

Amendment No. 448

Senate Amendment to Senate Bill No. 311

(BDR 34-637)

Proposed by: Senate Committee on Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJA/TMC



Date: 4/21/2013

S.B. No. 311—Revises provisions governing empowerment schools. (BDR 34-637)



SENATE BILL NO. 311—SENATOR FORD

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing empowerment schools.
(BDR 34-637)

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 an underperforming public school, under certain circumstances, to submit a petition for the conversion of the school to an empowerment school ~~++~~ **or the conversion of an empowerment school to a charter school**; establishing the requirements for such a petition and the procedure for acting upon it; authorizing parents and legal guardians to file a petition reversing such a conversion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **provides for the creation and operation of charter schools and** establishes the Program of Empowerment Schools for public schools in this State. Generally, ~~++~~ **charter schools and** empowerment ~~school operates~~ **schools operate** with more flexibility and autonomy than other public schools. (NRS ~~386.490-386.610~~, 386.720, 386.740)

This bill provides for the conversion of **certain** underperforming public schools, ~~++ other than charter schools ++~~ **and for the conversion of certain underperforming empowerment schools to operate as charter schools.** Section 2 of this bill requires the board of trustees of each school district annually to identify the schools in the district that are eligible for conversion from among those which have been rated as underperforming by the Department of Education. After these schools have been identified, **section 2** requires the board of trustees to post a list of the schools on the school district's Internet website.

Section 2.5 of this bill provides that the parents and legal guardians of the pupils enrolled in an underperforming school may submit a petition to the board of trustees of the school district for the creation of a school advisory team for the school. Section 4 of this bill establishes the procedure for determining the sufficiency of the petition and acting upon it. If the petition is found to contain the requisite number of signatures and is otherwise sufficient, section 2.5 requires the board of trustees to create a school advisory team for the school, which must meet at least six times during the ensuing 12 months, after which it must submit a report to the board of trustees.

Section 3 of this bill provides that 55 percent or more of the parents and legal guardians of the pupils enrolled in an underperforming school **for which a school advisory board was created** may submit a petition to the board of trustees of the school district for the conversion of the school to an empowerment school. ~~Section 4 of this bill establishes the procedure for determining the~~ **The** sufficiency of the petition ~~and acting upon it~~ **must be determined in**

the same manner as a petition to create a school advisory team. If the petition is found to contain the requisite number of signatures and is otherwise sufficient, **section 4** requires the board of trustees to begin the statutory process of converting the school to an empowerment school, effective at the beginning of the next succeeding school year.

Under existing law, participation in the Program of Empowerment Schools is discretionary for boards of trustees of school districts in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) and, accordingly, such a district may elect not to participate in the Program. (NRS 386.720) However, if a petition for conversion is submitted pursuant to **section 3** and determined to be sufficient pursuant to **section 4**, **section 5** of this bill provides that the provisions of statute which otherwise apply only to school districts participating in the Program become applicable to the school district if the petition is submitted and found to be sufficient, regardless of whether the district otherwise participates in the Program.

If an underperforming public school is converted to an empowerment school through the petition process, **section 6** of this bill provides that the parents and legal guardians of pupils enrolled in the school may thereafter petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion and is processed in the same manner.

If an underperforming public school that is converted to an empowerment school through the petition process is subsequently identified as underperforming for 3 consecutive years, section 6.5 of this bill provides that the parents and guardians of pupils enrolled in the school may petition for the conversion of the school to a charter school. With certain exceptions, any such petition is subject to the same requirements as a petition for conversion to an empowerment school and is processed in the same manner. Section 6.5 also provides requirements for the operation of a school that converts to a charter school pursuant to the provisions of this bill.

Section 6.7 of this bill provides that the parents and legal guardians of certain pupils enrolled in the school which is converted to a charter school may thereafter petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion to an empowerment school and is processed in the same manner. If the petition is sufficient, the school reverts to a public school that is not an empowerment school or a charter school.

Section 6.7 also requires that, if a school that converts to a charter school pursuant to the provisions of this bill and is subsequently identified as underperforming for 3 consecutive years, the board of trustees must revoke the charter and the school reverts to a public school that is not an empowerment school or a charter school.

Sections 7-22 of this bill make conforming changes to existing provisions.

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 ~~16~~ 6.7, inclusive, of this act.

Sec. 2. 1. *On or before September 15 of each year, the board of trustees of each school district shall identify each public school in the school district ~~other than a charter school,~~ which is rated as underperforming by the Department pursuant to the statewide system of accountability for public schools. Unless the board of trustees determines on or before that date that any such public school should be excluded or is required by law to be excluded from eligibility for conversion, any public school which is not so excluded is an underperforming public school and may become the subject of a petition for :*

(a) The creation of a school advisory team submitted pursuant to section 2.5 of this act; and

(b) Subsequent conversion to an empowerment school submitted pursuant to section 3 of this act.

2. On or before October 1 of each year, the board of trustees of each school district shall cause a list of the underperforming public schools in the school district to be posted conspicuously on the Internet website of the school district, with a statement that ~~the schools~~ :

(a) Each school on the list ~~that~~ that is not an empowerment school or a charter school is eligible for :

(1) The creation of a school advisory team by the submission of a petition to the board of trustees pursuant to section 2.5 of this act; and

(2) Subject to the provisions of subsection 1 of section 3 of this act, conversion to an empowerment ~~school~~ school by the submission of a petition to the board of trustees pursuant to section 3 of this act ~~+~~ ; and

(b) Each school on the list which is an empowerment school and which has been on the list for 3 consecutive years is eligible for conversion to a charter school by the submission of a petition to the board of trustees pursuant to section 6.5 of this act.

3. The statement required by subsection 2 must also set forth the deadline established by section 2.5, 3 or 6.5 of this act for the submission of ~~such~~ a petition ~~+~~

~~3+~~ pursuant to section 2.5, 3 or 6.5, respectively, of this act.

4. For each underperforming public school in the school district, the board of trustees shall include with the statement required by subsection 2 a statement of the minimum number of valid signatures required pursuant to section 2.5, 3 or 6.5 of this act for a petition for the creation of a school advisory team or the conversion of the school ~~+~~, respectively.

Sec. 2.5. 1. The parents or legal guardians of pupils enrolled in an underperforming public school may submit a written petition to the board of trustees of the school district for the creation of a school advisory team for the underperforming public school.

2. A petition submitted pursuant to this section must be:

(a) Made on a form prescribed by regulation of the State Board;

(b) Signed by not less than 10 percent of the parents and legal guardians of pupils enrolled at the school, as stated for that school year in the posting required by section 2 of this act; and

(c) Submitted to the board of trustees on or before November 1, unless November 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before November 1 that is not a Saturday, Sunday or legal holiday.

3. The petition must comply with and is subject to the provisions of section 3.5 of this act and subsections 1, 2 and 3 of section 4 of this act.

4. If the board of trustees determines that the petition is sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution on or before December 1 creating a school advisory team consisting of:

(a) One administrator of the public school;

(b) Five parents or legal guardians of pupils enrolled in the public school;

(c) Two teachers employed at the public school; and

(d) One person employed at the public school who is not a teacher or administrator.

5. A school advisory team created pursuant to this section shall meet at least six times during the 12-month period following its creation and shall:

(a) Review data relating to the academic and other achievement of pupils enrolled in the public school;

(b) Review support programs in place at the public school;

(b) Not later than 15 calendar days after receiving the petition, verify the signatures or cause the signatures to be verified in accordance with procedures prescribed by regulation of the State Board; and

1 (c) Prepare or cause to be prepared a written summary of the results of the
2 verification, stating the number of signatures on the petition that have been
3 verified as valid.

4 2. The board of trustees shall make a written determination concerning the
5 sufficiency of the petition and cause a copy of the determination, with the written
6 summary of the results of the verification required by subsection 1, to be mailed
7 to the petitioner designated ~~in the petition pursuant to subsection 2 of section 3~~
8 ~~of this act~~ as the representative of the petitioners. A petition that contains the
9 required number of verified signatures and otherwise complies with the
10 requirements of section 2.5 or 3 of this act ,as applicable, must be determined to
11 be sufficient and must be approved as provided in subsection 4.

12 3. If the board of trustees determines that the petition is not sufficient, the
13 petition shall be deemed withdrawn unless the petitioners, not later than 20
14 calendar days after the date of the determination, collect the required number of
15 valid signatures or otherwise correct any deficiencies in the petition and resubmit
16 the petition to the board of trustees. The board of trustees shall review the
17 resubmitted petition and give notice of its determination as required by
18 subsections 1 and 2, except that the determination must be made and notice must
19 be given within 10 calendar days after the resubmitted petition is received. If,
20 after receipt of the resubmitted petition, the board of trustees determines that the
21 petition is still not sufficient and gives notice of its determination, no further
22 action may be taken with respect to the petition. The board of trustees shall also
23 notify the Superintendent of Public Instruction and the State Board in writing of
24 the disposition of the petition.

25 4. If the board of trustees determines that the petition is sufficient, the
26 board of trustees shall:

27 (a) Adopt a resolution approving the petition at a public hearing held not
28 later than 15 calendar days after the date of the determination, and in any case
29 on or before February 1;

30 (b) Notwithstanding the provisions of NRS 386.720 and notwithstanding
31 whether the school district otherwise participates in the Program of
32 Empowerment Schools, immediately begin the process of converting the
33 underperforming public school to an empowerment school in accordance with
34 the provisions of NRS 386.700 to 386.780, inclusive, and sections 2 to ~~6.7~~ 6.7,
35 inclusive, of this act so that the school may begin to operate as an empowerment
36 school at the beginning of the next succeeding school year; and

37 (c) Notify the Superintendent of Public Instruction and the State Board in
38 writing of the actions taken by the board of trustees.

39 Sec. 5. Any provision of NRS 386.700 to 386.780, inclusive, and sections 2
40 to ~~6.7~~ 6.7, inclusive, of this act which is otherwise applicable only if a school
41 district participates in the Program of Empowerment Schools is applicable to the
42 school district, its board of trustees and employees with respect to any
43 underperforming public school in the school district if a petition for conversion
44 of the school is submitted pursuant to section 3 of this act and determined to be
45 sufficient pursuant to section 4 of this act.

46 Sec. 6. 1. The parents or legal guardians of pupils enrolled in a public
47 school which is converted to an empowerment school pursuant to a petition
48 submitted pursuant to section 3 of this act may thereafter submit a written
49 petition to the board of trustees of the school district to reverse the conversion.
50 Any such petition must comply with and is subject to all the provisions of sections
51 3 and 4 of this act applicable to a petition for conversion.

52 2. If the petition is determined to be sufficient pursuant to section 4 of this
53 act, the board of trustees shall adopt a resolution revoking the empowerment plan

1 *previously approved for the public school pursuant to NRS 386.745, effective at*
2 *the beginning of the next succeeding school year.*

3 Sec. 6.5. 1. If a public school that converts to an empowerment school is
4 rated as underperforming by the Department pursuant to the statewide system of
5 accountability for public schools in 3 consecutive years after completing 1 school
6 year as an empowerment school, the parents or legal guardians of the pupils
7 enrolled in the empowerment school may submit a written petition to the board of
8 trustees of the school district for the conversion of the school to a charter school.
9 Any such petition must comply with and is subject to the provisions of sections 3,
10 3.5 and 4 of this act applicable to a petition for conversion to an empowerment
11 school, except that:

12 (a) The petition must be submitted to the board of trustees on or before
13 December 1 of the third year during which the school is rated as
14 underperforming after completing 1 school year as an empowerment school,
15 unless December 1 is a Saturday, Sunday or legal holiday, in which case the
16 petition must be submitted on or before the last day before December 1 that is not
17 a Saturday, Sunday or legal holiday; and

18 (b) The board of trustees shall immediately begin the process of converting
19 the underperforming empowerment school to a charter school so that the school
20 may begin to operate as a charter school at the beginning of the next succeeding
21 school year.

22 2. A school that converts to a charter school must be sponsored by the board
23 of trustees of the school district pursuant to the provisions of this section and
24 NRS 386.490 to 386.610, inclusive.

25 3. The written charter for a school that converts to a charter school must
26 include all conditions of operation set forth in subsection 4 of NRS 386.520 and
27 provide that the charter school will be the same type of school, as defined in
28 subsections 1 to 4, inclusive, of NRS 388.020, as the school that converts to the
29 charter school.

30 4. Subject to the provision of NRS 386.549, the initial membership of the
31 governing body of the charter school must be appointed pursuant to regulations
32 adopted by the State Board.

33 5. A pupil who lives in the attendance zone established pursuant to NRS
34 388.040 for the school before its conversion to a charter school may be suspended
35 or expelled from or otherwise disciplined by the charter school only pursuant to
36 the provisions of NRS 392.461 to 392.4675, inclusive.

37 Sec. 6.7. 1. The parents or legal guardians of pupils enrolled in an
38 empowerment school which is converted to a charter school pursuant to a petition
39 submitted pursuant to section 6.5 of this act may thereafter submit a written
40 petition to the board of trustees of the school district to reverse the conversion.
41 Any such petition must comply with and is subject to the provisions of subsection
42 2 and the provisions of sections 3, 3.5 and 4 of this act applicable to a petition for
43 conversion to an empowerment school.

44 2. Only the parents or legal guardians of pupils who live in the attendance
45 zone established pursuant to NRS 388.040 for the school before its conversion to
46 a charter school pursuant to section 6.5 of this act may sign the petition.

47 3. If the petition submitted pursuant to subsection 1 is determined to be
48 sufficient pursuant to section 4 of this act, the board of trustees shall adopt a
49 resolution revoking the charter of the school, effective at the beginning of the
50 next succeeding school year.

51 4. If an empowerment school that is converted to a charter school pursuant
52 to a petition submitted pursuant to section 6.5 of this act is rated as
53 underperforming by the Department pursuant to the statewide system of

accountability for public schools in 3 consecutive years after beginning to operate as a charter school, the board of trustees shall adopt a resolution revoking the charter of the school, effective at the beginning of the next succeeding school year.

5. A charter school that has its charter revoked pursuant to subsection 3 must begin operating as a public school that is not an empowerment school or a charter school at the beginning of the next succeeding school year. The conversion of a school from a charter school to a public school that is not a charter school or an empowerment school must be done pursuant to regulations adopted by the State Board and to the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

6. Nothing in the provisions of sections 2 to 6.7, inclusive, of this act shall be construed to prohibit the revocation, pursuant to the provisions of NRS 386.490 to 386.610, inclusive, of the charter of a school that converts to a charter school pursuant to the provisions of sections 2 to 6.7, inclusive, of this act. If the charter of such a charter school is revoked pursuant to the provisions of NRS 386.490 to 386.610, inclusive, the school must be converted pursuant to regulations adopted by the State Board:

(a) To a public school that is not an empowerment school or charter school; and

(b) To the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

Sec. 7. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~The~~ Except as otherwise provided in sections 2 to 6.7, inclusive, of this act, the conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~5~~ 6 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 8. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district.

~~1.1~~ Except as otherwise provided in sections 2 to 6.7, inclusive, of this act, an application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

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

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

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

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

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

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

(d) Negotiating and executing written charters pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, and in accordance with the terms and conditions of the applicable written charter, the performance and compliance of each charter school sponsored by the entity; and

(f) ~~Determining~~ Subject to the provisions of sections 2 to 6.7, inclusive, of this act, determining whether each written charter of a charter school that the entity sponsors merits renewal or whether the renewal of the written charter should be denied or the written charter should be revoked in accordance with NRS 386.530 or 386.535, as applicable.

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

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve. or sponsor pursuant to the provisions of sections 2 to 6.7, inclusive, of this act;

(b) The procedure for evaluating charter school applications in accordance with NRS 386.525;

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

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

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

Sec. 9. 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 approves an application to form a charter school, it shall grant a written charter to the applicant.

2. A board of trustees of a school district required to sponsor a charter school pursuant to subsection 2 of section 6.5 of this act shall grant a written charter to the school not later than a date determined by the State Board which provides sufficient time for the school to prepare to begin operating as a charter school as provided in subsection 4 of section 4 of this act.

3. The State Public Charter School Authority, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

1 ~~12~~ 4. If the State Public Charter School Authority approves the application:
2 (a) The State Public Charter School Authority shall be deemed the sponsor of
3 the charter school.

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

7 ~~12~~ 5. If a college or university within the Nevada System of Higher
8 Education approves the application:

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

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

13 ~~14~~ 6. The governing body of a charter school may request, at any time, a
14 change in the sponsorship of the charter school to an entity that is authorized to
15 sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

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

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

21 ~~15~~ 7. Except as otherwise provided in subsection ~~17~~ 9, and except for a
22 written charter that is revoked pursuant to a resolution adopted pursuant to
23 subsection 3 or 4 of section 6.7 of this act, a written charter must be for a term of 6
24 years unless the governing body of a charter school renews its initial charter after 3
25 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must
26 include all conditions of operation set forth in subsection 4 of NRS 386.520 and
27 include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS
28 388.020 for which the charter school is authorized to operate. If the State Public
29 Charter School Authority or a college or university within the Nevada System of
30 Higher Education is the sponsor of the charter school, the written charter must set
31 forth the responsibilities of the sponsor and the charter school with regard to the
32 provision of services and programs to pupils with disabilities who are enrolled in
33 the charter school in accordance with the Individuals with Disabilities Education
34 Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a
35 condition of the issuance of a written charter pursuant to this subsection, the charter
36 school must agree to comply with all conditions of operation set forth in NRS
37 386.550.

38 ~~16~~ 8. The governing body of a charter school may submit to the sponsor of
39 the charter school a written request for an amendment of the written charter of the
40 charter school. Such an amendment may include, without limitation, the expansion
41 of instruction and other educational services to pupils who are enrolled in grade
42 levels other than the grade levels of pupils currently approved for enrollment in the
43 charter school. If the proposed amendment complies with the provisions of NRS
44 386.490 to 386.610, inclusive, and any other statute or regulation applicable to
45 charter schools, the sponsor may amend the written charter in accordance with the
46 proposed amendment. If the sponsor denies the request for an amendment, the
47 sponsor shall provide written notice to the governing body of the charter school
48 setting forth the reasons for the denial.

49 ~~17~~ 9. The State Board shall adopt objective criteria for the issuance of a
50 written charter to an applicant who is not prepared to commence operation on the
51 date of issuance of the written charter. The criteria must include, without limitation,
52 the:

53 (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.

~~18.4~~ 10. The holder of a written charter that is issued pursuant to subsection ~~17.9~~ 9 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 ~~17.9~~ 9 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. 10. NRS 386.530 is hereby amended to read as follows:

386.530 1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than 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.

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

4 **3. Nothing in this section shall be construed to authorize or require a**
5 **sponsor to renew a charter that has been revoked pursuant to a resolution**
6 **adopted pursuant to subsection 3 or 4 of section 6.7 of this act.**

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

8 386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter
9 school ceases to operate voluntarily or upon revocation of its written charter, the
10 governing body of the charter school shall appoint an administrator of the charter
11 school, subject to the approval of the sponsor of the charter school, to act as a
12 trustee during the process of the closure of the charter school and for 1 year after
13 the date of closure. The administrator shall assume the responsibility for the records
14 of the:

- 15 (a) Charter school;
16 (b) Employees of the charter school; and
17 (c) Pupils enrolled in the charter school.

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

21 3. If the governing body of the charter school ceases to exist or is otherwise
22 unable to appoint an administrator pursuant to subsection 1 or a qualified person
23 pursuant to subsection 2, the sponsor of the charter school shall appoint an
24 administrator or a qualified person to carry out the duties set forth in subsection 1.

25 4. The governing body of the charter school or the sponsor of the charter
26 school may, to the extent practicable, provide financial compensation to the
27 administrator or person appointed to carry out the provisions of this section. If the
28 sponsor of the charter school provides such financial compensation, the sponsor is
29 entitled to receive reimbursement from the charter school for the costs incurred by
30 the sponsor in providing the financial compensation. Such reimbursement must not
31 exceed costs incurred for a period longer than 6 months.

32 **5. The provisions of this section do not apply to a charter school that has its**
33 **charter revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of**
34 **section 6.7 of this act.**

35 **Sec. 12. NRS 386.580 is hereby amended to read as follows:**

36 386.580 1. An application for enrollment in a charter school may be
37 submitted to the governing body of the charter school by the parent or legal
38 guardian of any child who resides in this State. Except as otherwise provided in this
39 subsection and subsection 2, a charter school shall enroll pupils who are eligible for
40 enrollment in the order in which the applications are received. If the board of
41 trustees of the school district in which the charter school is located has established
42 zones of attendance pursuant to NRS 388.040, the charter school shall, if
43 practicable, ensure that the racial composition of pupils enrolled in the charter
44 school does not differ by more than 10 percent from the racial composition of
45 pupils who attend public schools in the zone in which the charter school is located.
46 If a charter school is sponsored by the board of trustees of a school district located
47 in a county whose population is 100,000 or more, except for a program of distance
48 education provided by the charter school, the charter school shall enroll pupils who
49 are eligible for enrollment who reside in the school district in which the charter
50 school is located before enrolling pupils who reside outside the school district.
51 Except as otherwise provided in subsection 2, if more pupils who are eligible for
52 enrollment apply for enrollment in the charter school than the number of spaces

1 which are available, the charter school shall determine which applicants to enroll
2 pursuant to this subsection on the basis of a lottery system.

3 2. Before a charter school enrolls pupils who are eligible for enrollment, a
4 charter school that is dedicated to providing educational programs and opportunities
5 to pupils who are at risk may enroll a child who:

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

7 (b) Was enrolled, on the basis of a lottery system, in a prekindergarten program
8 at the charter school or any other early childhood educational program affiliated
9 with the charter school;

10 (c) Is a child of a person employed in a full-time position by the charter school;

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

13 (e) Resides within the school district and within 2 miles of the charter school if
14 the charter school is located in an area that the sponsor of the charter school
15 determines includes a high percentage of children who are at risk. If space is
16 available after the charter school enrolls pupils pursuant to this paragraph, the
17 charter school may enroll children who reside outside the school district but within
18 2 miles of the charter school if the charter school is located within an area that the
19 sponsor determines includes a high percentage of children who are at risk.

20 ↪ If more pupils described in this subsection who are eligible apply for enrollment
21 than the number of spaces available, the charter school shall determine which
22 applicants to enroll pursuant to this subsection on the basis of a lottery system.

23 3. Except as otherwise provided in subsection 5, an empowerment school
24 that is converted to a charter school pursuant to section 6.5 of this act:

25 (a) Shall enroll all pupils who live in the attendance zone established
26 pursuant to NRS 388.040 for the school before it converted to a charter school;
27 and

28 (b) May enroll pupils who do not live in the attendance zone described in
29 paragraph (a) only if spaces are available for such pupils after the enrollment of
30 all pupils who live in the attendance zone.

31 4. Except as otherwise provided in subsection ~~18~~ 9, a charter school shall not
32 accept applications for enrollment in the charter school or otherwise discriminate
33 based on the:

34 (a) Race;

35 (b) Gender;

36 (c) Religion;

37 (d) Ethnicity; or

38 (e) Disability,

39 ↪ of a pupil.

40 ~~14~~ 5. If the governing body of a charter school determines that the charter
41 school is unable to provide an appropriate special education program and related
42 services for a particular disability of a pupil who is enrolled in the charter school,
43 the governing body may request that the board of trustees of the school district of
44 the county in which the pupil resides transfer that pupil to an appropriate school.

45 ~~15~~ 6. Except as otherwise provided in this subsection, upon the request of a
46 parent or legal guardian of a child who is enrolled in a public school of a school
47 district or a private school, or a parent or legal guardian of a homeschooled child,
48 the governing body of the charter school shall authorize the child to participate in a
49 class that is not otherwise available to the child at his or her school or homeschool
50 or participate in an extracurricular activity at the charter school if:

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

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

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

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

~~6.4~~ 7. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~5.4~~ 6 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~7.4~~ 8. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~5.4~~ 6, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

~~8.4~~ 9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

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

(c) Who are at risk.

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

Sec. 13. NRS 386.585 is hereby amended to read as follows:

386.585 Except as otherwise provided in subsection 5 of section 6.5 of this act:

1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal

1 and pending proceedings, which must be conducted as soon as practicable after
2 removal, for suspension or expulsion of the pupil.

3 4. A pupil who is enrolled in a charter school and participating in a program
4 of special education pursuant to NRS 388.520, other than a pupil who is gifted and
5 talented or who receives early intervening services, may, in accordance with the
6 procedural policy adopted by the governing body of the charter school for such
7 matters, be:

8 (a) Suspended from the charter school pursuant to this section for not more
9 than 10 days.

10 (b) Suspended from the charter school for more than 10 days or permanently
11 expelled from school pursuant to this section only after the governing body has
12 reviewed the circumstances and determined that the action is in compliance with
13 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

14 5. A copy of the rules of behavior, prescribed punishments and procedures to
15 be followed in imposing punishments must be:

16 (a) Distributed to each pupil at the beginning of the school year and to each
17 new pupil who enters school during the year.

18 (b) Available for public inspection at the charter school.

19 6. The governing body of a charter school may adopt rules relating to the
20 truancy of pupils who are enrolled in the charter school if the rules are at least as
21 restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220,
22 inclusive. If a governing body adopts rules governing truancy, it shall include the
23 rules in the written rules adopted by the governing body pursuant to subsection 1.

24 **Sec. 14. NRS 386.588 is hereby amended to read as follows:**

25 386.588 1. Each applicant for employment with a charter school, except a
26 licensed teacher or other person licensed by the Superintendent of Public
27 Instruction, must, as a condition to employment, submit to the governing body of
28 the charter school a complete set of the applicant's fingerprints and written
29 permission authorizing the governing body to forward the fingerprints to the
30 Central Repository for Nevada Records of Criminal History for its report on the
31 criminal history of the applicant and for submission to the Federal Bureau of
32 Investigation for its report on the criminal history of the applicant.

33 2. If the reports on the criminal history of an applicant indicate that the
34 applicant has not been convicted of a felony or an offense involving moral
35 turpitude, the governing body of the charter school may employ the applicant.

36 3. If a report on the criminal history of an applicant indicates that the
37 applicant has been convicted of a felony or an offense involving moral turpitude
38 and the governing body of the charter school does not disqualify the applicant from
39 further consideration of employment on the basis of that report, the governing body
40 shall, upon the written authorization of the applicant, forward a copy of the report
41 to the Superintendent of Public Instruction. If the applicant refuses to provide his or
42 her written authorization to forward a copy of the report pursuant to this subsection,
43 the charter school shall not employ the applicant.

44 4. The Superintendent of Public Instruction or the Superintendent's designee
45 shall promptly review the report to determine whether the conviction of the
46 applicant is related or unrelated to the position with the charter school for which the
47 applicant has applied. If the applicant desires employment with the charter school,
48 the applicant shall, upon the request of the Superintendent of Public Instruction or
49 the Superintendent's designee, provide any further information that the
50 Superintendent or the designee determines is necessary to make the determination.
51 If the governing body of the charter school desires to employ the applicant, the
52 governing body shall, upon the request of the Superintendent of Public Instruction
53 or the Superintendent's designee, provide any further information that the

1 Superintendent or the designee determines is necessary to make the determination.
2 The Superintendent of Public Instruction or the Superintendent's designee shall
3 provide written notice of the determination to the applicant and to the governing
4 body of the charter school.

5 5. If the Superintendent of Public Instruction or the Superintendent's designee
6 determines that the conviction of the applicant is related to the position with the
7 charter school for which the applicant has applied, the governing body of the
8 charter school shall not employ the applicant. If the Superintendent of Public
9 Instruction or the Superintendent's designee determines that the conviction of the
10 applicant is unrelated to the position with the charter school for which the applicant
11 has applied, the governing body of the charter school may employ the applicant for
12 that position.

13 6. The provisions of this section do not apply to a person employed at an
14 empowerment school that is converted to a charter school pursuant to section 6.5
15 of this act if the person is employed at the school before the adoption of the
16 resolution approving the petition for the conversion of the school to a charter
17 school.

18 ~~Sec. 7~~ **Sec. 15.** NRS 386.700 is hereby amended to read as follows:
19 386.700 As used in NRS 386.700 to 386.780, inclusive, *and sections 2 to ~~6~~*
20 *6.7, inclusive, of this act*, unless the context otherwise requires ~~“empowerment”~~ :

21 1. “Empowerment school” means a public school operating under an
22 empowerment plan developed pursuant to NRS 386.740 and approved pursuant to
23 NRS 386.745 or 386.750, as applicable.

24 2. “Underperforming public school” means a public school which has been
25 rated as underperforming by the Department pursuant to the statewide system of
26 accountability for public schools. The term does not include ~~“~~

27 ~~(a) A charter school; or~~
28 ~~(b) Any other~~ *any public school which is excluded from eligibility for*
29 *conversion pursuant to section 2 of this act.*

30 ~~Sec. 8~~ **Sec. 16.** NRS 386.720 is hereby amended to read as follows:
31 386.720 1. There is hereby established a Program of Empowerment Schools
32 for public schools within this State. The Program does not include a university
33 school for profoundly gifted pupils.

34 2. ~~The~~ *Except as otherwise required pursuant to a petition submitted*
35 *pursuant to section 3 of this act and determined to be sufficient pursuant to*
36 *section 4 of this act, the* board of trustees of a school district which is located:

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

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

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

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

50 (a) At least one representative of the board of trustees;
51 (b) The superintendent of the school district, or the superintendent's designee;
52 (c) Parents and legal guardians of pupils enrolled in public schools in the
53 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. 9.~~ **Sec. 17.** NRS 386.725 is hereby amended to read as follows:

386.725 1. The board of trustees of a school district that participates in the Program of Empowerment Schools may establish policies and procedures for public schools within the school district that wish to *or are required to* convert to empowerment schools, which may provide for:

(a) The process by which a public school may convert *or be converted* to an empowerment school, including, without limitation, the development of an empowerment plan for the school in accordance with NRS 386.740;

(b) Autonomy for the principal of each empowerment school to decide issues relating to the operation of the school, including, without limitation, the school schedule, governance, incentives for employees, staffing, budgeting and the provision of instruction;

(c) The opportunity for empowerment schools within the school district to offer an alternative schedule, including, without limitation, a longer school day or a longer school year, or both, and to offer school during the summer; and

(d) Other matters as deemed necessary by the board of trustees.

2. The board of trustees of a school district that participates in the Program of Empowerment Schools shall adopt policies and procedures which provide for:

(a) Accountability measures designed to ensure that pupils enrolled in an empowerment school are achieving certain goals and standards relating to academic achievement;

(b) The process for the selection of empowerment schools and the approval of empowerment plans for those schools;

(c) The process for renewal of empowerment plans;

(d) The criteria for revocation of an empowerment plan for a school and the procedure for revocation; and

(e) The time period for which empowerment plans will be approved.

3. *Any policies and procedures adopted by the board of trustees of a school district pursuant to subsection 1 or 2 must not be inconsistent with NRS 386.700 to 386.780, inclusive, and sections 2 to ~~6.7~~ 6.7, inclusive, of this act.*

4. A school district that participates in the Program of Empowerment Schools shall provide a process for a pupil who resides in the school district to attend:

(a) An empowerment school regardless of the school which the pupil is otherwise zoned to attend.

(b) A school that is not an empowerment school if the pupil is zoned to attend a school that converts to an empowerment school.

➤ The board of trustees of a school district must comply with the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., when establishing provisions relating to school choice pursuant to this subsection.

~~44~~ 5. An empowerment school shall:

(a) Enroll first the pupils who are zoned to attend that school.

(b) After the enrollment of pupils pursuant to paragraph (a), if the school has space available, enroll pupils who are not otherwise zoned to attend the school on the basis of a lottery system.

~~55~~ 6. A school district is not required to provide transportation to a pupil who attends a public school which the pupil is not otherwise zoned to attend.

~~66~~ 7. A school district that participates in the Program of Empowerment Schools shall provide a procedure for an empowerment school to obtain a waiver from the requirements and regulations of the board of trustees of the school district. The board of trustees may not waive:

(a) The requirements of a state or federal law or regulation.

(b) A policy or requirement relating to safety, including, without limitation, hiring security personnel and following procedures designed to ensure the safety of the school, the personnel employed at the school and the pupils.

~~Sec. 10.~~ **Sec. 18.** 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 an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 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 ~~44~~, *and sections 2 to ~~66~~ 6.7, inclusive, 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 an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, the parents and legal guardians selected pursuant to paragraph (d) must have signed the petition.

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 to ~~6.7~~ 6.7, inclusive, of this act.* If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

~~Sec. 11.~~ **Sec. 19.** NRS 386.745 is hereby amended to read as follows:

386.745 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, that develops an empowerment plan pursuant to NRS 386.740 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 386.740.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless ~~the~~ :

(a) *The* empowerment team determines that the school will no longer operate under the plan ~~for the~~ ;

(b) *The* board of trustees of the school district revokes the plan ~~H~~ ; or

(c) *A petition for reversal of a conversion is filed with respect to the school pursuant to section 6 of this act and determined to be sufficient pursuant to section 4 of this act.*

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~1A1~~ *Except for an empowerment plan relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, an empowerment plan may be resubmitted not more than once in a school year.*

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~1A1~~ *Except for a request for a waiver relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, a request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.*

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 386.730, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

~~Sec. 12.~~ **Sec. 20.** NRS 386.780 is hereby amended to read as follows:

386.780 The State Board ~~may~~:

1. *Shall adopt regulations governing the form of a petition filed pursuant to section 2.5, 3, ~~4~~ 6 or 6.5 of this act and the verification of the signatures on such a petition.*

2. *May adopt any other regulations to carry out the provisions of NRS 386.700 to 386.780, inclusive ~~1~~, and sections 2 to ~~6~~ 6.7, inclusive, of this act.*

Sec. 21. *NRS 387.123 is hereby amended to read as follows:*

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~4~~ 6 of NRS 386.580.
- (g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.
- (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
- (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➤ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 22. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection ~~4~~ 6 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services

are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

~~Sec. 13.~~ **Sec. 23.** The provisions of this act do not apply during the current term of:

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

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

~~Sec. 14.~~ **Sec. 24.** This act becomes effective:

- 1 1. Upon passage and approval for the purposes of adopting regulations and
2 performing any other preparatory administrative tasks that are necessary to carry
3 out the provisions of this act; and
- 4 2. On July 1, 2013, for all other purposes.