

ASSEMBLY BILL NO. 205—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 5, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-200)

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

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

AN ACT relating to education; requiring that a performance framework for a charter school be incorporated into the charter contract; revising provisions governing applications for authorization to sponsor charter schools by the board of trustees of a school district or a college or university within the Nevada System of Higher Education; revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter schools; requiring the Department of Education to adopt regulations for the comprehensive review of sponsors of charter schools approved by the Department and for the revocation of the authorization to sponsor charter schools; making various other changes relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the formation and operation of charter schools. (NRS
- 2 386.490-386.610) **Section 3** of this bill requires that a written performance
- 3 framework for a charter school be incorporated into the charter contract executed
- 4 by the sponsor and the governing body of the charter school pursuant to **Section 8**
- 5 of this bill. The performance framework must include performance indicators,



measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils.

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) **Section 3.5** of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. **Section 3.5** also provides that a rating of a charter school based upon the performance of the charter school for any school year before the 2013-2014 school year pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) **Section 5** of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) **Section 12** of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies in the application identified by the Department. (NRS 386.520) **Sections 6 and 7** of this bill remove the provisions relating to the review of an application to form a charter school by the Department.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the



issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act.

Sec. 2. *“Charter contract” means the contract executed between the governing body of a charter school and the sponsor of the charter school pursuant to NRS 386.527.*

Sec. 2.5. *“Performance framework” means the performance framework for a charter school that is required to be incorporated into a charter contract pursuant to NRS 386.527.*

Sec. 3. 1. *The performance framework that is required to be incorporated into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:*

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to



1 *measure the achievement of pupils adopted by the Department*
2 *pursuant to NRS 385.3595;*

3 *(2) Disparities in the academic achievement and*
4 *proficiency of pupils enrolled in the charter school; and*

5 *(3) If the charter school enrolls pupils at the high school*
6 *grade level, the rate of graduation of those pupils and the*
7 *preparation of those pupils for success in postsecondary*
8 *educational institutions and in career and workforce readiness.*

9 *(b) The category of finances addresses the financial condition*
10 *and sustainability of the charter school.*

11 *(c) The category of organization addresses:*

12 *(1) The percentage of pupils who reenroll in the charter*
13 *school from year-to-year;*

14 *(2) The rate of attendance of pupils enrolled in the charter*
15 *school; and*

16 *(3) The performance of the governing body of the charter*
17 *school, including, without limitation, compliance with the terms*
18 *and conditions of the charter contract and the applicable statutes*
19 *and regulations.*

20 *2. In addition to the requirements for the performance*
21 *framework set forth in subsection 1, the sponsor of the charter*
22 *school may, upon request of the governing body of the charter*
23 *school, include additional rigorous, valid and reliable*
24 *performance indicators, measures and metrics in the performance*
25 *framework that are specific to the mission of the charter school*
26 *and that are consistent with NRS 386.490 to 386.610, inclusive,*
27 *and sections 2 to 3.5, inclusive, of this act.*

28 *3. The governing body of a charter school shall, in*
29 *consultation with the sponsor of the charter school, establish*
30 *annual performance goals to ensure that the charter school is*
31 *meeting the performance indicators, measures and metrics set*
32 *forth in the performance framework in the charter contract.*

33 *4. If an application for renewal of a charter contract is*
34 *approved, the sponsor of the charter school may review and, if*
35 *necessary, revise the performance framework. Such a revised*
36 *performance framework must be incorporated into the renewed*
37 *charter contract.*

38 *5. The sponsor of a charter school shall ensure the collection,*
39 *analysis and reporting of all data from the results of pupils*
40 *enrolled in the charter school on statewide examinations to*
41 *determine whether the charter school is meeting the performance*
42 *indicators, measures and metrics for the achievement and*
43 *proficiency of pupils as set forth in the performance framework*
44 *for the charter school.*



1 **Sec. 3.5. 1. The sponsor of a charter school shall terminate**
2 **the charter contract of the charter school if the charter school**
3 **receives three consecutive annual ratings established as the lowest**
4 **rating possible indicating underperformance of a public school, as**
5 **determined by the Department pursuant to the statewide system of**
6 **accountability for public schools. A charter school's annual rating**
7 **pursuant to the statewide system of accountability based upon the**
8 **performance of the charter school for any school year before the**
9 **2013-2014 school year must not be included in the count of**
10 **consecutive annual ratings for the purposes of this subsection.**

11 **2. If a charter contract is terminated pursuant to subsection**
12 **1, the sponsor of the charter school shall submit a written report to**
13 **the Department and the governing body of the charter school**
14 **setting forth the reasons for the termination not later than 10 days**
15 **after terminating the charter contract.**

16 **3. The provisions of NRS 386.535 do not apply to the**
17 **termination of a charter contract pursuant to this section.**

18 **Sec. 4.** NRS 386.490 is hereby amended to read as follows:

19 386.490 As used in NRS 386.490 to 386.610, inclusive, **and**
20 **sections 2 to 3.5, inclusive, of this act,** the words and terms defined
21 in NRS 386.495, 386.500 and 386.503 **and sections 2 and 2.5 of**
22 **this act** have the meanings ascribed to them in those sections.

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

24 386.515 1. The board of trustees of a school district may
25 apply to the Department for authorization to sponsor charter schools
26 within the school district **⚡ in accordance with the regulations**
27 **adopted by the Department pursuant to NRS 386.540.** An
28 application must be approved by the Department before the board of
29 trustees may sponsor a charter school. Not more than 180 days after
30 receiving approval to sponsor charter schools, the board of trustees
31 shall provide public notice of its ability to sponsor charter schools
32 and solicit applications for charter schools.

33 2. The State Public Charter School Authority shall sponsor
34 charter schools whose applications have been approved by the State
35 Public Charter School Authority pursuant to NRS 386.525. Except
36 as otherwise provided by specific statute, if the State Public Charter
37 School Authority sponsors a charter school, the State Public Charter
38 School Authority is responsible for the evaluation, monitoring and
39 oversight of the charter school.

40 3. A college or university within the Nevada System of Higher
41 Education may **submit an application to the Department to** sponsor
42 charter schools **⚡ in accordance with the regulations adopted by**
43 **the Department pursuant to NRS 386.540. An application must be**
44 **approved by the Department before a college or university within**



1 *the Nevada System of Higher Education may sponsor charter*
2 *schools.*

3 4. Each sponsor of a charter school shall carry out the
4 following duties and powers:

5 (a) Evaluating applications to form charter schools as prescribed
6 by NRS 386.525;

7 (b) Approving applications to form charter schools that the
8 sponsor determines are high quality, meet the identified educational
9 needs of pupils and will serve to promote the diversity of public
10 educational choices in this State;

11 (c) Declining to approve applications to form charter schools
12 that do not satisfy the requirements of NRS 386.525;

13 (d) Negotiating and executing ~~twritten—charters~~ *charter*
14 *contracts* pursuant to NRS 386.527;

15 (e) Monitoring, in accordance with NRS 386.490 to 386.610,
16 inclusive, *and sections 2 to 3.5, inclusive, of this act*, and in
17 accordance with the terms and conditions of the applicable ~~twritten~~
18 *charter* ~~twritten~~ *contract*, the performance and compliance of each charter
19 school sponsored by the entity; and

20 (f) Determining whether ~~teach-written~~ *the* charter *contract* of a
21 charter school that the entity sponsors merits renewal or whether the
22 renewal of the ~~twritten~~ *charter contract* should be denied or the
23 ~~twritten~~ *charter contract* should be ~~revoked~~ *terminated* in
24 accordance with NRS 386.530 or 386.535, *or section 3.5 of this act*,
25 as applicable.

26 5. Each sponsor of a charter school shall develop policies and
27 practices that are consistent with state laws and regulations
28 governing charter schools. In developing the policies and practices,
29 the sponsor shall review and evaluate nationally recognized policies
30 and practices for sponsoring organizations of charter schools. The
31 policies and practices must include, without limitation:

32 (a) The organizational capacity and infrastructure of the sponsor
33 for sponsorship of charter schools, which must not be described as a
34 limit on the number of charter schools the sponsor will approve;

35 (b) The procedure *and criteria* for evaluating charter school
36 applications in accordance with NRS 386.525 ~~twritten~~ *and for the*
37 *renewal of charter contracts pursuant to NRS 386.530;*

38 (c) A description of how the sponsor will maintain oversight of
39 the charter schools it sponsors; and

40 (d) A description of the process of evaluation for *the* charter
41 schools it sponsors in accordance with NRS 386.610.

42 6. Evidence of material or persistent failure to carry out the
43 powers and duties of a sponsor prescribed by this section constitutes
44 grounds for revocation of the entity's authority to sponsor charter
45 schools.



Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(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 members who serve pursuant to subsection 1, the committee to form a charter school may 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. A majority of the persons 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.

4. *The committee to form a charter school shall ensure that the completed application:*

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school 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 386.490 to 386.610, inclusive **H**, and sections 2 to 3.5, inclusive, of this act.



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(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 academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

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

(4) Establishing accountability and transparency 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 accepting applications for enrollment 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 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



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1 statement that the charter school will work with the parents and
2 guardians of pupils enrolled in the charter school to develop a plan
3 for transportation to ensure that pupils have access to transportation
4 to and from the charter school.

5 (m) The procedure for the evaluation of teachers of the charter
6 school, if different from the procedure prescribed in NRS 391.3125
7 and 391.3128. If the procedure is different from the procedure
8 prescribed in NRS 391.3125 and 391.3128, the procedure for the
9 evaluation of teachers of the charter school must provide the same
10 level of protection and otherwise comply with the standards for
11 evaluation set forth in NRS 391.3125 and 391.3128.

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

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

17 (p) A statement of whether the charter school will enroll pupils
18 who are in a particular category of at-risk pupils before enrolling
19 other children who are eligible to attend the charter school pursuant
20 to NRS 386.580 and the method for determining eligibility for
21 enrollment in each such category of at-risk pupils served by the
22 charter school.

23 ~~{5. The proposed sponsor of a charter school may request that~~
24 ~~the Department review an application before review by the proposed~~
25 ~~sponsor to determine whether the application is substantially~~
26 ~~complete and compliant. Upon such a request, the Department shall~~
27 ~~review an application to form a charter school to determine whether~~
28 ~~it is substantially complete and compliant. If an application proposes~~
29 ~~to convert an existing public school, homeschool or other program~~
30 ~~of home study into a charter school, the Department shall provide~~
31 ~~written notice to the applicant that the application is ineligible for~~
32 ~~consideration by the proposed sponsor.}~~

33 ~~6. {The Department shall provide written notice to the~~
34 ~~applicant and the proposed sponsor of the charter school of its~~
35 ~~determination whether the application is substantially complete and~~
36 ~~compliant. If the Department determines that an application is not~~
37 ~~substantially complete and compliant, the Department shall include~~
38 ~~in the written notice the basis for that determination and the~~
39 ~~deficiencies in the application. The staff designated by the~~
40 ~~Department shall meet with the applicant to confer on the method to~~
41 ~~correct the identified deficiencies. The applicant must be granted 30~~
42 ~~days after receipt of the written notice to correct any deficiencies~~
43 ~~identified in the written notice and resubmit the application. If the~~
44 ~~Department determines an application is substantially complete and~~



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~~compliant, the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.~~

~~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. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~[Except as otherwise provided in this subsection, a committee to form a]~~ A charter school may submit the application to the proposed sponsor of the charter school. ~~[If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application was not substantially complete and compliant pursuant to that section, the application may not be submitted to the proposed sponsor for review pursuant to this section.]~~ If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. *The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:*

(a) *Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;*

(b) *Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;*

(c) *Base its determination on documented evidence collected through the process of reviewing the application; and*

(d) *Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.*

3. *The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:*

(a) *The application:*

(1) *Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and*

(2) *Is complete in accordance with the regulations of the Department; and*

(b) *The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant*



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1 *to subsection 5 of NRS 386.515 that will likely result in a*
2 *successful opening and operation of the charter school.*

3 4. If the board of trustees of a school district or a college or a
4 university within the Nevada System of Higher Education, as
5 applicable, receives an application to form a charter school, the
6 board of trustees or the institution, as applicable, shall consider the
7 application at a meeting that must be held not later than ~~45~~ 60 days
8 after the receipt of the application, or a *later* period mutually agreed
9 upon by the committee to form the charter school and the board of
10 trustees of the school district or the institution, as applicable, and
11 ensure that notice of the meeting has been provided pursuant to
12 chapter 241 of NRS. ~~If the proposed sponsor requested that the~~
13 ~~Department review the application pursuant to NRS 386.520, the~~
14 ~~proposed sponsor shall be deemed to receive the application~~
15 ~~pursuant to this subsection upon transmittal of the application from~~
16 ~~the Department.~~ The board of trustees, the college or the university,
17 as applicable, shall review an application ~~to determine whether the~~
18 ~~application:~~

19 ~~—(a) Complies with NRS 386.490 to 386.610, inclusive, and the~~
20 ~~regulations applicable to charter schools; and~~

21 ~~—(b) Is complete in accordance with the regulations of the~~
22 ~~Department.~~

23 ~~—3.~~ *in accordance with the requirements for review set forth in*
24 *subsections 2 and 3.*

25 5. ~~The Department shall assist the board of trustees of a school~~
26 ~~district, the college or the university, as applicable, in the review of~~
27 ~~an application.~~ The board of trustees, the college or the university,
28 as applicable, may approve an application if it satisfies the
29 requirements of ~~paragraphs (a) and (b) of~~ subsection ~~2.~~ 3.

30 6. The board of trustees, the college or the university, as
31 applicable, shall provide written notice to the applicant of its
32 approval or denial of the application.

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

39 ~~5.~~ 7. If the board of trustees, the college or the university, as
40 applicable, denies an application after it has been resubmitted
41 pursuant to subsection ~~4.~~ 6, the applicant may submit a written
42 request for sponsorship by the State Public Charter School
43 Authority not more than 30 days after receipt of the written notice of
44 denial. Any request that is submitted pursuant to this subsection
45 must be accompanied by the application to form the charter school.



~~16-1~~ 8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~15-1~~ 7, it shall consider the application at a meeting which must be held not later than ~~45-1~~ 60 days after receipt of the application ~~1-1~~ *or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.* ~~If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.~~ Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~1-1~~ *requirements for review* set forth in ~~1-1~~ *subsections 2 1-1 and 3.* ~~The Department shall assist the State Public Charter School Authority in the review of an application.~~ The State Public Charter School Authority may approve an application *only* if it satisfies the requirements of ~~1-1~~ *subsections 2 1-1 and 3.* Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~17-1~~ 9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~1-1~~ *satisfy the requirements of subsection 3.* ~~adequately address objective criteria established by regulation of the Department or the State Board.~~ The State Public Charter School Authority 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 State Public Charter School Authority 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.

~~18-1~~ 10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~17-1~~ 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~19-1~~ 11. 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 Public Charter School Authority, 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. 8. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the ~~[State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education]~~ *proposed sponsor of a charter school* approves an application to form a charter school, it shall ~~[grant a written]~~ *negotiate and execute a* charter ~~[to]~~ *contract with the [applicant.] governing body of the charter school. The charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:*

(a) *The performance framework for the charter school;*

(b) *A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and*

(c) *Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.*

2. *The charter contract must be signed by a member of the governing body of the charter school and:*

(a) *If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;*

(b) *If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or*

(c) *If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.*

3. *Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.*

4. The ~~[State Public Charter School Authority, the board of trustees, the college or the university, as applicable.]~~ *sponsor of the charter school* shall, not later than 10 days after the ~~[approval]~~



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1 *execution* of the ~~{application,}~~ *charter contract*, provide ~~{written~~
2 ~~notice}~~ to the Department :

3 (a) *Written notice* of the ~~{approval}~~ *charter contract* and the
4 date of ~~{the approval}~~ *execution; and*

5 (b) *A copy of the charter contract and any other*
6 *documentation relevant to the charter contract.*

7 5. If the board of trustees approves ~~{the application,}~~ *a charter*
8 *contract*, the board of trustees shall be deemed the sponsor of the
9 charter school.

10 ~~{2-}~~ 6. If the State Public Charter School Authority approves
11 ~~{the application,}~~ *a charter contract:*

12 (a) The State Public Charter School Authority shall be deemed
13 the sponsor of the charter school.

14 (b) Neither the State of Nevada, the State Board, the State
15 Public Charter School Authority nor the Department is an employer
16 of the members of the governing body of the charter school or any
17 of the employees of the charter school.

18 ~~{3-}~~ 7. If a college or university within the Nevada System of
19 Higher Education approves ~~{the application,}~~ *a charter contract:*

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

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

25 ~~{4-}~~ 8. The governing body of a charter school may request, at
26 any time, a change in the sponsorship of the charter school to an
27 entity that is authorized to sponsor charter schools pursuant to NRS
28 386.515. The State Board shall adopt:

29 (a) A process for a charter school that requests a change in the
30 sponsorship of the charter school, which must not require the charter
31 school to undergo all the requirements of an initial application to
32 form a charter school; and

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

35 ~~{5- Except as otherwise provided in subsection 7, a written~~
36 ~~charter}~~

37 9. *A charter contract* must be for a term of 6 years . ~~{unless the~~
38 ~~governing body of a charter school renews its initial charter after 3~~
39 ~~years of operation pursuant to subsection 2 of NRS 386.530. A~~
40 ~~written charter must include all conditions of operation set forth in~~
41 ~~subsection 4 of NRS 386.520 and include the kind of school, as~~
42 ~~defined in subsections 1 to 4, inclusive, of NRS 388.020 for which~~
43 ~~the charter school is authorized to operate. If the State Public~~
44 ~~Charter School Authority or a college or university within the~~
45 ~~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 term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.~~

10. 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.}~~ **contract.** 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 proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, **and sections 2 to 3.5, inclusive, of this act,** and any other statute or regulation applicable to charter schools, the sponsor **and the governing body of the charter school** may amend the ~~{written}~~ charter **contract** in accordance with the proposed amendment. 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]~~

11. A charter school 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] of this section~~ 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. 9. NRS 386.530 is hereby amended to read as follows:

386.530 1. ~~[Except as otherwise provided in subsection 2,]~~
On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 2; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act.



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2. *The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.*

3. *If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal ~~[of a written charter may be submitted]~~ to the sponsor of the charter school ~~[not less than 120 days before the expiration of the charter].~~ The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:*

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

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

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

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

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

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

~~➔ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.]~~ *on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:*



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(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 10. NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in section 3.5 of this act:

1. The sponsor of a charter school may ~~revoke the written charter of the~~ terminate a charter ~~[school]~~ contract before the expiration of the charter contract if the sponsor determines that:

(a) The charter school, its officers or its employees : ~~have failed to comply with:~~

(1) ~~[The]~~ Committed a material breach of the terms and conditions of the ~~[written]~~ charter ~~;~~

~~— (2) Generally] contract;~~



(2) *Failed to comply with generally* accepted standards of ~~accounting and~~ fiscal management; ~~for~~

(3) ~~The~~ *Failed to comply with the* provisions of NRS 386.490 to 386.610, inclusive, *and sections 2 to 3.5, inclusive, of this act*, or any other statute or regulation applicable to charter schools; *or*

(4) *Has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;*

(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~~ *termination* 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~~ *terminates the* charter ~~contract~~, 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~~ *terminate* the charter ~~contract~~.

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~~ *terminate* the ~~written~~ charter ~~contract~~. 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~~ *terminate* the ~~written~~ charter *contract* of the charter school. The sponsor may not



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1 include in a written notice pursuant to subsection 2 any deficiency
2 which was included in a previous written notice and which was
3 corrected by the charter school, unless the deficiency recurred after
4 being corrected.

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

8 *5. If the charter contract is terminated, the sponsor of the*
9 *charter school shall submit a written report to the Department and*
10 *the governing body of the charter school setting forth the reasons*
11 *for the termination not later than 10 days after terminating the*
12 *charter contract.*

13 **Sec. 11.** NRS 386.536 is hereby amended to read as follows:

14 386.536 1. Except as otherwise provided in subsections 2 and
15 3, if a charter school ceases to operate voluntarily, *if a charter*
16 *contract is not renewed* or upon ~~revocation~~ *termination* of ~~its~~
17 ~~written~~ *a* charter ~~contract~~, the governing body of the charter
18 school shall appoint an administrator of the charter school, subject
19 to the approval of the sponsor of the charter school, to act as a
20 trustee during the process of the closure of the charter school and for
21 1 year after the date of closure. The administrator shall assume the
22 responsibility for the records of the:

- 23 (a) Charter school;
24 (b) Employees of the charter school; and
25 (c) Pupils enrolled in the charter school.

26 2. If an administrator for the charter school is no longer
27 available to carry out the duties set forth in subsection 1, the
28 governing body of the charter school shall appoint a qualified
29 person to assume those duties.

30 3. If the governing body of the charter school ceases to exist or
31 is otherwise unable to appoint an administrator pursuant to
32 subsection 1 or a qualified person pursuant to subsection 2, the
33 sponsor of the charter school shall appoint an administrator or a
34 qualified person to carry out the duties set forth in subsection 1.

35 4. The governing body of the charter school or the sponsor of
36 the charter school may, to the extent practicable, provide financial
37 compensation to the administrator or person appointed to carry out
38 the provisions of this section. If the sponsor of the charter school
39 provides such financial compensation, the sponsor is entitled to
40 receive reimbursement from the charter school for the costs incurred
41 by the sponsor in providing the financial compensation. Such
42 reimbursement must not exceed costs incurred for a period longer
43 than 6 months.



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1 **Sec. 12.** NRS 386.540 is hereby amended to read as follows:
2 386.540 1. The Department shall adopt regulations that
3 prescribe:

4 (a) The process for submission of an application *pursuant to*
5 *NRS 386.515* by the board of trustees of a school district *or a*
6 *college or university within the Nevada System of Higher*
7 *Education* to the Department for authorization to sponsor charter
8 schools, ~~and~~ the contents of the application ~~is~~, *the process for*
9 *the Department to review the application and the timeline for*
10 *review;*

11 (b) *The process for the Department to conduct a*
12 *comprehensive review of the sponsors of charter schools that it*
13 *has approved for sponsorship pursuant to NRS 386.515 at least*
14 *once every 3 years;*

15 (c) *The process for the Department to determine whether to*
16 *continue or to revoke the authorization of a board of trustees of a*
17 *school district or a college or university within the Nevada System*
18 *of Higher Education to sponsor charter schools;*

19 (d) The process for submission of an application to form a
20 charter school to the board of trustees of a school district, the State
21 Public Charter School Authority and a college or university within
22 the Nevada System of Higher Education, and the contents of the
23 application;

24 ~~(e)~~ (e) The process for submission of an application to renew
25 a ~~written~~ charter ~~is~~ *contract;*

26 ~~(d)~~ (f) The criteria and type of investigation that must be
27 applied by the board of trustees, the State Public Charter School
28 Authority 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, an application to renew a ~~written~~ charter
31 *contract* or a request for an amendment of a ~~written~~ charter ~~is~~
32 *contract;* and

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

36 2. The Department may adopt regulations as it determines are
37 necessary to carry out the provisions of NRS 386.490 to 386.610,
38 inclusive, *and sections 2 to 3.5, inclusive, of this act*, including,
39 without limitation, regulations that prescribe the:

40 (a) Procedures for accounting and budgeting;

41 (b) Requirements for performance audits and financial audits of
42 charter schools on an annual basis for charter schools that do not
43 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. 13. NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.610, inclusive, *and sections 2 to 3.5, inclusive, of this act*, and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State. ~~Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.~~

Sec. 14. NRS 386.561 is hereby amended to read as follows:

386.561 1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the ~~written~~ charter *contract* of the charter school.

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its ~~written~~ charter *contract* by the sponsor of the charter school or as a condition to renewal of the ~~written~~ charter *contract*.

Sec. 15. NRS 386.565 is hereby amended to read as follows:

386.565 The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.



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2. Interfere with the operation and management of the charter school except as authorized by the ~~written~~ charter ~~+~~ *contract*, NRS 386.490 to 386.610, inclusive, *and sections 2 to 3.5, inclusive, of this act*, and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 16. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a ~~written~~ charter ~~issued~~ *contract executed* pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Account, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

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

Sec. 17. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter



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1 school, the charter school shall enroll pupils who are eligible for
2 enrollment who reside in the school district in which the charter
3 school is located before enrolling pupils who reside outside the
4 school district. Except as otherwise provided in subsection 2, if
5 more pupils who are eligible for enrollment apply for enrollment in
6 the charter school than the number of spaces which are available,
7 the charter school shall determine which applicants to enroll
8 pursuant to this subsection on the basis of a lottery system.

9 2. Before a charter school enrolls pupils who are eligible for
10 enrollment, a charter school ~~{that is dedicated to providing~~
11 ~~educational programs and opportunities to pupils who are at risk}~~
12 may enroll a child who:

13 (a) Is a sibling of a pupil who is currently enrolled in the charter
14 school;

15 (b) Was enrolled, *free of charge and* on the basis of a lottery
16 system, in a prekindergarten program at the charter school or any
17 other early childhood educational program affiliated with the charter
18 school;

19 (c) Is a child of a person ~~{employed in a full-time position}~~ *who*
20 *is:*

21 *(1) Employed by the charter school;*

22 *(2) A member of the committee to form the charter school;*

23 *or*

24 *(3) A member of the governing body of the charter school;*

25 (d) Is in a particular category of at-risk pupils and the child
26 meets the eligibility for enrollment prescribed by the charter school
27 for that particular category; or

28 (e) Resides within the school district and within 2 miles of the
29 charter school if the charter school is located in an area that the
30 sponsor of the charter school determines includes a high percentage
31 of children who are at risk. If space is available after the charter
32 school enrolls pupils pursuant to this paragraph, the charter school
33 may enroll children who reside outside the school district but within
34 2 miles of the charter school if the charter school is located within
35 an area that the sponsor determines includes a high percentage of
36 children who are at risk.

37 ➡ If more pupils described in this subsection who are eligible apply
38 for enrollment than the number of spaces available, the charter
39 school shall determine which applicants to enroll pursuant to this
40 subsection on the basis of a lottery system.

41 3. Except as otherwise provided in subsection 8, a charter
42 school shall not accept applications for enrollment in the charter
43 school or otherwise discriminate based on the:

44 (a) Race;

45 (b) Gender;



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- 1 (c) Religion;
- 2 (d) Ethnicity; or
- 3 (e) Disability,
- 4 ➔ of a pupil.

5 4. If the governing body of a charter school determines that the
6 charter school is unable to provide an appropriate special education
7 program and related services for a particular disability of a pupil
8 who is enrolled in the charter school, the governing body may
9 request that the board of trustees of the school district of the county
10 in which the pupil resides transfer that pupil to an appropriate
11 school.

12 5. Except as otherwise provided in this subsection, upon the
13 request of a parent or legal guardian of a child who is enrolled in a
14 public school of a school district or a private school, or a parent or
15 legal guardian of a homeschooled child, the governing body of the
16 charter school shall authorize the child to participate in a class that
17 is not otherwise available to the child at his or her school or
18 homeschool or participate in an extracurricular activity at the charter
19 school if:

20 (a) Space for the child in the class or extracurricular activity is
21 available;

22 (b) The parent or legal guardian demonstrates to the satisfaction
23 of the governing body that the child is qualified to participate in the
24 class or extracurricular activity; and

25 (c) The child is a homeschooled child and a notice of intent of a
26 homeschooled child to participate in programs and activities is filed
27 for the child with the school district in which the child resides for
28 the current school year pursuant to NRS 392.705.

29 ➔ If the governing body of a charter school authorizes a child to
30 participate in a class or extracurricular activity pursuant to this
31 subsection, the governing body is not required to provide
32 transportation for the child to attend the class or activity. A charter
33 school shall not authorize such a child to participate in a class or
34 activity through a program of distance education provided by the
35 charter school pursuant to NRS 388.820 to 388.874, inclusive.

36 6. The governing body of a charter school may revoke its
37 approval for a child to participate in a class or extracurricular
38 activity at a charter school pursuant to subsection 5 if the governing
39 body determines that the child has failed to comply with applicable
40 statutes, or applicable rules and regulations. If the governing body
41 so revokes its approval, neither the governing body nor the charter
42 school is liable for any damages relating to the denial of services to
43 the child.

44 7. The governing body of a charter school may, before
45 authorizing a homeschooled child to participate in a class or



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1 extracurricular activity pursuant to subsection 5, require proof of the
2 identity of the child, including, without limitation, the birth
3 certificate of the child or other documentation sufficient to establish
4 the identity of the child.

5 8. This section does not preclude the formation of a charter
6 school that is dedicated to provide educational services exclusively
7 to pupils:

8 (a) With disabilities;

9 (b) Who pose such severe disciplinary problems that they
10 warrant a specific educational program, including, without
11 limitation, a charter school specifically designed to serve a single
12 gender that emphasizes personal responsibility and rehabilitation; or

13 (c) Who are at risk.

14 ➔ If more eligible pupils apply for enrollment in such a charter
15 school than the number of spaces which are available, the charter
16 school shall determine which applicants to enroll pursuant to this
17 subsection on the basis of a lottery system.

18 **Sec. 18.** NRS 386.595 is hereby amended to read as follows:

19 386.595 1. All employees of a charter school shall be deemed
20 public employees.

21 2. The governing body of a charter school may make all
22 decisions concerning the terms and conditions of employment with
23 the charter school and any other matter relating to employment with
24 the charter school. In addition, the governing body may make all
25 employment decisions with regard to its employees pursuant to NRS
26 391.311 to 391.3197, inclusive, unless a collective bargaining
27 agreement entered into by the governing body pursuant to chapter
28 288 of NRS contains separate provisions relating to the discipline of
29 licensed employees of a school.

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

39 4. Except as otherwise provided in this subsection, if the
40 ~~written~~ charter *contract* of a charter school is ~~revoked~~
41 *terminated* or if a charter school ceases to operate as a charter
42 school, the licensed employees of the charter school must be
43 reassigned to employment within the school district in accordance
44 with the applicable collective bargaining agreement. A school



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1 district is not required to reassign a licensed employee of a charter
2 school pursuant to this subsection if the employee:

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

5 (b) Was granted a leave of absence by the school district and did
6 not submit a written request to return to employment with the school
7 district in accordance with subsection 5; or

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

13 5. The board of trustees of a school district shall grant a leave
14 of absence, not to exceed 3 years, to any licensed employee who is
15 employed by the board of trustees who requests such a leave of
16 absence to accept employment with a charter school. After the first
17 school year in which a licensed employee is on a leave of absence,
18 the employee may return to a comparable teaching position with the
19 board of trustees. After the third school year, a licensed employee
20 shall either submit a written request to return to a comparable
21 teaching position or resign from the position for which the
22 employee's leave was granted. The board of trustees shall grant a
23 written request to return to a comparable position pursuant to this
24 subsection even if the return of the licensed employee requires the
25 board of trustees to reduce the existing workforce of the school
26 district. The board of trustees is not required to accept the return of
27 the licensed employee if the employee does not comply with or is
28 otherwise not eligible to return to employment pursuant to
29 subsection 6, including, without limitation, the refusal of the
30 licensed employee to allow the school district to obtain the
31 employment record of the employee that is maintained by
32 the charter school. The board of trustees may require that a request
33 to return to a comparable teaching position submitted pursuant to
34 this subsection be submitted at least 90 days before the employee
35 would otherwise be required to report to duty.

36 6. Upon the request of the board of trustees of a school district,
37 the governing body of a charter school shall, with the permission of
38 the licensed employee who is granted a leave of absence from the
39 school district pursuant to this section, transmit to the school district
40 a copy of the employment record of the employee that is maintained
41 by the charter school before the return of the employee to
42 employment with the school district pursuant to subsection 4 or 5.
43 The employment record must include, without limitation, each
44 evaluation of the licensed employee conducted by the charter school
45 and any disciplinary action taken by the charter school against the



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1 licensed employee. Before the return of the licensed employee, the
2 board of trustees of the school district may conduct an investigation
3 into any misconduct of the licensed employee during the leave of
4 absence from the school district and take any appropriate
5 disciplinary action as to the status of the person as an employee of
6 the school district, including, without limitation:

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

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

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

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

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

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

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

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

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

33 9. Upon the return of a teacher to employment in the school
34 district, the teacher is entitled to the same level of retirement, salary
35 and any other benefits to which the teacher would otherwise be
36 entitled if the teacher had not taken a leave of absence to teach in a
37 charter school.

38 10. An employee of a charter school who is not on a leave of
39 absence from a school district is eligible for all benefits for which
40 the employee would be eligible for employment in a public school,
41 including, without limitation, participation in the Public Employees'
42 Retirement System.

43 11. For all employees of a charter school:

44 (a) The compensation that a teacher or other school employee
45 would have received if he or she were employed by the school



1 district must be used to determine the appropriate levels of
2 contribution required of the employee and employer for purposes of
3 the Public Employees' Retirement System.

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

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

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

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

22 **Sec. 19.** NRS 386.610 is hereby amended to read as follows:

23 386.610 ~~{1.}~~ On or before ~~{August 15}~~ **October 1** of each
24 year, the sponsor of a charter school shall submit a written report to
25 the Department. The written report must include ~~+~~

26 ~~—(a) An evaluation of the progress of~~ **for** each charter school that
27 it sponsors ~~{in achieving the educational goals} :~~

28 **1. A summary evaluating the academic, financial and**
29 **organizational performance of the charter school, as measured by**
30 **the performance indicators, measures** and ~~{objectives of the charter~~
31 ~~school.~~

32 ~~—(b) A description of all administrative support and services~~
33 ~~provided by the sponsor to the charter school, including, without~~
34 ~~limitation, an itemized accounting for the costs of the support and~~
35 ~~services.~~

36 ~~—(c) metrics set forth in the performance framework for the~~
37 **charter school.**

38 **2.** An identification of each charter school approved by the
39 sponsor:

40 ~~{(1)}~~ **(a)** Which has not opened and the scheduled time for
41 opening, if any;

42 ~~{(2)}~~ **(b)** Which is open and in operation;

43 ~~{(3)}~~ **(c)** Which has transferred sponsorship;

44 ~~{(4)}~~ **(d)** Whose ~~{written}~~ charter **contract** has been
45 ~~{revoked}~~ **terminated** by the sponsor;



~~1 (5) (e)~~ Whose ~~1 written~~ charter *contract* has not been
2 renewed by the sponsor; and

~~3 (6) (f)~~ Which has voluntarily ceased operation.

~~4 (4) 3.~~ A description of the strategic vision of the sponsor for
5 the charter schools that it sponsors and the progress of the sponsor
6 in achieving that vision.

~~7 (e) 4.~~ A description of the services provided by the sponsor
8 pursuant to a service agreement entered into with the governing
9 body of the charter school pursuant to NRS 386.561, including an
10 itemized accounting of the actual costs of those services.

~~11 12. The governing body of a charter school shall, after 3 years
12 of operation under its initial charter, submit a written report to the
13 sponsor of the charter school. The written report must include a
14 description of the progress of the charter school in achieving its
15 educational goals and objectives. If the charter school submits an
16 application for renewal in accordance with the regulations of the
17 Department, the sponsor may renew the written charter of the school
18 pursuant to subsection 2 of NRS 386.530.]~~

*5. The amount of any money from the Federal Government
20 that was distributed to the charter school, any concerns regarding
21 the equity of such distributions and any recommendations on how
22 to improve access to and distribution of money from the Federal
23 Government.*

Sec. 20. 1. Except as otherwise provided in subsection 2, a
24 charter school that is operating under a written charter issued before
25 the effective date of this act shall continue to operate under the
26 terms of the written charter until the expiration of the written
27 charter, unless the written charter is revoked before the expiration of
28 the current term. Before the expiration of the written charter, if the
29 charter school seeks to continue operation, the charter school must
30 apply to the sponsor of the charter school for a charter contract.

2. If a charter school that is operating under a written charter
31 issued before the effective date of this act does not wish to continue
32 operation under the written charter until its expiration, upon
33 approval of the sponsor of the charter school, the charter school may
34 apply to the sponsor for a charter contract.

3. Upon approval of an application for a charter contract
35 pursuant to subsection 1 or 2:

(a) A written performance framework for the charter school in
36 accordance with section 3 of this act must be incorporated into the
37 charter contract executed pursuant to paragraph (b).

(b) The sponsor of the charter school and the governing body of
38 the charter school shall execute a charter contract pursuant to NRS
39 386.527, as amended by section 8 of this act.
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1 **Sec. 21.** This act becomes effective upon passage and
2 approval.

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