

ASSEMBLY BILL NO. 458—COMMITTEE ON EDUCATION

MARCH 25, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing empowerment schools.
(BDR 34-508)

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; authorizing the parents and legal guardians of pupils enrolled in a public school, or who are expected to be enrolled in the public school, to submit to the board of trustees of the school district a petition requesting the board of trustees to convert the public school to an empowerment school; prescribing the duties of a board of trustees that receives such a petition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes a Program of Empowerment Schools for public
2 schools within this State and sets forth the requirements for a school to operate as
3 an empowerment school. Existing law also authorizes, but does not require, the
4 board of trustees of a school district that is located in a county whose population is
5 less than 100,000 (currently counties other than Clark and Washoe Counties) to
6 approve schools located in the district to operate as empowerment schools. Existing
7 law further requires the board of trustees of a school district located in a county
8 whose population is 100,000 or more (currently Clark and Washoe Counties) to
9 approve not less than 5 percent of the schools located within the school district to
10 operate as empowerment schools. (NRS 386.700-386.780)

11 This bill authorizes the parents and legal guardians of pupils who are enrolled
12 in a public school, or are expected to be enrolled in that school in the next school
13 year, to submit to the board of trustees of the school district a petition requesting
14 the board of trustees to convert the public school to an empowerment school.
15 **Section 2** of this bill prescribes the requirements for such a petition and provides
16 that: (1) each parent or legal guardian of such a pupil may sign the petition; and (2)
17 each signature must be counted toward the required number of signatures in
18 determining the sufficiency of the petition.



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Section 3 of this bill prescribes the duties of a board of trustees that receives such a petition. **Section 3** also prescribes the time within which the conversion must occur if the petition is found to be sufficient.

If a public school is converted to an empowerment school and an empowerment team is established for the school, **section 6** of this bill provides that the parents and legal guardians selected for the empowerment team must be persons who have signed the petition for conversion of the school.

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 and 3 of this act.

Sec. 2. 1. *The parents or legal guardians of pupils enrolled in a public school may submit a written petition to the board of trustees of the school district requesting that the board of trustees convert the public school to an empowerment school. The petition must:*

(a) If the public school is an elementary school, be signed by not less than 51 percent of the parents and legal guardians of pupils enrolled in that school;

(b) If the public school is a middle school or junior high school, be signed by not less than 51 percent of the parents and legal guardians of pupils enrolled in that school or by not less than 51 percent of a combination of the parents and legal guardians of pupils enrolled in that school and the parents and legal guardians of pupils who, based on the location of their residences, are expected to be enrolled in that school in the next following school year; or

(c) If the public school is a high school, be signed by not less than 51 percent of the parents and legal guardians of pupils enrolled in that school or by not less than 51 percent of a combination of the parents and legal guardians of pupils enrolled in that school and the parents and legal guardians of pupils who, based on the location of their residences, are expected to be enrolled in that school in the next following school year.

2. *A petition submitted pursuant to subsection 1 must be on a form prescribed by the State Board and must include:*

(a) The printed name and address of a representative of the petitioners, designated as such, to whom the notice and determination required by section 3 of this act may be mailed;

(b) The printed name and address of each parent or legal guardian signing the petition;



1 (c) The printed name of each child of the parent or legal
2 guardian who is enrolled or expected to be enrolled in the public
3 school;

4 (d) The signature of the parent or legal guardian; and

5 (e) The date the signature is affixed to the petition.

6 3. Each parent or legal guardian of a pupil who is enrolled in
7 or expected to be enrolled in the public school may sign the
8 petition. Each signature must be counted in computing the
9 number of signatures on the petition.

10 Sec. 3. 1. Upon receipt of a petition submitted pursuant to
11 section 2 of this act, the board of trustees of the school district
12 shall:

13 (a) Notify the Superintendent of Public Instruction and the
14 State Board of the petition;

15 (b) Not later than 45 days after receipt of the petition, verify
16 the signatures in accordance with procedures prescribed by the
17 State Board pursuant to NRS 386.780; and

18 (c) Cause notice of the results of the verification to be mailed
19 to the person designated in the petition as the representative of the
20 petitioners.

21 2. The board of trustees of the school district shall make a
22 written determination concerning the sufficiency of the petition
23 and cause a copy of the determination to be mailed to the person
24 designated in the petition as the representative of the petitioners. A
25 petition that contains the required number of verified signatures
26 must be determined to be sufficient.

27 3. If the board of trustees of the school district determines
28 that the petition is not sufficient, the petition shall be deemed
29 withdrawn unless the petitioners, not later than 30 days after the
30 date of the determination, correct any deficiencies in the
31 signatures or collect the number of required signatures and
32 resubmit the signatures to the board of trustees for review in
33 accordance with subsections 1 and 2.

34 4. If the board of trustees of the school district determines
35 that the petition is sufficient, the board of trustees shall:

36 (a) Act upon the petition at a public hearing held not later
37 than 30 days after the date of the determination;

38 (b) Subject to the requirements of subsection 5 and
39 notwithstanding the provisions of NRS 386.720, convert the public
40 school to an empowerment school pursuant to the provisions of
41 this section and NRS 386.700 to 386.780, inclusive, and section 2
42 of this act:

43 (1) Not later than the first day of school of the school year
44 immediately following the school year in which the petition is
45 submitted; or



(2) If the petition is determined to be sufficient on or after April 1, not later than 60 school days after the first day of school of the school year immediately following the school year in which the petition is submitted; and

(c) Submit written notice of the actions taken by the board of trustees on the petition to the Superintendent of Public Instruction and the State Board.

5. If corrective action or restructuring for a Title I school is required pursuant to 20 U.S.C. § 6316(b)(7) or § 6316(b)(8), the conversion to an empowerment school must be consistent with the requirements of federal law. As used in this subsection, "Title I school" has the meaning ascribed to it in NRS 385.3467.

Sec. 4. NRS 386.700 is hereby amended to read as follows:

386.700 As used in NRS 386.700 to 386.780, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, "empowerment school" means a public school operating under an empowerment plan developed pursuant to NRS 386.740 and approved pursuant to NRS 386.745 or 386.750, as applicable.

Sec. 5. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils.

2. ~~{The}~~ *Except as otherwise required pursuant to a petition submitted pursuant to section 2 of this act and determined to be sufficient pursuant to section 3 of this act, the* board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;



(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 6. NRS 386.730 is hereby amended to read as follows:

386.730 1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school, *or who is the principal of a public school converted to an empowerment school pursuant to sections 2 and 3 of this act*, shall:

(a) Establish an empowerment team for the school; and

(b) Develop an empowerment plan for the school in consultation with:

(1) The empowerment team; and

(2) The school support team, if a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the



responsibilities and duties otherwise assigned to an empowerment team pursuant to NRS 386.700 to 386.780, inclusive **H**, and *sections 2 and 3 of this act.*

3. An empowerment team for a school must consist of the following persons:

(a) The principal of the school;

(b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;

(c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;

(d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;

(e) At least two but not more than four representatives of the community or businesses within the community;

(f) The facilitator of the school support team, if a school support team has been established for the school pursuant to regulations adopted by the State Board pursuant to NRS 385.361; and

(g) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

↳ For a public school converted to an empowerment school pursuant to sections 2 and 3 of this act, the parents and legal guardians selected pursuant to paragraph (d) must have signed the petition submitted pursuant to section 2 of this act.

4. Of the total number of members on an empowerment team for a school:

(a) At least one member must have 5 years or more of experience in school finance;

(b) At least one member must have 5 years or more of experience in school administration or human resources;

(c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and

(d) At least one member must have 5 years or more of experience in the collection and analysis of data.

↳ The provisions of this subsection do not require the appointment of four persons if one, two or three such persons satisfy the qualifications.

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of NRS 386.700 to 386.780, inclusive **H**, and *sections 2 and 3 of this act.*



1 If a charter school is approved as an empowerment school, the
2 charter school does not forfeit its status as a charter school.

3 **Sec. 7.** NRS 386.780 is hereby amended to read as follows:

4 386.780 The State Board may adopt regulations to carry out
5 the provisions of NRS 386.700 to 386.780, inclusive ~~H~~ , and
6 *sections 2 and 3 of this act.*

7 **Sec. 8.** The provisions of this act do not apply during the
8 current term of:

9 1. Any contract negotiated pursuant to chapter 288 of NRS
10 which is effective before July 1, 2013, to the extent of any conflict
11 between the contract and the provisions of this act, but do apply to
12 any extension or renewal of such a contract or to any contract
13 entered into on or after July 1, 2013.

14 2. Any written contract or notice of reemployment accepted
15 and signed pursuant to NRS 391.120 before July 1, 2013, to the
16 extent of any conflict between the contract or notice of
17 reemployment and the provisions of this act, but do apply to any
18 extension or renewal of such a contract or notice of reemployment
19 or to any contract or notice entered into on or after July 1, 2013.

20 **Sec. 9.** This act becomes effective:

21 1. Upon passage and approval for the purposes of adopting
22 regulations and performing any other preparatory administrative
23 tasks that are necessary to carry out the provisions of this act; and

24 2. On July 1, 2013, for all other purposes.

