERCE

FEBRUARY 16, 2011

JOINT SPONSORS: SENATORS DENIS AND KIHUEN

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.  
(BDR 34-812)

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

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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 membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 1** of this bill revises the membership of a committee to form a charter  
2 school and revises the process for review of an application to form a charter school  
3 by the Department of Education.

4 **Section 2** of this bill revises the procedure for the review of an application to  
5 form a charter school if the proposed sponsor is the State Board of Education.

6 **Section 3** of this bill provides that if the sponsor of a charter school denies a  
7 request for an amendment of a written charter of the charter school, the sponsor



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8 must provide written notice to the governing body which sets forth the reasons for  
9 the denial.

10 **Section 5** of this bill authorizes the Department to request certain information  
11 from a charter school, regardless of whether that information is required by specific  
12 statute, and provides that if the Department requests such information, the  
13 Department shall include in the request a mechanism by which the Department will  
14 pay or reimburse the charter school for the requested information, if the provision  
15 of the information will incur any costs for the charter school.

16 **Section 6** of this bill revises the membership of the governing body of a charter  
17 school and authorizes the governing body, upon a majority vote of members, to set  
18 a salary for the attendance of its members at meetings of the governing body, not to  
19 exceed \$80 per meeting per month.

20 Existing law prescribes the requirement for a charter school to be exempt from  
21 an annual performance audit and undergo a performance audit every 3 years and to  
22 be eligible for available money from legislative appropriations or otherwise for  
23 facilities. A charter school is eligible if at least 75 percent of the pupils enrolled in  
24 the charter school who are required to take the high school proficiency examination  
25 have passed that examination. (NRS 386.5515) **Section 7** of this bill revises this  
26 eligibility requirement to require that at least 75 percent of the pupils enrolled in the  
27 charter school in grade 12 in the immediately preceding school year who have  
28 satisfied the course work requirements for graduation have passed the high school  
29 proficiency examination.

30 Existing law provides that the pupils enrolled in charter schools must be  
31 included in the count of pupils for purposes of the apportionments and allowances  
32 from the State Distributive School Account and provides for the reimbursement of  
33 administrative costs to the sponsor of a charter school. (NRS 386.570) **Section 9** of  
34 this bill requires the State Board to prescribe a process which ensures that all  
35 charter schools, regardless of the sponsor, have information of all sources of  
36 funding for the public schools provided through the Department. **Section 9** also  
37 changes the percentage of administrative costs that the State Board or a college or  
38 university may receive for sponsorship after the first year of operation of a charter  
39 school from 1.5 percent to 1 percent.

40 Under existing law, a parent may homeschool a child if the parent submits to  
41 the superintendent of schools of the school district in which the child resides a  
42 notice of intent to homeschool the child. (NRS 392.700) **Section 10** of this bill  
43 requires the parent of a homeschooled child who seeks admittance to public school  
44 to submit a request to the superintendent of schools of the school district in which  
45 the child resides to withdraw the notice of intent to homeschool. **Section 10** also  
46 requires a charter school to notify the school district in which the child resides if the  
47 child who is or was homeschooled enrolls in the charter school.

48 **Section 11** of this bill repeals the Subcommittee on Charter Schools.

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

1 **Section 1.** NRS 386.520 is hereby amended to read as follows:  
2 386.520 1. A committee to form a charter school must  
3 consist of ~~[at least three teachers, as defined in subsection 4.]~~ :

4 *(a) Two members who are educational personnel licensed*  
5 *pursuant to chapter 391 of NRS;*

6 *(b) One parent or legal guardian who is not a teacher or*  
7 *employee of the proposed charter school; and*



(c) *Two members who possess knowledge and expertise in one or more of the following areas:*

- (1) *Accounting;*
- (2) *Financial services;*
- (3) *Law; or*
- (4) *Human resources.*

2. In addition to the ~~teachers~~ *members* who serve ~~the~~ *pursuant to subsection 1*, the committee may ~~consist of~~ *include, without limitation, not more than four additional members as follows:*

- (a) Members of the general public;
  - (b) Representatives of nonprofit organizations and businesses;
- or

(c) Representatives of a college or university within the Nevada System of Higher Education.

~~3.~~ *3.* A majority of the persons ~~described in paragraphs (a), (b) and (c)~~ *to form a charter school* must be residents of this State at the time that the application to form the charter school is submitted to the Department.

~~4.~~ *4.* Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~the Subcommittee on Charter Schools,~~ the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

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

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

- (1) Improving the opportunities for pupils to learn;
- (2) Encouraging the use of effective methods of teaching;
- (3) Providing an accurate measurement of the educational achievement of pupils;
- (4) Establishing accountability of public schools;
- (5) Providing a method for public schools to measure achievement based upon the performance of the schools; or
- (6) Creating new professional opportunities for teachers.

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

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for



1 enrollment in each such category of at-risk pupils served by the  
2 charter school.

3 ~~[3.]~~ 5. The Department shall review an application to form a  
4 charter school to determine whether it is *substantially complete* ~~[.]~~  
5 *and compliant*. If an application proposes to convert an existing  
6 public school, homeschool or other program of home study into a  
7 charter school, the Department shall ~~[deny the application.]~~ *provide*  
8 *written notice to the applicant that the application is ineligible for*  
9 *consideration by the proposed sponsor.*

10 6. The Department shall provide written notice to the applicant  
11 of its ~~[approval or denial of]~~ *determination whether* the application  
12 ~~[.]~~ *is substantially complete and compliant*. If the Department  
13 ~~[denies]~~ *determines that* an application ~~[.]~~ *is not substantially*  
14 *complete and compliant*, the Department shall include in the written  
15 notice the ~~[reason for the denial]~~ *basis for that determination* and  
16 the deficiencies in the application. *The staff designated by the*  
17 *Department shall meet with the applicant to confer on the method*  
18 *to correct the identified deficiencies.* The applicant must be granted  
19 30 days after receipt of the written notice to correct any deficiencies  
20 identified in the written notice and resubmit the application.

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

22 ~~—(a) Holds a current license to teach issued pursuant to chapter~~  
23 ~~391 of NRS; and~~

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

25 ~~➤ The term does not include a person who is employed as a~~  
26 ~~substitute teacher.]~~

27 **Sec. 2.** NRS 386.525 is hereby amended to read as follows:

28 386.525 1. Upon ~~[approval of an application]~~ *determination*  
29 by the Department ~~[.]~~ *that an application is substantially complete*  
30 *and compliant*, a committee to form a charter school may submit  
31 the application to the board of trustees of the school district in which  
32 the proposed charter school will be located, a college or university  
33 within the Nevada System of Higher Education or ~~[directly to the~~  
34 ~~Subcommittee on Charter Schools.]~~ *the State Board*. If the board of  
35 trustees of a school district, a college or a university, as applicable,  
36 receives an application to form a charter school, the board of  
37 trustees or the institution, as applicable, shall consider the  
38 application at a meeting that must be held not later than 45 days  
39 after the receipt of the application, or a period mutually agreed upon  
40 by the committee to form the charter school and the board of  
41 trustees of the school district or the institution, as applicable, and  
42 ensure that notice of the meeting has been provided pursuant to  
43 chapter 241 of NRS. The board of trustees, the college, the  
44 university or the ~~[Subcommittee on Charter Schools.]~~ *State Board,*



1 as applicable, shall review an application to determine whether the  
2 application:

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

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

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

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

21 4. If the board of trustees, the college or the university, as  
22 applicable, denies an application after it has been resubmitted  
23 pursuant to subsection 3, the applicant may submit a written request  
24 *to the State Board* for sponsorship by the State Board ~~to the~~  
25 ~~Subcommittee on Charter Schools created pursuant to NRS~~  
26 ~~386.507~~ not more than 30 days after receipt of the written notice of  
27 denial. Any request that is submitted pursuant to this subsection  
28 must be accompanied by the application to form the charter school.

29 5. If the ~~[Subcommittee on Charter Schools]~~ *State Board*  
30 receives an application pursuant to subsection 1 or 4, it shall ~~hold~~  
31 *consider the application at* a meeting ~~to consider the application.~~  
32 ~~The meeting~~ *which* must be held not later than 45 days after receipt  
33 of the application. Notice of the meeting must be posted in  
34 accordance with chapter 241 of NRS. The ~~[Subcommittee]~~ *State*  
35 *Board* shall review the application in accordance with the factors set  
36 forth in paragraphs (a) and (b) of subsection 1. The ~~[Subcommittee]~~  
37 *State Board* may approve an application if it satisfies the  
38 requirements of paragraphs (a) and (b) of subsection 1.

39 ~~[6. The Subcommittee on Charter Schools shall transmit the~~  
40 ~~application and the recommendation of the Subcommittee for~~  
41 ~~approval or denial of the application to the State Board. Not more~~  
42 ~~than 14 days after the date of the meeting of the Subcommittee~~  
43 ~~pursuant to subsection 5, the State Board shall hold a meeting to~~  
44 ~~consider the recommendation of the Subcommittee. Notice of the~~  
45 ~~meeting must be posted in accordance with chapter 241 of NRS.~~



~~The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.]~~ Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

~~[7.]~~ 6. If the State Board denies *or fails to act upon* an application, ~~[it]~~ *the denial or failure to act must be based upon a finding that the applicant failed to adequately address objective criteria established by regulation of the Department or the State Board. The State Board* shall include in the written notice the reasons for the denial *or the failure to act* and the deficiencies in the application. *The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.* 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 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, 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, 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. 3.** NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, 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, 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.



1        2. If the State Board approves the application:

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

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

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

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

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

14        4. The governing body of a charter school may request, at any  
15 time, a change in the sponsorship of the charter school to an entity  
16 that is authorized to sponsor charter schools pursuant to NRS  
17 386.515. The State Board shall adopt:

18        (a) An application process for a charter school that requests a  
19 change in the sponsorship of the charter school, which must not  
20 require the applicant to undergo the requirements of an initial  
21 application to form a charter school; and

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

24        5. Except as otherwise provided in subsection 7, a written  
25 charter must be for a term of 6 years unless the governing body of a  
26 charter school renews its initial charter after 3 years of operation  
27 pursuant to subsection 2 of NRS 386.530. A written charter must  
28 include all conditions of operation set forth in subsection ~~2~~ 4 of  
29 NRS 386.520 and include the kind of school, as defined in  
30 subsections 1 to 4, inclusive, of NRS 388.020 for which the charter  
31 school is authorized to operate. If the State Board or a college or  
32 university within the Nevada System of Higher Education is the  
33 sponsor of the charter school, the written charter must set forth the  
34 responsibilities of the sponsor and the charter school with regard to  
35 the provision of services and programs to pupils with disabilities  
36 who are enrolled in the charter school in accordance with the  
37 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et  
38 seq., and NRS 388.440 to 388.520, inclusive. As a condition of the  
39 issuance of a written charter pursuant to this subsection, the charter  
40 school must agree to comply with all conditions of operation set  
41 forth in NRS 386.550.

42        6. The governing body of a charter school may submit to the  
43 sponsor of the charter school a written request for an amendment of  
44 the written charter of the charter school. Such an amendment may  
45 include, without limitation, the expansion of instruction and other





1 educational services to pupils who are enrolled in grade levels other  
2 than the grade levels of pupils currently approved for enrollment in  
3 the charter school . ~~[If the expansion of grade levels does not change~~  
4 ~~the kind of school, as defined in NRS 388.020, for which the charter~~  
5 ~~school is authorized to operate.]~~ If the proposed amendment  
6 complies with the provisions of this section, NRS 386.500 to  
7 386.610, inclusive, and any other statute or regulation applicable to  
8 charter schools, the sponsor may amend the written charter in  
9 accordance with the proposed amendment. ~~[If a charter school~~  
10 ~~wishes to expand the instruction and other educational services~~  
11 ~~offered by the charter school to pupils who are enrolled in grade~~  
12 ~~levels other than the grade levels of pupils currently approved for~~  
13 ~~enrollment in the charter school and the expansion of grade levels~~  
14 ~~changes the kind of school, as defined in NRS 388.020, for which~~  
15 ~~the charter school is authorized to operate, the governing body of~~  
16 ~~the charter school must submit a new application to form a charter~~  
17 ~~school. If such an application is approved, the charter school may~~  
18 ~~continue to operate under the same governing body and an~~  
19 ~~additional governing body does not need to be selected to operate~~  
20 ~~the charter school with the expanded grade levels.]~~ *If the sponsor*  
21 *denies the request for an amendment, the sponsor shall provide*  
22 *written notice to the governing body of the charter school setting*  
23 *forth the reasons for the denial.*

24 7. The State Board shall adopt objective criteria for the  
25 issuance of a written charter to an applicant who is not prepared to  
26 commence operation on the date of issuance of the written charter.  
27 The criteria must include, without limitation, the:

28 (a) Period for which such a written charter is valid; and  
29 (b) Timelines by which the applicant must satisfy certain  
30 requirements demonstrating its progress in preparing to commence  
31 operation.

32 ➔ A holder of such a written charter may apply for grants of money  
33 to prepare the charter school for operation. A written charter issued  
34 pursuant to this subsection must not be designated as a conditional  
35 charter or a provisional charter or otherwise contain any other  
36 designation that would indicate the charter is issued for a temporary  
37 period.

38 8. The holder of a written charter that is issued pursuant to  
39 subsection 7 shall not commence operation of the charter school and  
40 is not eligible to receive apportionments pursuant to NRS 387.124  
41 until the sponsor has determined that the requirements adopted by  
42 the State Board pursuant to subsection 7 have been satisfied and that  
43 the facility the charter school will occupy has been inspected and  
44 meets the requirements of any applicable building codes, codes for  
45 the prevention of fire, and codes pertaining to safety, health and



1 sanitation. Except as otherwise provided in this subsection, the  
2 sponsor shall make such a determination 30 days before the first day  
3 of school for the:

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

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

13 **Sec. 4.** NRS 386.540 is hereby amended to read as follows:

14 386.540 1. The Department shall adopt regulations that  
15 prescribe:

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

19 (b) The process for submission of an application to form a  
20 charter school to the Department, the board of trustees of a school  
21 district, the ~~[Subcommittee on Charter Schools]~~ *State Board* and a  
22 college or university within the Nevada System of Higher  
23 Education, and the contents of the application;

24 (c) The process for submission of an application to renew a  
25 written charter; ~~[and]~~

26 (d) The criteria and type of investigation that must be applied by  
27 the board of trustees, ~~[the Subcommittee on Charter Schools,]~~ the  
28 State Board and a college or university within the Nevada System of  
29 Higher Education in determining whether to approve an application  
30 to form a charter school , ~~[or]~~ an application to renew a written  
31 charter ~~[.]~~ *or a request for an amendment of a written charter; and*

32 *(e) The process for submission of an amendment of a written*  
33 *charter pursuant to NRS 386.527 and the contents of the*  
34 *application.*

35 2. The Department may adopt regulations as it determines are  
36 necessary to carry out the provisions of NRS 386.500 to 386.610,  
37 inclusive, including, without limitation, regulations that prescribe  
38 the:

39 (a) Procedures for accounting and budgeting;

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

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



**Sec. 5.** NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government; and

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

*5. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the*



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*Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.*

**Sec. 6.** NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school:

(a) Must consist of:

(1) At least ~~[three]~~ *two* teachers, as defined in subsection 5;  
or

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

(b) *Must consist of at least one parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.*

(c) May ~~[consist of,]~~ *include*, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

2. A person may serve on the governing body only if the person 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.

3. 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.

4. 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. *Upon*



*an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.*

5. 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. 7.** 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 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, 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 *grade 12 in the charter school* ~~{who are required to take}~~ *in the immediately preceding school year who have completed the required course work for graduation have passed* 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 one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the State Board pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if



1 reasonable evidence of noncompliance in achieving the educational  
2 goals and objectives of the charter school exists based upon the  
3 annual report, the charter school shall, upon written notice from the  
4 sponsor, submit to an annual performance audit. Notwithstanding  
5 the provisions of paragraph (b) of subsection 1, such a charter  
6 school:

7 (a) May, after undergoing the annual performance audit, reapply  
8 to the sponsor to determine whether the charter school satisfies the  
9 requirements of paragraphs (a), (c), (d) and (e) of subsection 1.

10 (b) Is not eligible for any available money pursuant to  
11 subsection 1 until the sponsor determines that the charter school  
12 satisfies the requirements of that subsection.

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

16 **Sec. 8.** NRS 386.560 is hereby amended to read as follows:

17 386.560 1. The governing body of a charter school may  
18 contract with the board of trustees of the school district in which the  
19 charter school is located *or in which a pupil enrolled in the charter*  
20 *school resides* or the Nevada System of Higher Education for the  
21 provision of facilities to operate the charter school or to perform any  
22 service relating to the operation of the charter school, including,  
23 without limitation, transportation, the provision of health services  
24 for the pupils who are enrolled in the charter school and the  
25 provision of school police officers.

26 2. A charter school may use any public facility located within  
27 the school district in which the charter school is located. A charter  
28 school may use school buildings owned by the school district only  
29 upon approval of the board of trustees of the school district and  
30 during times that are not regular school hours.

31 3. The board of trustees of a school district may donate surplus  
32 personal property of the school district to a charter school that is  
33 located within the school district.

34 4. Except as otherwise provided in this subsection, upon the  
35 request of a parent or legal guardian of a pupil who is enrolled in a  
36 charter school, the board of trustees of the school district in which  
37 the pupil resides shall authorize the pupil to participate in a class  
38 that is not available to the pupil at the charter school or participate in  
39 an extracurricular activity, excluding sports, at a public school  
40 within the school district if:

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

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



1    ➤ If the board of trustees of a school district authorizes a pupil to  
2 participate in a class or extracurricular activity, excluding sports,  
3 pursuant to this subsection, the board of trustees is not required to  
4 provide transportation for the pupil to attend the class or activity.  
5 The provisions of this subsection do not apply to a pupil who is  
6 enrolled in a charter school and who desires to participate on a part-  
7 time basis in a program of distance education provided by the board  
8 of trustees of a school district pursuant to NRS 388.820 to 388.874,  
9 inclusive. Such a pupil must comply with NRS 388.858.

10    5. Upon the request of a parent or legal guardian of a pupil who  
11 is enrolled in a charter school, the board of trustees of the school  
12 district in which the pupil resides shall authorize the pupil to  
13 participate in sports at the public school that he or she would  
14 otherwise be required to attend within the school district, or upon  
15 approval of the board of trustees, any public school within the same  
16 zone of attendance as the charter school if:

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

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

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

23    6. The board of trustees of a school district may revoke its  
24 approval for a pupil to participate in a class, extracurricular activity  
25 or sports at a public school pursuant to subsections 4 and 5 if the  
26 board of trustees or the public school determines that the pupil has  
27 failed to comply with applicable statutes, or applicable rules and  
28 regulations of the board of trustees, the public school or the Nevada  
29 Interscholastic Activities Association. If the board of trustees so  
30 revokes its approval, neither the board of trustees nor the public  
31 school is liable for any damages relating to the denial of services to  
32 the pupil.

33    **Sec. 9.** NRS 386.570 is hereby amended to read as follows:

34        386.570 1. Each pupil who is enrolled in a charter school,  
35 including, without limitation, a pupil who is enrolled in a program  
36 of special education in a charter school, must be included in the  
37 count of pupils in the school district for the purposes of  
38 apportionments and allowances from the State Distributive School  
39 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the  
40 pupil is exempt from compulsory attendance pursuant to NRS  
41 392.070. A charter school is entitled to receive its proportionate  
42 share of any other money available from federal, state or local  
43 sources that the school or the pupils who are enrolled in the school  
44 are eligible to receive. If a charter school receives special education  
45 program units directly from this State, the amount of money for



1 special education that the school district pays to the charter school  
2 may be reduced proportionately by the amount of money the charter  
3 school received from this State for that purpose. *The State Board*  
4 *shall prescribe a process which ensures that all charter schools,*  
5 *regardless of the sponsor, have information about all sources of*  
6 *funding for the public schools provided through the Department,*  
7 *including local funds pursuant to NRS 387.1235.*

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

15 3. Upon completion of each school quarter, the sponsor of a  
16 charter school may request reimbursement from the governing body  
17 of the charter school for the administrative costs associated with  
18 sponsorship for that school quarter if the sponsor provided  
19 administrative services during that school quarter. The request must  
20 include an itemized list of those costs. Unless a delay is granted  
21 pursuant to subsection 9, upon receipt of such a request, the  
22 governing body shall pay the reimbursement to the board of trustees  
23 of the school district if the board of trustees sponsors the charter  
24 school, to the Department if the State Board sponsors the charter  
25 school or to the college or university within the Nevada System of  
26 Higher Education if that institution sponsors the charter school. If a  
27 governing body fails to pay the reimbursement pursuant to this  
28 subsection or pursuant to a plan approved by the Superintendent of  
29 Public Instruction in accordance with subsection 9, the charter  
30 school shall be deemed to have violated its written charter and the  
31 sponsor may take such action to revoke the written charter pursuant  
32 to NRS 386.535 as it deems necessary. If the board of trustees of a  
33 school district is the sponsor of a charter school, the amount of  
34 money that may be paid to the sponsor pursuant to this subsection  
35 for administrative expenses in 1 school year must not exceed:

36 (a) For the first year of operation of the charter school, 2 percent  
37 of the total amount of money apportioned to the charter school  
38 during the year pursuant to NRS 387.124, as adjusted by the final  
39 computation of apportionment pursuant to subsection 4 of  
40 NRS 387.1243.

41 (b) For any year after the first year of operation of the charter  
42 school, 1 percent of the total amount of money apportioned to the  
43 charter school during the year pursuant to NRS 387.124, as adjusted  
44 by the final computation of apportionment pursuant to subsection 4  
45 of NRS 387.1243.





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

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

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

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

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

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



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

9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

**Sec. 10.** NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;



\* A B 1 7 1 \*

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. *The parent of the child shall notify the superintendent of schools of the school district in which the child resides that the parent requests that the notice of intent to*



*homeschool filed pursuant to this section be withdrawn. If the child enrolls in a charter school, the charter school shall notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school.* A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the ~~[Scholastic Aptitude Test,]~~ SAT, the ~~[American College Test,]~~ ACT, the Preliminary ~~[Scholastic Aptitude Test]~~ SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.



1     **Sec. 11.** NRS 386.507 is hereby repealed.

2     **Sec. 12.** The Legislative Counsel shall, in preparing  
3 supplements to the Nevada Administrative Code, appropriately  
4 change any references to an officer, agency or other entity whose  
5 name is changed or whose duties are transferred pursuant to the  
6 provisions of this act to refer to the appropriate officer, agency or  
7 other entity.

8     **Sec. 13.** This act becomes effective on July 1, 2011.

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**TEXT OF REPEALED SECTION**

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**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 or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

