

## Amendment No. 787

Assembly Amendment to Assembly Bill No. 171 First Reprint (BDR 34-812)

**Proposed by:** Assembly Committee on Ways and Means**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 underlining* is newly added transitory language.

CLP/KCR



Date: 5/28/2011

A.B. No. 171—Revises provisions governing charter schools. (BDR 34-812)



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 provisions governing the employment of licensed employees by a charter school; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

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

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

**Section 3** of this bill provides that if the sponsor of a charter school denies a request for an amendment of a written charter of the charter school, the sponsor must provide written notice to the governing body which sets forth the reasons for the denial.

**Section 3.5** of this bill provides that the sponsor of a charter school may revoke the written charter before the expiration of the charter if the sponsor determines that the charter school failed to comply with the material terms and conditions of the written charter.

**Section 5** of this bill authorizes the Department to request certain information from a charter school, regardless of whether that information is required by specific statute, and provides that if the Department requests such information, the Department shall include in the request a mechanism by which the 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.

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

Existing law prescribes the requirement for a charter school to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriations or otherwise for facilities. A charter school is eligible if 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. (NRS 386.5515)

**Section 7** of this bill revises this eligibility requirement to require that at least 75 percent of the pupils enrolled in the charter school in grade 12 in the immediately preceding school year who have satisfied the course work requirements for graduation have passed the high school proficiency examination.

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

Existing law requires a school district to grant a leave of absence to an employee of the school district, not to exceed 3 years, to accept employment with a charter school sponsored by the school district. The school district is required to grant such an employee's request to return to his or her former teaching position or a comparable teaching position within the school district after the approved leave of absence is complete. (NRS 386.595) **Section 9.7** of this bill removes the provision which specifies that the school district which is the sponsor of the charter school shall grant a leave of absence, so that a school district, regardless of sponsor, shall grant such a leave of absence for its licensed employees. **Section 9.7** also removes the provision which provides that the employee may return to his or her former teaching position and instead authorizes the employee to return to a comparable teaching position. **Section 9.7** further requires that upon the request of a governing body of a charter school, the board of trustees of a school district, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. **Section 9.7** also requires that upon request of the board of trustees of a school district, the governing body of a charter school, with the permission of the licensed employee who is granted a leave of absence from the school district, transmit to the school district a copy of the employment record of the employee maintained by the charter school. Finally, **section 9.7** authorizes the school district to conduct an investigation of any misconduct of the licensed employee who was granted a leave of absence for employment with a charter school and who requests to return to employment with the school district.

Under existing law, a parent may homeschool a child if the parent submits to the superintendent of schools of the school district in which the child resides a notice of intent to homeschool the child. (NRS 392.700) **Section 10** of this bill requires a charter school, to the extent practicable, to notify the school district in which the child resides if the child who is or was homeschooled enrolls in the charter school and provides that the child may be counted for the purposes of the calculation of basic support whether or not the charter school provides the notice.

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

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

**Section 1.** NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of ~~at least three teachers, as defined in subsection 4.~~ :

(a) *One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;*

(b) *One member who:*

(1) *Satisfies the qualifications of paragraph (a); or*

(2) *Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;*

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

(d) *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 ~~to~~ pursuant to subsection 1, the committee *to form a charter school* 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.

~~to~~ 3. A majority of the persons ~~described in paragraphs (a), (b) and (c)~~ who serve on the committee *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.

~~to~~ 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 ~~for~~ *for accepting applications for* enrollment ~~for~~ *in the initial year of operation of* 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~~ *for nominating and electing* 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 enrollment in each such category of at-risk pupils served by the charter school.

~~(3.)~~ 5. The Department shall review an application to form a charter school to determine whether it is *substantially* complete ~~and compliant~~. 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.~~ *provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.*

6. The Department shall provide written notice to the applicant of its ~~approval or denial of~~ *determination whether* the application ~~is~~ *is substantially complete and compliant*. If the Department ~~denies~~ *determines that* an application

~~is not substantially complete and compliant~~, the Department shall include in the written notice the ~~reason for the denial~~ *basis for that determination 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.

~~7. As used in subsection 1, "teacher" means a person who:~~

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~or who previously held such a license and is retired, as long as his or her license was held in good standing;~~ 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. 2.** NRS 386.525 is hereby amended to read as follows:

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

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

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

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

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

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

5. If the ~~Subcommittee on Charter Schools~~ *State Board* receives an application pursuant to subsection 1 or 4, it shall ~~hold~~ *consider the application at* a meeting ~~to consider the application. The meeting~~ *which* must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted

1 in accordance with chapter 241 of NRS. The ~~{Subcommittee}~~ *State Board* shall  
2 review the application in accordance with the factors set forth in paragraphs (a) and  
3 (b) of subsection 1. The ~~{Subcommittee}~~ *State Board* may approve an application if  
4 it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

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

16 ~~{7.}~~ 6. If the State Board denies *or fails to act upon* an application, ~~{the~~ *the*  
17 *denial or failure to act must be based upon a finding that the applicant failed to*  
18 *adequately address objective criteria established by regulation of the Department*  
19 *or the State Board. The State Board* shall include in the written notice the reasons  
20 for the denial *or the failure to act* and the deficiencies in the application. *The staff*  
21 *designated by the Department shall meet with the applicant to confer on the*  
22 *method to correct the identified deficiencies.* The applicant must be granted 30  
23 days after receipt of the written notice to correct any deficiencies identified in the  
24 written notice and resubmit the application.

25 ~~{8.}~~ 7. If the State Board denies an application after it has been resubmitted  
26 pursuant to subsection ~~{7.}~~ 6, the applicant may, not more than 30 days after the  
27 receipt of the written notice from the State Board, appeal the final determination to  
28 the district court of the county in which the proposed charter school will be located.

29 ~~{9.}~~ 8. On or before January 1 of each odd-numbered year, the  
30 Superintendent of Public Instruction shall submit a written report to the Director of  
31 the Legislative Counsel Bureau for transmission to the next regular session of the  
32 Legislature. The report must include:

33 (a) A list of each application to form a charter school that was submitted to the  
34 board of trustees of a school district, the State Board, a college or a university  
35 during the immediately preceding biennium;

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

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

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

40 **Sec. 3.** NRS 386.527 is hereby amended to read as follows:

41 386.527 1. If the State Board, the board of trustees of a school district or a  
42 college or university within the Nevada System of Higher Education approves an  
43 application to form a charter school, it shall grant a written charter to the applicant.  
44 The State Board, the board of trustees, the college or the university, as applicable,  
45 shall, not later than 10 days after the approval of the application, provide written  
46 notice to the Department of the approval and the date of the approval. If the board  
47 of trustees approves the application, the board of trustees shall be deemed the  
48 sponsor of the charter school.

49 2. If the State Board approves the application:

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

51 (b) Neither the State of Nevada, the State Board nor the Department is an  
52 employer of the members of the governing body of the charter school or any of the  
53 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 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 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 shall adopt:

(a) An application process for 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 subsection 4 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 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 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.~~ *If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.*

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

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

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

**Sec. 3.5.** NRS 386.535 is hereby amended to read as follows:

386.535 1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:  
(1) The *material* terms and conditions of the written charter;  
(2) Generally accepted standards of accounting and fiscal management; or  
(3) The provisions of NRS 386.500 to 386.610, inclusive, or any other statute or regulation applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

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

2. Before the sponsor revokes a written charter, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

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

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which

determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the charter.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

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

386.540 1. The Department shall adopt regulations that prescribe:

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

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[Subcommittee on Charter Schools]~~ *State Board* 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 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 ~~{or}~~ *or a request for an amendment of a written charter; and*

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

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

(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.

**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 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 ~~is~~

~~—(a) Must~~ must consist of:

~~{(1) At least three teachers, as defined in subsection 5; or~~

~~—(2) Two teachers, as defined in subsection 5, and one person}~~

*(a) One member who is licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;*

*(b) One member who ~~previously held a license to teach pursuant to chapter 391 of NRS~~;*

*(1) Satisfies the qualifications of paragraph (a); or*

*(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing . ~~including, without limitation, a retired teacher.~~*

~~—(b)}~~

*(c) 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.*

~~{May consist of.}~~

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

*(1) Accounting;*

(2) *Financial services;*

(3) *Law; or*

(4) *Human resources.*

2. *In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may 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-)~~ 3. 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-)~~ 4. 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-)~~ 5. 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-)~~ 6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~(-)~~ *or who previously held such a license and is retired, as long as his or her license was held in good standing;* 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 reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

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

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

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

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

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

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

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

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

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

➤ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, ~~{excluding}~~ *including* sports, pursuant to this

subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

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

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

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

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

~~6.]~~ The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to ~~{subsections 4 and 5}~~ **subsection 4** if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

**Sec. 9.** 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. *The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.*

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 an account with 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 each school 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 quarter if the sponsor provided administrative services during that school quarter. The request

1 must include an itemized list of those costs. Unless a delay is granted pursuant to  
2 subsection 9, upon receipt of such a request, the governing body shall pay the  
3 reimbursement to the board of trustees of the school district if the board of trustees  
4 sponsors the charter school, to the Department if the State Board sponsors the  
5 charter school or to the college or university within the Nevada System of Higher  
6 Education if that institution sponsors the charter school. If a governing body fails to  
7 pay the reimbursement pursuant to this subsection or pursuant to a plan approved  
8 by the Superintendent of Public Instruction in accordance with subsection 9, the  
9 charter school shall be deemed to have violated its written charter and the sponsor  
10 may take such action to revoke the written charter pursuant to NRS 386.535 as it  
11 deems necessary. If the board of trustees of a school district is the sponsor of a  
12 charter school, the amount of money that may be paid to the sponsor pursuant to  
13 this subsection for administrative expenses in 1 school year must not exceed:

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

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

22 4. If the State Board or a college or university within the Nevada System of  
23 Higher Education is the sponsor of a charter school, the amount of money that may  
24 be paid to the Department or to the institution, as applicable, pursuant to subsection  
25 3 for administrative expenses in 1 school year must not exceed:

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

30 (b) For any year after the first year of operation of the charter school, ~~1.5~~ ~~##~~  
31 percent of the total amount of money apportioned to the charter school during the  
32 year pursuant to NRS 387.124, as adjusted by the final computation of  
33 apportionment pursuant to subsection 4 of NRS 387.1243.

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

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

51 7. The governing body of a charter school may solicit and accept donations,  
52 money, grants, property, loans, personal services or other assistance for purposes  
53 relating to education from members of the general public, corporations or agencies.

1 The governing body may comply with applicable federal laws and regulations  
2 governing the provision of federal grants for charter schools. The State Board may  
3 assist a charter school that operates exclusively for the enrollment of pupils who  
4 receive special education in identifying sources of money that may be available  
5 from the Federal Government or this State for the provision of educational  
6 programs and services to such pupils.

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

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

20 **Sec. 9.5.** NRS 386.590 is hereby amended to read as follows:

21 386.590 1. Except as otherwise provided in this subsection, at least 70  
22 percent of the teachers who provide instruction at a charter school must be licensed  
23 teachers. If a charter school is a vocational school, the charter school shall, to the  
24 extent practicable, ensure that at least 70 percent of the teachers who provide  
25 instruction at the school are licensed teachers, but in no event may more than 50  
26 percent of the teachers who provide instruction at the school be unlicensed teachers.

27 2. A governing body of a charter school shall employ:

28 (a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5,  
29 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If  
30 required by subsection 3 or 4, such a teacher must possess the qualifications  
31 required by 20 U.S.C. § 6319(a).

32 (b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed  
33 teacher to teach pupils who are enrolled in those grades for the subjects set forth in  
34 subsection 4. If required by subsection 3 or 4, such a teacher must possess the  
35 qualifications required by 20 U.S.C. § 6319(a).

36 (c) In addition to the requirements of paragraphs (a) and (b):

37 (1) If a charter school specializes in arts and humanities, physical  
38 education or health education, a licensed teacher to teach those courses of study.

39 (2) If a charter school specializes in the construction industry or other  
40 building industry, licensed teachers to teach courses of study relating to the industry  
41 if those teachers are employed full-time.

42 (3) If a charter school specializes in the construction industry or other  
43 building industry and the school offers courses of study in computer education,  
44 technology or business, licensed teachers to teach those courses of study if those  
45 teachers are employed full-time.

46 3. A person who is initially hired by the governing body of a charter school  
47 on or after January 8, 2002, to teach in a program supported with money from Title  
48 I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes  
49 of this subsection, a person is not "initially hired" if the person has been employed  
50 as a teacher by another school district or charter school in this State without an  
51 interruption in employment before the date of hire by his or her current employer.



1        4. A teacher who is employed by a charter school, regardless of the date of  
2 hire, must, on or before July 1, 2006, possess the qualifications required by 20  
3 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

4        (a) English, reading or language arts;

5        (b) Mathematics;

6        (c) Science;

7        (d) Foreign language;

8        (e) Civics or government;

9        (f) Economics;

10       (g) Geography;

11       (h) History; or

12       (i) The arts.

13       5. Except as otherwise provided in NRS 386.588, a charter school may  
14 employ a person who is not licensed pursuant to the provisions of chapter 391 of  
15 NRS to teach a course of study for which a licensed teacher is not required pursuant  
16 to subsections 2, 3 and 4 if the person has:

17       (a) A degree, a license or a certificate in the field for which the person is  
18 employed to teach at the charter school; and

19       (b) At least 2 years of experience in that field.

20       6. Except as otherwise provided in NRS 386.588, a charter school shall  
21 employ such administrators for the school as it deems necessary. A person  
22 employed as an administrator must possess:

23       (a) A valid teacher's license issued pursuant to chapter 391 of NRS with an  
24 administrative endorsement;

25       (b) A master's degree in school administration, public administration or  
26 business administration; or

27       (c) At least 5 years of experience in school administration, public  
28 administration or business administration and a baccalaureate degree.

29       7. Except as otherwise provided in subsection 8, the portion of the salary or  
30 other compensation of an administrator employed by a charter school that is derived  
31 from public funds must not exceed the salary or other compensation, as applicable,  
32 of the highest paid administrator in a comparable position in the school district in  
33 which the charter school is located. For purposes of determining the salary or other  
34 compensation of the highest paid administrator in a comparable position in the  
35 school district, the salary or other compensation of the superintendent of schools of  
36 that school district must not be included in the determination.

37       8. If the salary or other compensation paid to an administrator employed by a  
38 charter school from public funds exceeds the maximum amount prescribed in  
39 subsection 7, the sponsor of the charter school shall conduct an audit of the salary  
40 or compensation. The audit must include, without limitation, a review of the  
41 reasons set forth by the governing body of the charter school for the salary or other  
42 compensation and the interests of the public in using public funds to pay that salary  
43 or compensation. If the sponsor determines that the payment of the salary or other  
44 compensation from public funds is justified, the sponsor shall provide written  
45 documentation of its determination to the governing body of the charter school and  
46 to the Department. If the sponsor determines that the payment of the salary or other  
47 compensation from public funds is not justified, the governing body of the charter  
48 school shall reduce the salary or compensation paid to the administrator from public  
49 funds to an amount not to exceed the maximum amount prescribed in subsection 7.

50       9. A charter school shall not employ a person pursuant to this section if the  
51 person's license to teach or provide other educational services has been revoked or  
52 suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each *person who is* licensed ~~employee~~ *pursuant to chapter 391 of NRS and* who is employed by the governing body on October 1 of that year:

(a) The amount of salary *or compensation* of the ~~employee~~ *licensed person*, including, without limitation, verification of compliance with subsection 7, if applicable to that ~~employee~~ *person*; and

(b) The designated assignment, as that term is defined by the Department, of the ~~employee~~ *licensed person*.

**Sec. 9.7.** NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. *Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.*

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the *licensed* employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign ~~an~~ *a licensed* employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to ~~teach~~ *accept employment* at the charter school pursuant to subsection ~~4; or~~ *5*;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection ~~4~~;

~~— 4; 5; or~~

(c) *Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.*

5. The board of trustees of a school district ~~that is a sponsor of a charter school~~ shall grant a leave of absence, not to exceed 3 years, to any *licensed* employee who is employed by the board of trustees who requests such a leave of absence to accept employment with ~~the~~ *a* charter school. After the first school year in which ~~an~~ *a licensed* employee is on a leave of absence, the employee may return to ~~this or her former~~ *a comparable* teaching position with the board of trustees. After the third school year, ~~an~~ *a licensed* employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection

even if the return of the *licensed* employee requires the board of trustees to reduce the existing workforce of the school district. *The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.* The board of trustees may require that a request to return to a *comparable* teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[5. An]~~

6. *Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:*

*(a) The dismissal of the employee from employment with the school district; or*

*(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.*

7. *If a school district conducts an investigation pursuant to subsection 6:*

*(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and*

*(b) The investigation must be conducted within a reasonable time.*

8. *A licensed employee who is on a leave of absence from a school district pursuant to this section:*

*(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.*

*(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.*

➤ *The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.*

~~[6.]~~ 9. *Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.*

~~[7.]~~ 10. *An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be*

1 eligible for employment in a public school, including, without limitation,  
2 participation in the Public Employees' Retirement System.

3 ~~§-11~~ 11. For all employees of a charter school:

4 (a) The compensation that a teacher or other school employee would have  
5 received if he or she were employed by the school district must be used to  
6 determine the appropriate levels of contribution required of the employee and  
7 employer for purposes of the Public Employees' Retirement System.

8 (b) The compensation that is paid to a teacher or other school employee that  
9 exceeds the compensation that the employee would have received if he or she were  
10 employed by the school district must not be included for the purposes of calculating  
11 future retirement benefits of the employee.

12 ~~§-12~~ 12. If the board of trustees of a school district in which a charter school  
13 is located manages a plan of group insurance for its employees, the governing body  
14 of the charter school may negotiate with the board of trustees to participate in the  
15 same plan of group insurance that the board of trustees offers to its employees. If  
16 the employees of the charter school participate in the plan of group insurance  
17 managed by the board of trustees, the governing body of the charter school shall:

18 (a) Ensure that the premiums for that insurance are paid to the board of  
19 trustees; and

20 (b) Provide, upon the request of the board of trustees, all information that is  
21 necessary for the board of trustees to provide the group insurance to the employees  
22 of the charter school.

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

24 392.700 1. If the parent of a child who is subject to compulsory attendance  
25 wishes to homeschool the child, the parent must file with the superintendent of  
26 schools of the school district in which the child resides a written notice of intent to  
27 homeschool the child. The Department shall develop a standard form for the notice  
28 of intent to homeschool. The form must not require any information or assurances  
29 that are not otherwise required by this section or other specific statute. The board of  
30 trustees of each school district shall, in a timely manner, make only the form  
31 developed by the Department available to parents who wish to homeschool their  
32 child.

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

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

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

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

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

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

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

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

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

53 (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. *If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233.* 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.

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

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

**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.