

**Amendment No. 1023**

Assembly Amendment to Senate Bill No. 509 Second Reprint (BDR 34-1090)

**Proposed by:** Assemblywoman Woodbury

**Amendment Box:** Consistent with Amendment No. 1018.

**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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KRO/RBL



Date: 5/30/2015

S.B. No. 509—Makes various changes to provisions governing charter schools.  
(BDR 34-1090)



SENATE BILL NO. 509—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Makes various changes to provisions governing charter schools.  
(BDR 34-1090)

FISCAL NOTE: Effect on Local Government: No.  
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; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; authorizing a charter management organization to apply for a waiver of requirements concerning the composition of the governing body of a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in such circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; revising provisions governing the continuation of certain achievement charter schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the State Public Charter School Authority, requires the Authority to appoint a Director and authorizes the Authority to sponsor charter schools. (NRS 386.490-386.515) **Sections 10, 12-14 and 18** of this bill change the title of the Director of the Authority to "Executive Director," and **section 13** authorizes the Executive Director to pursue other businesses and hold other offices with the approval of the Authority. **Section 11** of this bill requires the Authority to consist of persons who are experts on authorizing, developing and operating charter schools. **Sections 15 and 16** of this bill revise provisions governing the staff of the Authority. **Section 18** of this bill prohibits the Executive Director and the Authority from accepting any gift or donation from a charter management organization, a

committee to form a charter school or the governing body of a charter school. **Sections 32 and 33** of this bill require the Authority to adopt regulations that prescribe: (1) the process to apply to the Authority to form a charter school, renew a charter contract or amend a written charter or charter contract; (2) the contents of such applications; and (3) the procedure by which such applications will be evaluated. **Sections 35, 45 and 46** of this bill revise certain other duties of the Authority.

In addition to the Authority, existing law also authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school with the approval of the Department of Education. (NRS 386.515) **Sections 17, 19 and 20** of this bill provide for a board of trustees of a school district or college or university within the System that sponsors a charter school to enter into certain agreements with the Authority. **Sections 19 and 20** also revise the duties of the sponsor of a charter school, including the requirements of the policies and practices that a sponsor is required to adopt.

Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520, 386.525) **Sections 21 and 22** of this bill authorize a charter management organization to apply to form a charter school. **Section 2** of this bill defines the term "charter management organization" to mean a nonprofit organization that operates multiple charter schools. **Section 21** also revises the required contents of an application to form a charter school. **Sections 21 and 36** of this bill authorize a charter management organization to request a waiver of requirements concerning the composition of a governing body. **Section 22** revises the manner in which a sponsor is authorized to solicit and review applications to form a charter school.

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 386.527) **Sections 4 and 53** of this bill require the sponsor of a charter school to hold a public hearing concerning requests to amend a written charter or charter contract to: (1) expand the grade levels served by the charter school; (2) significantly increase or decrease enrollment; (3) acquire additional facilities to expand the enrollment of the charter school; or (4) consolidate the operations of multiple charter schools. Such an amendment may not be made unless approved by the governing board of the sponsor. **Sections 5 and 54** of this bill prescribe the circumstances under which the operations of multiple charter schools can be consolidated.

For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body. Because all written charters and charter contracts must be for terms of 6 years, all written charters will expire by June 11, 2019. (NRS 386.527) **Sections 23 and 24** of this bill authorize a sponsor to require, as a condition of granting a request for an amendment, the replacement of a written charter with a charter contract for the period during which written charters may still be effective.

Existing law requires each charter contract to include a performance framework for the charter school. (NRS 386.528) **Section 25** of this bill: (1) requires each sponsor to adopt a performance framework and incorporate it in the charter contract; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; and (3) authorizes the State Board of Education to adopt regulations requiring a sponsor to aggregate or disaggregate data. **Section 26** of this bill revises the contents of an annual report submitted by a sponsor to a governing body.

Existing law authorizes a sponsor to revoke a written charter or terminate a charter contract under certain conditions and requires a sponsor to take such action if the charter school demonstrates persistent underachievement. (NRS 386.535, 386.5351) **Sections 5 and 27-29** of this bill: (1) authorize a sponsor to reconstitute the governing body of a charter school in such situations; and (2) revise the conditions under which such action is authorized or required. **Sections 6, 30 and 31** of this bill authorize the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to recruit a governing body of another charter school to replace the closed charter school with another campus of the other charter school. **Sections 6 and 55** of this bill require a pupil who attended a charter school whose written charter has been revoked or whose charter contract has been terminated to be given priority in admission to the replacement charter school under such circumstances. **Sections 6 and ~~56~~ 57** provide that: (1) if the governing body of a charter

school is reconstituted, the new governing body may terminate the employment of any employees of the charter school; and (2) if a written charter is revoked or a charter contract is terminated and a charter school is replaced, the governing body of the replacement charter school is not required to employ any employee of the previous charter school. **Sections 52 and 57** of this bill exclude the rights of a governing body to terminate the employment of or refuse to reemploy employees at such schools from the scope of collective bargaining.

**Sections 34 and 39** of this bill revise requirements concerning services, including transportation, provided by the board of trustees of a school district to pupils at a charter school.

Existing law: (1) prohibits a person who has been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude from serving on the governing body of a charter school; and (2) requires a member of a governing body to read and understand certain materials. (NRS 386.549) **Section 7** of this bill requires a newly appointed member of a governing body to undergo a criminal background check and prohibits a person who has been convicted of a felony or an offense involving moral turpitude from serving as a member of a governing body. **Sections 36 and 37** of this bill require a member of a governing body to receive training under certain circumstances.

**Sections 40 and 41** of this bill prohibit a contract between a governing body and a person who assists with the operation, management and provision of educational services at a charter school from containing certain provisions. **Section 45** of this bill authorizes a charter school to use higher standards for graduation than those required by the State or a school district in which the charter school is located. **Section 46** of this bill requires a charter school to notify the parent of a pupil who is under the age of 18 years before the pupil is suspended or expelled. **Section 47** of this bill requires every teacher at a charter school, except for a vocational charter school, to possess certain qualifications, and **section 51** of this bill makes a conforming change. **Section 48** of this bill requires the Commission on Educational Technology to consider plans adopted by charter schools for the use of educational technology when establishing the plan for the use of educational technology in the public schools of this State. **Sections 49 and 50** of this bill authorize a charter school to receive money from the Trust Fund for Educational Technology.

Assembly Bill No. 448 of this session establishes the Achievement School District within the Department of Education and requires the Executive Director of the Achievement School District to evaluate pupil achievement and school performance of an achievement charter school during the sixth year that a school operates as an achievement charter school. Assembly Bill No. 448 of this session also provides that if this evaluation indicates that an achievement charter school has not made adequate improvement in pupil achievement and school performance, the achievement charter school is required to continue to operate as an achievement charter school for at least 6 more years. (Section 33 of Assembly Bill No. 448 of this session) Section 56 of this bill requires the Department of Education, rather than the Executive Director of the Achievement School District, to conduct such an evaluation and, if the evaluation indicates that an achievement charter school has not made adequate improvement in pupil achievement and school performance, determine whether to continue to keep the school as an achievement charter school or return the school to become a public school within the school district. If such a school continues as an achievement charter school, the Executive Director is required to: (1) terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school; (2) enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school; (3) require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate an achievement charter school to appoint a new governing body of the achievement charter school; and (4) evaluate the pupil achievement and school performance of the school every 3 years. Section 56 also requires the Executive Director to provide certain notice to the parent or legal guardian of each pupil enrolled in an achievement charter school that has not made adequate improvement in pupil achievement and school performance regarding other educational choices that are available to the pupil.

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 8, inclusive, of this act.

**Sec. 2.** *“Charter management organization” means:*

*1. A nonprofit organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in this State or another state; or*

*2. A nonprofit organization incorporated in this State for the purpose of operating a charter school in cooperation with a charter management organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in another state.*

**Sec. 3.** *“Educational management organization” means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

**Sec. 4. 1.** *The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a written charter or a charter contract of the charter school it sponsors, including, without limitation, a request to amend a written charter or charter contract for the purpose of:*

*(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.*

*(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the written charter or charter contract for that school year.*

*(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the written charter or charter contract for that school year.*

*(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.*

*(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.*

*2. A written charter or charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.*

*3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a written charter or charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:*

*(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or*

*(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.*

**Sec. 5.** *The sponsor of a charter school may approve an amendment to a written charter or a charter contract to consolidate the operations of two or more charter schools if:*

*1. The sponsor of a charter school for which a written charter has been revoked or a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school whose written charter has been revoked or whose charter contract has been terminated will not be attributed to the consolidated charter school.*

*2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:*

*(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and*

*(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.*

**Sec. 6.** *1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:*

*(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.*

*(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.*

*2. If the sponsor of a charter school revokes a written charter or terminates a charter contract pursuant to NRS 386.535 or 386.5351, the sponsor may:*

*(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.*

*(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:*

*(1) The sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit*

1 to the sponsor of the charter school for which the written charter has been  
2 revoked or the charter contract has been terminated and receive approval for an  
3 application to form a charter school pursuant to NRS 386.520.

4 (2) The sponsor of the charter school currently operated by the  
5 governing body, the governing body must, before the additional campus begins  
6 operating, also submit a request for and receive approval of an amendment to its  
7 written charter or charter contract to consolidate charter schools pursuant to  
8 NRS 386.527 and sections 4 and 5 of this act.

9 3. Before selecting a governing body to operate another campus of an  
10 existing charter school to replace a charter school whose written charter has been  
11 revoked or whose charter contract has been terminated pursuant to subsection 2,  
12 the sponsor must consider:

13 (a) The performance record of the charter school in this State and other  
14 states;

15 (b) The plan of the governing body for improving pupil achievement and  
16 school performance;

17 (c) The suitability of the proposed academic program for pupils who were  
18 enrolled in the charter school before the revocation of the written charter or the  
19 termination of the charter contract; and

20 (d) Input from members of the community in which the charter school is  
21 located and parents who were enrolled in the charter school before the revocation  
22 of the written charter or the termination of the charter contract, including,  
23 without limitation, the input described in subsection 4.

24 4. A sponsor that solicits proposals to operate an additional campus of an  
25 existing charter school shall allow parents of pupils who were enrolled in the  
26 charter school before the revocation of the written charter or the termination of  
27 the charter contract to interview governing bodies who submit proposals and, if  
28 three or more proposals are submitted pursuant to paragraph (b) of subsection 2,  
29 cast an advisory vote for the governing body they would prefer be given the  
30 opportunity to operate the campus.

31 5. If a governing body is selected pursuant to this section to operate another  
32 campus of an existing charter school to replace a charter school whose written  
33 charter has been revoked or whose charter contract has been terminated and any  
34 necessary amendments or applications are approved, the charter school must  
35 enroll pupils who were enrolled in the charter school whose written charter was  
36 revoked or whose charter contract was terminated before enrolling other pupils.

37 6. If the sponsor of a charter school reconstitutes the governing body of a  
38 charter school, the principal of the charter school shall:

39 (a) Review each employee of the charter school to determine whether to  
40 retain the employee based on the needs of the school and the ability of the  
41 employee to improve pupil achievement and school performance at the charter  
42 school. The new governing body may terminate the employment of any teachers  
43 or other employees of the charter school or, if possible, may reassign teachers or  
44 other employees to another school.

45 (b) Collaborate with the new governing body in making hiring  
46 determinations for the charter school.

47 7. If the sponsor of a charter school selects a governing body to operate  
48 another campus of an existing charter school to replace a charter school whose  
49 written charter has been revoked or whose charter contract has been terminated,  
50 the new governing body is not required to offer employment to any teacher or  
51 other employee of the charter school whose written charter has been revoked or  
52 whose charter contract has been terminated.



1       **Sec. 7. 1.** *Within 10 days after being appointed to the governing body of a*  
2 *charter school, each member of a governing body, except a licensed teacher or*  
3 *other person licensed by the Superintendent of Public Instruction, must, as a*  
4 *condition to membership, submit to the governing body a complete set of the*  
5 *member's fingerprints and written permission authorizing the governing body to*  
6 *forward the fingerprints to the Central Repository for Nevada Records of*  
7 *Criminal History for its report on the criminal history of the applicant and for*  
8 *submission to the Federal Bureau of Investigation for its report on the criminal*  
9 *history of the member.*

10       2. *If the reports on the criminal history of the member indicate that the*  
11 *member has not been convicted of a felony or an offense involving moral*  
12 *turpitude, the member may continue to serve on the governing body.*

13       3. *If a report on the criminal history of a member indicates that the member*  
14 *has been convicted of a felony or an offense involving moral turpitude, the*  
15 *governing body of the charter school must remove the member.*

16       **Sec. 8. 1.** *In a county in which more than five charter schools are located*  
17 *and the total number of pupils enrolled in the charter schools exceeds 25 percent*  
18 *of the combined enrollment of all public schools, including, without limitation,*  
19 *charter schools, the Department shall, in consultation with all sponsors of*  
20 *charter schools in the county, determine whether holding a weighted lottery for*  
21 *admission to charter schools would improve diversity in charter schools that do*  
22 *not have a preference for at-risk pupils. If the Department determines that a*  
23 *weighted lottery for admission to charter schools would improve diversity in such*  
24 *charter schools, the Department shall, to the extent authorized by federal law,*  
25 *adopt regulations authorizing charter schools to establish a weighted lottery.*

26       2. *In a county in which more than ten charter schools are located and the*  
27 *total number of pupils enrolled in charter schools exceeds 50 percent of the*  
28 *combined enrollment of all public schools, including, without limitation, charter*  
29 *schools, the Department shall, in consultation with all sponsors of charter*  
30 *schools in the county:*

31       (a) *Adopt regulations establishing a uniform enrollment calendar and*  
32 *process for enrolling pupils applicable to all charter schools in the county. The*  
33 *regulations must establish a lottery for admission to each charter school in the*  
34 *county. If a charter school does not have a preference for at-risk pupils, the*  
35 *lottery must, to the extent authorized by federal law, be a weighted lottery.*

36       (b) *Allow the board of trustees of the school district to provide input*  
37 *regarding the enrollment calendar, processes for enrolling pupils and lotteries*  
38 *established pursuant to paragraph (a).*

39       3. *As used in this section, "weighted lottery" means a lottery that gives*  
40 *additional weight to pupils who are identified as being part of a specified group of*  
41 *pupils. The term does not include the reservation of seats in the charter school*  
42 *for specified pupils or groups of pupils.*

43       **Sec. 9.** *NRS 386.490 is hereby amended to read as follows:*  
44       386.490 *As used in NRS 386.490 to 386.649, inclusive, and sections 2 to 8,*  
45 *inclusive of this act, the words and terms defined in NRS 386.492 to 386.503,*  
46 *inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in*  
47 *those sections.*

48       **Sec. 10.** *NRS 386.495 is hereby amended to read as follows:*  
49       386.495 ~~["Director"]~~ *"Executive Director" means the Executive Director of*  
50 *the State Public Charter School Authority appointed pursuant to NRS 386.511.*



**Sec. 11.** NRS 386.5095 is hereby amended to read as follows:  
 386.5095 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

- (a) Two members appointed by the Governor in accordance with subsection 2;
- (b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;
- (c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and
- (d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

- (a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;
- (b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;
- (c) Includes persons with specific knowledge of:
  - (1) Issues relating to elementary and secondary education;
  - (2) School finance or accounting, or both;
  - (3) Management practices;
  - (4) Assessments required in elementary and secondary education;
  - (5) Educational technology; and
  - (6) The laws and regulations applicable to charter schools; ~~and~~
- (d) Insofar as practicable, reflects the ethnic and geographical diversity of this State ~~H~~; and
- (e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.*

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

5. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

6. Each member of the State Public Charter School Authority is entitled to receive:

- (a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and
- (b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business

of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 12.** NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint ~~††~~ *an Executive* Director of the State Public Charter School Authority for a term of 3 years. The State Public Charter School Authority shall ensure that the *Executive* Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. A vacancy in the position of *Executive* Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.

3. The *Executive* Director is in the unclassified service of the State.

**Sec. 13.** NRS 386.5115 is hereby amended to read as follows:

386.5115 ~~††he†~~ *With the approval of the State Public Charter School Authority, the Executive* Director ~~†shall not†~~ *may* pursue any other business or occupation or hold any other office , *including, without limitation, serving as a member on a committee, board or task force of an organization relating to charter schools, serving as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and holding an office of profit , and may accept reimbursement for travel costs relating to such activities. The Executive Director shall not pursue any other business or occupation or hold any other office of profit* without the approval of the State Public Charter School Authority.

**Sec. 14.** NRS 386.512 is hereby amended to read as follows:

386.512 The *Executive* Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

**Sec. 15.** NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~††~~ , *and sections 2 to 8, inclusive, of this act.* The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools , *including, without limitation, oversight of written charters and charter contracts,* in accordance with the provisions of NRS 386.490 to 386.649, inclusive ~~††~~ , *and sections 2 to 8, inclusive, of this act.*

2. *The staff must include:*

(a) *Attorneys with experience with laws concerning education, special education and nonprofit organizations;*

(b) *Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;*

(c) *Persons with experience conducting assessments and evaluations for a school district;*

(d) *Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;*

(e) *Policy analysts with significant experience in the areas of charter schools and education policy; and*

(f) *Any other persons that the State Public Charter School Authority determines are necessary.*

3. *The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.*

**Sec. 16.** NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of ~~twritten charters and~~ charter contracts, in accordance with the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act.

2. The staff must include:

(a) Attorneys with experience with laws concerning education law, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

**Sec. 17.** NRS 386.513 is hereby amended to read as follows:

386.513 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are

1 eligible to receive such money. *A college or university within the Nevada System*  
 2 *of Higher Education that sponsors a charter school shall enter into an agreement*  
 3 *with the State Public Charter School Authority for the provision of any necessary*  
 4 *functions of a local educational authority.* A charter school that receives money  
 5 pursuant to such a grant program shall comply with any applicable reporting  
 6 requirements to receive the grant.

7 2. If the charter school is eligible to receive special education program units,  
 8 the Department shall pay the special education program units directly to the charter  
 9 school.

10 3. As used in this section, "local educational agency" has the meaning  
 11 ascribed to it in 20 U.S.C. § 7801(26)(A).

12 **Sec. 18.** NRS 386.5135 is hereby amended to read as follows:

13 386.5135 1. The Account for the State Public Charter School Authority is  
 14 hereby created in the State General Fund, to be administered by the *Executive*  
 15 Director.

16 2. The interest and income earned on the money in the Account must be  
 17 credited to the Account.

18 3. The money in the Account may be used only for the establishment and  
 19 maintenance of the State Public Charter School Authority.

20 4. Any money remaining in the Account at the end of a fiscal year does not  
 21 revert to the State General Fund, and the balance in the Account must be carried  
 22 forward to the next fiscal year.

23 5. ~~¶The~~ *Except as otherwise provided in this subsection, the Executive*  
 24 *Director and the State Public Charter School Authority may accept gifts, grants and*  
 25 *bequests to carry out the provisions of NRS 386.490 to 386.649, inclusive, and*  
 26 *sections 2 to 8, inclusive, of this act. The Executive Director and the State Public*  
 27 *Charter School Authority shall not accept any gift or donation from a charter*  
 28 *management organization, a committee to form a charter school or the governing*  
 29 *body of a charter school.* Any money from gifts, grants and bequests must be  
 30 deposited in the Account and may be expended in accordance with the terms and  
 31 conditions of the gift, grant or bequest, or in accordance with this section.

32 **Sec. 19.** NRS 386.515 is hereby amended to read as follows:

33 386.515 1. The board of trustees of a school district may apply to the  
 34 Department for authorization to sponsor charter schools within the school district in  
 35 accordance with the regulations adopted by the Department pursuant to NRS  
 36 386.540. An application must be approved by the Department before the board of  
 37 trustees may sponsor a charter school. Not more than 180 days after receiving  
 38 approval to sponsor charter schools, the board of trustees shall provide public  
 39 notice of its ability to sponsor charter schools and solicit applications for charter  
 40 schools.

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

47 3. A college or university within the Nevada System of Higher Education  
 48 may submit an application to the Department to sponsor charter schools in  
 49 accordance with the regulations adopted by the Department pursuant to NRS  
 50 386.540. An application must be approved by the Department before a college or  
 51 university within the Nevada System of Higher Education may sponsor charter  
 52 schools.

4. *The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.*

5. 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 charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~and~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~+~~

~~—5— ;~~

(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable; and*

(h) *Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.*

6. 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;

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

~~—(e)— , which must include, without limitation:~~

(1) *Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and*

(2) *A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;*

(c) *The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 386.530;*

(d) *The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;*

(e) *If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;*

(f) *A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~H~~, which must include, without limitation:*

(1) *An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and*

(2) *A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and*

~~(e)(g)~~ (g) *A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.*

~~6-7~~ 7. *Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.*

8. *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.*

9. *The provisions of this section do not establish a private right of action against the sponsor of a charter school.*

**Sec. 20.** 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 in accordance with the regulations adopted by the Department pursuant to NRS 386.540. 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 submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or

university within the Nevada System of Higher Education may sponsor charter schools.

4. *The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school prescribed in this section.*

5. 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 charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~and~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated in accordance with NRS 386.530, 386.535 or 386.5351, as applicable; ~~+~~

~~5.1~~ ;  
(g) *Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable; and*

(h) *Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.*

6. 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;

(b) The procedure and criteria for *soliciting and* evaluating charter school applications in accordance with NRS 386.525 ~~and for the;~~

~~(e)~~ , *which must include, without limitation:*

(1) *Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and*

(2) *A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;*



*(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;*

*(d) The procedure for amending a charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;*

*(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;*

*(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~H~~, which must include, without limitation:*

*(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and*

*(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and*

~~H~~ *(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.*

~~6-7~~ *7. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.*

*8. 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.*

*9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.*

**Sec. 21.** NRS 386.520 is hereby amended to read as follows:

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

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

(b) One member who:

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

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

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

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

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

- (a) Members of the general public;
- (b) Representatives of nonprofit organizations and businesses; or
- (c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

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

- (a) Presents ~~the~~ *a clear, measurable and high-quality* academic, financial and organizational vision and plans for the proposed charter school; and
- (b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) ~~A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive.~~ *summary of the plan for the proposed charter school.*

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

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

(c) *A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 386.527.*

(d) *A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.*

(e) *The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.*

(f) The *minimum, planned and maximum* projected enrollment of pupils in *each grade in* the charter school ~~+~~

~~—(d)—~~ *for each year that the charter school would operate under the proposed charter contract.*

(g) The *procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in ~~the initial~~ each year of operation ~~of the charter school.~~*

~~—(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.~~

~~—(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~—(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.] under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.~~

(h) ~~[[The textbooks that will be used at the charter school.]]~~ *The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 386.550, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.*

(i) ~~[[The qualifications of the persons who will provide instruction at the charter school.]]~~ *A description of the proposed instructional design of the charter school and the type of learning environment the school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.*

(j) ~~[[Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.]]~~ *The manner in which the school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.*

(k) ~~[[A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.]]~~ *A description of any co-curricular or extracurricular activities that the school plans to offer and the manner in which these programs will be funded.*

(l) *Any uniform or dress code policy that the school plans to use.*

(m) *Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the school plans to conduct.*

(n) *The rules of behavior and punishments that the school plans to adopt pursuant to NRS 386.585, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.*

(o) *A chart that clearly presents the proposed organizational structure of the school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body*

of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

(p) The names of any external organizations that will play a role in operating the school and the role each such organization will play.

(q) The manner in which the governing body of the charter school will be chosen.

(r) A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

(s) Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

(t) Proposed bylaws for the governing body, a description of the manner in which the school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

(u) Explanations of any partnerships or contracts central to the operations or mission of the charter school.

(v) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

~~[(m)]~~ (w) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

~~[(n)] The time by which certain academic or educational results will be achieved.~~

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

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

(x) A statement of the school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

(y) Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the school and the operation of the school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

(z) A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

(aa) A description of the financial plan and policies to be used by the charter school.

(bb) A description of the insurance coverage the school will obtain.

(cc) Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

(dd) Evidence of any money pledged or contributed to the budget of the charter school.

(ee) A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

(ff) If the charter school is a vocational school, a description of the career and technical education program that will be used by the school.

(gg) If the charter school will provide a program of distance education, a description of the system of course credits that the school will use and the manner in which the school will:

(1) Monitor and verify the participation in and completion of courses by pupils;

(2) Require pupils to participate in assessments and submit coursework;

(3) Conduct parent-teacher conferences; and

(4) Administer any test, examination or assessment required by state or federal law in a proctored setting.

(hh) If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(1) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(2) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(3) The scope of the services and resources that will be provided by the college or university;

(4) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(5) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(6) Any employees of the college or university who will serve on the governing body of the charter school.

(ii) If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

(jj) If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(1) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(2) A term sheet that sets forth:

(I) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(II) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(III) All fees that will be paid to the educational management organization or other person;

(IV) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(V) A disclosure of the investments of the educational management organization or other person; and

(VI) The conditions for renewal and termination of the contract; and

(3) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

(kk) Any additional information required by the sponsor.

6. A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 386.549 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.

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

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

➤ The term does not include a person who is employed as a substitute teacher.

Sec. 22. NRS 386.525 is hereby amended to read as follows:

386.525 1. A **committee to form a charter school or charter management organization** may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

(a) Assemble a team of reviewers , *which must include, without limitation, natural persons from different geographic areas of the United States* who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools , to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the ~~committee to form the charter school;~~ *applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;*

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

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection ~~4~~ 6 of NRS 386.515.

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

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act* and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department ~~and the policies and practices of the sponsor;~~ and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection ~~4~~ 6 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

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

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

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State



Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

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

11. *Notwithstanding the provisions of this section, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district that is approved to sponsor charter schools or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees or college or university, as applicable, will review applications. These regulations or policies may:*

*(a) Establish different timelines and review procedures for different types of applicants; and*

*(b) Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 386.520 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.*

12. *The State Public Charter School Authority may enter into a contract with any qualified person to:*

*(a) Foster the development of high-quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;*

*(b) Solicit applications to form charter schools from high-quality applicants;*

*(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or*

*(d) Provide professional development and support services to the administration and other employees of charter schools.*

13. *The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 12 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.*

14. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

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

(c) The current status of the application; and

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

**Sec. 23.** NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

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

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

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

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

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

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

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

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

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

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

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

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

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

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

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

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

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

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

13 9. A written charter or a charter contract, as applicable, must be for a term of  
14 6 years. The term of the charter contract begins on the first day of operation of the  
15 charter school after the charter contract has been executed. The sponsor of the  
16 charter school may require, or the governing body of the charter school may request  
17 that the sponsor authorize, the charter school to delay commencement of operation  
18 for 1 school year.

19 10. The governing body of a charter school may submit to the sponsor of the  
20 charter school a written request for an amendment of the written charter or charter  
21 contract, as applicable. ~~Such an amendment may include, without limitation, the~~  
22 ~~expansion of instruction and other educational services to pupils who are enrolled~~  
23 ~~in grade levels other than the grade levels of pupils currently approved for~~  
24 ~~enrollment in the charter school.~~ If the proposed amendment complies with the  
25 provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of*  
26 *this act*, and any other statute or regulation applicable to charter schools, the  
27 sponsor and the governing body of the charter school may amend the written  
28 charter or charter contract, as applicable, in accordance with the proposed  
29 amendment. *A sponsor may require, as a condition of granting a request for an*  
30 *amendment to a governing body that has been granted a written charter, such a*  
31 *governing body to agree to the revocation of the written charter and to enter into*  
32 *a charter contract.* If the sponsor denies the request for an amendment, the sponsor  
33 shall provide written notice to the governing body of the charter school setting forth  
34 the reasons for the denial.

35 11. A charter school shall not commence operation *in a facility in which the*  
36 *charter school has not previously operated* and is not eligible to receive  
37 apportionments *for pupils enrolled in such a facility* pursuant to NRS 387.124  
38 until the sponsor has determined that the requirements of this section have been  
39 satisfied and that the facility the charter school will occupy has been inspected and  
40 meets the requirements of any applicable building codes, codes for the prevention  
41 of fire, and codes pertaining to safety, health and sanitation. Except as otherwise  
42 provided in this subsection, the sponsor shall make such a determination 30 days  
43 before the first day of school for the:

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

46 (b) Charter school,

47 whichever date the sponsor selects. The sponsor shall not require a charter  
48 school to demonstrate compliance with the requirements of this subsection more  
49 than 30 days before the date selected. However, it may authorize a charter school to  
50 demonstrate compliance less than 30 days before the date selected.

51 **Sec. 24.** NRS 386.527 is hereby amended to read as follows:

52 386.527 1. If the proposed sponsor of a charter school approves an  
53 application to form a charter school, it shall negotiate and execute a charter contract

1 with the governing body of the charter school. A charter contract must be executed  
2 not later than 60 days before the charter school commences operation. The charter  
3 contract must be in writing and incorporate, without limitation:

- 4 (a) The performance framework for the charter school;
- 5 (b) A description of the administrative relationship between the sponsor of the  
6 charter school and the governing body of the charter school, including, without  
7 limitation, the rights and duties of the sponsor and the governing body; and
- 8 (c) Any pre-opening conditions which the sponsor has determined are  
9 necessary for the charter school to satisfy before the commencement of operation to  
10 ensure that the charter school meets all building, health, safety, insurance and other  
11 legal requirements.

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

- 14 (a) If the board of trustees of a school district is the sponsor of the charter  
15 school, the superintendent of schools of the school district;
- 16 (b) If the State Public Charter School Authority is the sponsor of the charter  
17 school, the Chair of the State Public Charter School Authority; or
- 18 (c) If a college or university within the Nevada System of Higher Education is  
19 the sponsor of the charter school, the president of the college or university.

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

23 4. The sponsor of the charter school shall, not later than 10 days after the  
24 execution of the charter contract, provide to the Department:

- 25 (a) Written notice of the charter contract and the date of execution; and
- 26 (b) A copy of the charter contract and any other documentation relevant to the  
27 charter contract.

28 5. If the board of trustees approves the application, the board of trustees shall  
29 be deemed the sponsor of the charter school.

30 6. If the State Public Charter School Authority approves the application:

- 31 (a) The State Public Charter School Authority shall be deemed the sponsor of  
32 the charter school.
- 33 (b) Neither the State of Nevada, the State Board, the State Public Charter  
34 School Authority nor the Department is an employer of the members of the  
35 governing body of the charter school or any of the employees of the charter school.

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

- 38 (a) That institution shall be deemed the sponsor of the charter school.
- 39 (b) Neither the State of Nevada, the State Board nor the Department is an  
40 employer of the members of the governing body of the charter school or any of the  
41 employees of the charter school.

42 8. The governing body of a charter school may request, at any time, a change  
43 in the sponsorship of the charter school to an entity that is authorized to sponsor  
44 charter schools pursuant to NRS 386.515. The State Board shall adopt:

- 45 (a) A process for a charter school that requests a change in the sponsorship of  
46 the charter school, which must not require the charter school to undergo all the  
47 requirements of an initial application to form a charter school; and
- 48 (b) Objective criteria for the conditions under which such a request may be  
49 granted.

50 9. A charter contract must be for a term of 6 years. The term of the charter  
51 contract begins on the first day of operation of the charter school after the charter  
52 contract has been executed. The sponsor of the charter school may require, or the

governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. ~~Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation *in a facility in which the charter school has not previously operated* and is not eligible to receive apportionments pursuant to NRS 387.124 *for pupils enrolled in such a facility* until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

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

(b) Charter school,

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

**Sec. 25.** NRS 386.528 is hereby amended to read as follows:

386.528 1. ~~That~~ *Each sponsor of a charter school shall adopt a performance framework that is required to be incorporated and incorporate the performance framework* into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527. *The performance framework* must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

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

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

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

(c) The category of organization addresses:

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

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

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

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.649, inclusive ~~†~~, *and sections 2 to 8, inclusive, of this act.*

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

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

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school ~~†~~ *in a manner that complies with all applicable federal and state laws.*

6. *The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school.*

7. *The State Board may adopt regulations to place requirements on the manner in which data is reported by the sponsor, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.*

**Sec. 26.** NRS 386.530 is hereby amended to read as follows:

386.530 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school *and each facility that constitutes the charter school* during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.649, inclusive ~~†~~, *and sections 2 to 8, inclusive, of this act;*

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

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection ~~†~~ *3*; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.649, inclusive ~~+~~, *and sections 2 to 8, inclusive, of this act. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.*

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

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

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

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

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

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

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

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

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

5. The sponsor of the charter school shall:

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

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

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

**Sec. 27.** NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in NRS 386.5351:

1. The sponsor of a charter school may *reconstitute the governing body of a charter school*, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;



(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

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

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

*(d) The sponsor determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;*

*(e) The charter school is a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;*

*(f) The charter school is an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or*

*(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.*

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

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

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

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to *reconstitute the governing body*, revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to *reconstitute the governing body*, revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not *reconstitute the governing body*, revoke the written charter or terminate the charter contract of the

1 charter school. The sponsor may not include in a written notice pursuant to  
 2 subsection 2 any deficiency which was included in a previous written notice and  
 3 which was corrected by the charter school, unless the deficiency recurred after  
 4 being corrected ~~H~~ *or the sponsor determines that the deficiency is evidence of an*  
 5 *ongoing pattern of deficiencies in a particular area.*

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

9 5. If the *governing body of a charter school is reconstituted, the* written  
 10 charter is revoked or the charter contract is terminated, the sponsor of the charter  
 11 school shall submit a written report to the Department and the governing body of  
 12 the charter school setting forth the reasons for the *reconstitution or termination, as*  
 13 *applicable*, not later than 10 days after *reconstituting the governing body*, revoking  
 14 the written charter or terminating the charter contract.

15 **Sec. 28.** NRS 386.5351 is hereby amended to read as follows:

16 386.5351 1. The sponsor of a charter school shall *reconstitute the*  
 17 *governing body of a charter school*, revoke the written charter or terminate the  
 18 charter contract of the charter school if the charter school receives three consecutive  
 19 annual ratings established as the lowest rating possible indicating  
 20 underperformance of a public school, as determined by the Department pursuant to  
 21 the statewide system of accountability for public schools.

22 2. A charter school's annual rating pursuant to the statewide system of  
 23 accountability based upon the performance of the charter school for any school year  
 24 before the 2013-2014 school year must not be included in the count of consecutive  
 25 annual ratings for the purposes of ~~this subsection:~~  
 26 ~~—2—~~ *subsection 1, unless the sponsor determines that the governing body lacks*  
 27 *the capacity to improve pupil achievement and school performance.*

28 3. *The Superintendent of Public Instruction may exempt a charter school*  
 29 *from the provisions of subsection 1 if the Superintendent determines that there*  
 30 *has been a significant change to the statewide system of accountability that*  
 31 *justifies such an exemption. In such cases, the years before and after the*  
 32 *exemption is awarded shall be deemed to be consecutive years for the purposes of*  
 33 *subsection 1.*

34 4. If a *governing body is reconstituted, a* written charter is revoked or a  
 35 charter contract is terminated pursuant to subsection 1, the sponsor of the charter  
 36 school shall submit a written report to the Department and the governing body of  
 37 the charter school setting forth the reasons for the *reconstitution, revocation or*  
 38 *termination* not later than 10 days after *reconstituting the governing body*,  
 39 revoking the written charter or terminating the charter contract.

40 ~~H~~ 5. The provisions of NRS 386.535 do not apply to the *reconstitution of a*  
 41 *governing body, the* revocation of a written charter or termination of a charter  
 42 contract pursuant to this section.

43 **Sec. 29.** NRS 386.5351 is hereby amended to read as follows:

44 386.5351 1. The sponsor of a charter school shall terminate the charter  
 45 contract of the charter school if the charter school receives three consecutive annual  
 46 ratings established as the lowest rating possible indicating underperformance of a  
 47 public school, as determined by the Department pursuant to the statewide system of  
 48 accountability for public schools.

49 2. A charter school's annual rating pursuant to the statewide system of  
 50 accountability based upon the performance of the charter school for any school year  
 51 before the 2013-2014 school year must not be included in the count of consecutive  
 52 annual ratings for the purposes of *subsection 1* ~~this subsection:~~

~~2.1~~ , unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.

3. *The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.*

4. If a *governing body is reconstituted or* a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the *reconstitution or* termination not later than 10 days after *reconstituting the governing body or* terminating the charter contract.

~~3.1~~ 5. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

**Sec. 30.** NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~upon revocation of~~ if a written charter *is revoked or termination of* a charter contract ~~is terminated~~ *is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,* as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

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

**Sec. 31.** NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~upon termination of~~ if a charter contract ~~is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,~~ as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

1 (1) The sponsor of the charter school, unless the closure results from the  
2 non-renewal or termination of a charter contract;

3 (2) The Director of the Department of Business and Industry;

4 (3) The board of trustees of the school district in which the charter school  
5 is located, unless the board of trustees is the sponsor of the charter school and the  
6 closure results from the non-renewal or termination of a charter contract;

7 (4) The Department;

8 (5) The parents or legal guardians of the pupils enrolled in the charter  
9 school; and

10 (6) The creditors of the charter school;

11 (b) Except as otherwise provided in subsections 4 and 5, appoint an  
12 administrator of the charter school, subject to the approval of the sponsor of the  
13 charter school, to act as a trustee during the process of the closure of the charter  
14 school and for 1 year after the date of closure;

15 (c) As soon as practicable, develop and present to the sponsor of the charter  
16 school a written plan for the closure of the charter school;

17 (d) Maintain an office at the charter school or elsewhere, with regular hours of  
18 operation and voice messaging stating the hours of operation;

19 (e) Maintain existing insurance coverage in force for the period required by the  
20 sponsor of the charter school;

21 (f) Conduct a financial audit and an inventory of all the assets of the charter  
22 school and cause a written report of the audit and inventory to be prepared for the  
23 sponsor of the charter school and the Department;

24 (g) Prepare a written list of the creditors of the charter school, identifying  
25 secured creditors and the assets in which those creditors have a security interest;

26 (h) Supply any information or documents required by the sponsor of the charter  
27 school; and

28 (i) Protect all the assets of the charter school from theft, misappropriation,  
29 deterioration or other loss.

30 2. The notice of the closure required by subsection 1 must include:

31 (a) The date of closure;

32 (b) A statement of the plan of the charter school to assist pupils to identify and  
33 transfer to another school; and

34 (c) The telephone number, mailing address and physical address of the office  
35 required by subsection 1.

36 3. The administrator appointed pursuant to subsection 1 shall carry out the  
37 duties prescribed for the governing body of the charter school by paragraphs (c) to  
38 (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise  
39 unable to perform those duties and shall assume the responsibility for the records of  
40 the:

41 (a) Charter school;

42 (b) Employees of the charter school; and

43 (c) Pupils enrolled in the charter school.

44 4. If an administrator for the charter school is no longer available to carry out  
45 the duties set forth in subsection 3, the governing body of the charter school shall  
46 appoint a qualified person to assume those duties.

47 5. If the governing body of the charter school ceases to exist or is otherwise  
48 unable to appoint an administrator pursuant to subsection 1 or a qualified person  
49 pursuant to subsection 4, the sponsor of the charter school shall appoint an  
50 administrator or a qualified person to carry out the duties set forth in subsection 3.

51 6. In addition to performing the duties set forth in subsection 3, the  
52 administrator appointed by the governing body of the charter school or the sponsor,  
53 or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

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

**Sec. 32.** NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

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

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

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

(e) The process for submission of an application to renew a charter contract ~~++~~ *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;*

(f) The criteria and type of investigation that must be applied by the board of trustees ~~+, the State Public Charter School Authority+~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract; ~~land+~~

(g) The process for submission of an amendment of a written charter or a charter contract *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education* pursuant to NRS 386.527 and the contents of the application ~~++~~; and

*(h) In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected;*

*(I) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and*

*(2) Ethics requirements for the governing bodies of charter schools.*

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

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

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~+~~; *and*

*(d) Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.*

3. *The State Public Charter School Authority shall adopt regulations that prescribe:*

*(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;*

*(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;*

*(c) The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 386.527 and the contents of the application; and*

*(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.*

**Sec. 33.** NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

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

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

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

(e) The process for submission of an application to renew a charter contract ~~+~~ *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;*

(f) The criteria and type of investigation that must be applied by the board of trustees ~~+, the State Public Charter School Authority+~~ and a college or university



within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract; ~~and~~

(g) The process for submission of an amendment of a charter contract *to the board of trustees of a school district and a college or university within the Nevada System of Higher Education* pursuant to NRS 386.527 and the contents of the application ~~+~~; and

(h) *In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:*

*(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and*

*(2) Ethics requirements for the governing bodies of charter schools.*

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

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

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~+~~; and

(d) *Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.*

3. *The State Public Charter School Authority shall adopt regulations that prescribe:*

(a) *The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;*

(b) *The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;*

(c) *The process for submission to the State Public Charter School Authority of an amendment to a charter contract pursuant to NRS 386.527 and the contents of the application; and*

(d) *The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.*

**Sec. 34.** NRS 386.545 is hereby amended to read as follows:

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

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

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

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.490 to 386.649, inclusive ~~††~~, *and sections 2 to 8, inclusive, of this act;*

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

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

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

(e) Provide appropriate information, education and training to a charter school and the governing body of a charter school concerning the applicable provisions of this title and any other laws and regulations that affect charter schools and the governing bodies of charter schools.

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

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

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses ~~††~~, *which must not be greater than the amount that the board of trustees is authorized to charge the charter school for services pursuant to NRS 386.560.*

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

4. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

**Sec. 35.** NRS 386.547 is hereby amended to read as follows:

386.547 The State ~~†Board†~~ *Public Charter School Authority* shall:

1. ~~†Review†~~ *Before March 1 of each even-numbered year:*

(a) *Review* all statutes and regulations from which charter schools are *not* exempt and determine whether such ~~†exemption†~~ *statutes and regulations* assisted or impeded the charter schools in achieving their ~~†educational†~~ *academic, fiscal and organizational* goals and objectives ~~††~~;

(b) *Make recommendations to the Legislative Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and*

(c) *Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.*

2. Make available information concerning the formation and operation of charter schools in this State *and the academic, fiscal and organizational performance of each charter school in this State* to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the

general public. *The State Public Charter School Authority shall update such information annually.*

**Sec. 36.** NRS 386.549 is hereby amended to read as follows:

386.549 1. ~~¶¶~~ *Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the* governing body of a charter school must consist of:

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

(b) One member who:

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

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

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

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

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. ~~Not~~ *Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not* more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has *received training or* read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other *training and* material designed to assist the governing bodies of charter schools, if such *training and* material is provided to the person by the sponsor ~~¶~~ *or an application to form a charter school or amend a written charter or charter contract provided that the member would receive such training or read and understand such material.*

*(c) Complies with the requirements of section 7 of this act.*

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which ~~the charter school~~ *a facility operated by the charter school where pupils receive instruction* is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than

\$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

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

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

➤ The term does not include a person who is employed as a substitute teacher.

**Sec. 37.** NRS 386.549 is hereby amended to read as follows:

386.549 1. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the governing body of a charter school must consist of:

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

(b) One member who:

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

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

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

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

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend ~~the written charter or~~ charter contract provided that the member would receive such training or read and understand such material.

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

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

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

➤ The term does not include a person who is employed as a substitute teacher.

**Sec. 38.** NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, *except for tuition or fees that the board of trustees of a school district is authorized to charge*, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

**Sec. 39.** NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services. *If the board of trustees of a school district provides services to a charter school pursuant to this section, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.*

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

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

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational

purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

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

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

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

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

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

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

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

➤ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate ~~+~~ *unless there is space available on the transportation provided by the board of trustees and the parent of the pupil or the charter school makes arrangements for the pupil to be at a designated place to be picked up at a designated time.*

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

**Sec. 40.** NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:



1 (a) Give to the contractor or educational management organization direct  
2 control of educational services, financial decisions, the appointment of members of  
3 the governing body, or the hiring and dismissal of an administrator or financial  
4 officer of the charter school or proposed charter school;

5 (b) Authorize the payment of loans, advances or other monetary charges from  
6 the contractor or educational management organization which are greater than 15  
7 percent of the total expected funding received by the charter school or proposed  
8 charter school from the State Distributive School Account;

9 (c) Require the charter school or proposed charter school to prepay any fees to  
10 the contractor or educational management organization;

11 (d) Require the charter school or proposed charter school to pay the contractor  
12 or educational management organization before the payment of other obligations of  
13 the charter school or proposed charter school during a period of financial distress;

14 (e) Allow a contractor or educational management organization to cause a  
15 delay in the repayment of a loan or other money advanced by the contractor or  
16 educational management organization to the charter school or proposed charter  
17 school, which delay would increase the cost to the charter school or proposed  
18 charter school of repaying the loan or advance;

19 (f) Require the charter school or proposed charter school to enroll a minimum  
20 number of pupils for the continuation of the contract between the charter school or  
21 proposed charter school and the contractor or educational management  
22 organization;

23 (g) Require the charter school or proposed charter school to request or borrow  
24 money from this State to pay the contractor or educational management  
25 organization if the contractor or educational management organization will provide  
26 financial management to the charter school or proposed charter school;

27 (h) Contain a provision which restricts the ability of the charter school or  
28 proposed charter school to borrow money from a person or entity other than the  
29 contractor or educational management organization;

30 (i) Provide for the allocation to the charter school or proposed charter school of  
31 any indirect cost incurred by the contractor or educational management  
32 organization;

33 (j) Authorize the payment of fees to the contractor or educational management  
34 organization which are not attributable to the actual services provided by the  
35 contractor or educational management organization;

36 (k) Allow any money received by the charter school or proposed charter school  
37 from this State or from the board of trustees of a school district to be transferred to  
38 or deposited in a bank, credit union or other financial institution outside this State,  
39 including money controlled by the contractor or educational management  
40 organization; ~~for~~

41 (l) Except as otherwise provided in this paragraph, provide incentive fees to the  
42 contractor or educational management organization. A contract or a proposed  
43 contract may provide to the contractor or educational management organization  
44 incentive fees that are based on the academic improvement of pupils enrolled in the  
45 charter school ~~H~~ ;

46 *(m) Require automatic renewal of the contract or provide that the contract*  
47 *remains in effect if the governing body of a charter school is reconstituted, a*  
48 *written charter is revoked or a charter contract is terminated pursuant to NRS*  
49 *386.535 or 386.5351;*

50 *(n) Contain any provision that would delay or prevent the approval of an*  
51 *application by the governing body of the charter school for an exemption from*  
52 *federal taxation pursuant to 26 U.S.C. § 501(c)(3);*

*(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;*

*(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or*

*(q) Provide for the enforcement of terms of the contract that conflict with an applicable written charter, charter contract or federal or state law.*

2. As used in this section, “contractor” or “educational management organization” means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

**Sec. 41.** NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization;

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school;

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted ~~+-~~ ~~written charter is revoked~~ or a charter contract is terminated pursuant to NRS 386.535 or 386.5351;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501 (c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable ~~+-written charter-~~ charter contract or federal or state law.

2. As used in this section, “contractor” or “educational management organization” means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

**Sec. 42.** NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Account for Charter Schools, the State Public Charter School Authority may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs ~~+-incurred-~~ *identified in the loan application for use:*

(a) In preparing a charter school to commence its first year of operation; ~~+-and-~~

(b) To improve a charter school that has been in operation ~~+-~~ *; and*

*(c) To fund recruitment of teachers and pupils to new charter school facilities and enrollment of pupils in such facilities.*

2. The total amount of a loan that may be made to a charter school pursuant to subsection 1 must not exceed the lesser of an amount equal to \$500 per pupil enrolled or to be enrolled at the charter school or \$200,000.

**Sec. 43.** NRS 386.578 is hereby amended to read as follows:

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

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

3. The State ~~Board of~~ **Public Charter School Authority:**

(a) Shall adopt regulations that prescribe the:

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

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

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

**Sec. 44.** NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, ~~and~~ subsection 2 ~~and~~ **and section 6 of this act**, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the 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.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

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

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

(c) Is a child of a person who is:

(1) Employed by the charter school;

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

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

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

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

2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

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

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

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

↪ of a pupil.

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

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

(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. 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 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. 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, 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. 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. 45.** NRS 386.584 is hereby amended to read as follows:

386.584 1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the Department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not ~~authorize~~:

(a) *Authorize* a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

(b) *Require a charter school that imposes requirements for graduation from high school that are more stringent than the requirements of applicable state statutes and regulations and more stringent than the requirements of the school district in which the charter school is located to issue a high school diploma to a pupil who has not met the requirements for graduation from the charter school even if the pupil has met the requirements of applicable state statutes and regulations or the requirements of the school district in which the charter school is located.*

**Sec. 46.** NRS 386.585 is hereby amended to read as follows:

386.585 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 *and, if the pupil is under 18 years of age, the parent or guardian of 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 and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.

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

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

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

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

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

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

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

**Sec. 47.** NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, ~~at least 70 percent of the teachers~~ **each teacher** who ~~provide~~ **provides** instruction at a charter school must be ~~licensed teachers~~ **highly qualified**. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that ~~at least 70 percent of the teachers~~ **each teacher** who ~~provide~~ **provides** instruction at the school ~~are licensed teachers~~ **is highly qualified**, but in no event may ~~more~~ **less** than 50 percent of the teachers who provide instruction at the school be ~~unlicensed teachers~~.

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

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

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

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

~~(1) highly qualified.~~

2. If a **vocational** charter school specializes in arts and humanities, physical education or health education, a ~~licensed~~ teacher **must be highly qualified** to teach those courses of study.

~~(2)~~ 3. If a **vocational** charter school specializes in the construction industry or **any** other building industry, ~~licensed~~ teachers **must be highly qualified** to teach courses of study relating to the industry if those teachers are employed full-time.

~~(3)~~ 4. If a **vocational** charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, ~~licensed~~ teachers **must be highly qualified** to teach those courses of study if those teachers are employed full-time.



~~13-1~~ 5. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must ~~possess the qualifications required by 20 U.S.C. § 6319(a);~~ **be highly qualified.** For the purposes of this subsection, a person is not “initially hired” if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

~~14-1~~ 6. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, ~~possess the qualifications required by 20 U.S.C. § 6319(a);~~ **be highly qualified** if the teacher teaches one or more of the following subjects:

- (a) English, reading or language arts;
- (b) Mathematics;
- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

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

- ~~— (a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and~~
- ~~— (b) At least 2 years of experience in that field.~~

~~6-1~~ 7. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher’s license issued pursuant to chapter 391 of NRS with an administrative endorsement;
- (b) A master’s degree in school administration, public administration or business administration; or
- (c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

~~17-1~~ 8. Except as otherwise provided in subsection ~~18-1~~ 9, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

~~18-1~~ 9. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection ~~17-1~~ 8, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written

documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection ~~17.1~~ 8.

~~19.1~~ 10. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~110.1~~ 11. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection ~~17.1~~ 8, if applicable to that person; and

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

*12. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.*

**Sec. 48.** NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts *and charter schools* in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (v) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

↳ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

- (a) The recommendations set forth in the plan pursuant to subsection 2;
- (b) The plan for educational technology of each school district, if applicable;
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and
- (d) Any other information deemed relevant by the Commission.

↳ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

**Sec. 49.** NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts *and charter schools* to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the Commission for use in classrooms.

**Sec. 50.** NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall, in consultation with the Commission, adopt regulations that establish a program whereby school districts *and charter schools* may apply to the Commission on Educational Technology for money from the Trust Fund for Educational Technology.

**Sec. 51.** NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school ~~for whom a license is~~ *who are* not required *to be highly qualified* pursuant to the provisions of NRS 386.590.

3. *As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.*

**Sec. 52.** NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee

organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) ~~Discharge~~ *Except as otherwise provided in subsection 6, discharge* and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. *If the sponsor of a charter school reconstitutes the governing body of a charter school, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.*

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~7-7~~ 8. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

**Sec. 53.** Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend ~~a written charter or~~ a charter contract of the charter school it sponsors, including, without limitation a request to amend a written charter or charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the ~~written charter or~~ charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in ~~the written charter or~~ charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A ~~written charter or~~ charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a ~~written~~

~~charter or~~ charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

**Sec. 54.** Section 5 of this act is hereby amended to read as follows:

Sec. 5. The sponsor of a charter school may approve an amendment to ~~to a written charter or~~ a charter contract to consolidate the operations of two or more charter schools if:

1. The sponsor of a charter school for which ~~to a written charter has been revoked or~~ a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school ~~whose written charter has been revoked or~~ whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

**Sec. 55.** Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school ~~revokes a written charter or~~ terminates a charter contract pursuant to 386.535 or 386.5351, the sponsor may:



(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school ~~for which the written charter has been revoked or~~ the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which ~~the written charter has been revoked or~~ the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school ~~for which the written charter has been revoked or~~ the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its ~~written charter or~~ charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school ~~whose written charter has been revoked or~~ whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before ~~the revocation of the written charter or~~ the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school ~~whose written charter has been revoked or~~ whose charter contract has been terminated and any necessary amendments or applications are approved, the charter school must enroll pupils who were enrolled in the

1 charter school ~~whose written charter was revoked or~~ whose charter  
2 contract was terminated before enrolling other pupils.

3 6. If the sponsor of a charter school reconstitutes the governing body  
4 of a charter school, the principal of the charter school shall:

5 (a) Review each employee of the charter school to determine whether  
6 to retain the employee based on the needs of the school and the ability of  
7 the employee to improve pupil achievement and school performance at the  
8 charter school. The new governing body may terminate the employment of  
9 any teachers or other employees of the charter school.

10 (b) Collaborate with the new governing body in making hiring  
11 determinations for the charter school.

12 7. If the sponsor of a charter school selects a governing body to  
13 operate another campus of an existing charter school to replace a charter  
14 school ~~whose written charter has been revoked or~~ whose charter contract  
15 has been terminated, the new governing body is not required to offer  
16 employment to any teacher or other employee of the charter school ~~whose~~  
17 ~~written charter has been revoked or~~ whose charter contract has been  
18 terminated.

19 **Sec. 56. Section 33 of Assembly Bill No. 448 of this session is hereby**  
20 **amended to read as follows:**

21 Sec. 33. 1. During the sixth year that a school operates as an  
22 achievement charter school, the ~~Executive Director~~ Department shall  
23 evaluate the pupil achievement and school performance of the school. The  
24 Executive Director shall provide the Department with such information  
25 and assistance as the Department determines necessary to perform such  
26 an evaluation. If, as a result of such an evaluation, the ~~Executive Director~~  
27 Department determines:

28 (a) That the achievement charter school has made adequate  
29 improvement in pupil achievement and school performance, the governing  
30 body of the achievement charter school must decide whether to:

31 (1) Convert to a public school under the governance of the board of  
32 trustees of the school district in which the school is located;

33 (2) Seek to continue as a charter school subject to the provisions of  
34 NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying  
35 to the board of trustees of the school district in which the school is located,  
36 the State Public Charter School Authority or a college or university within  
37 the Nevada System of Higher Education to sponsor the charter school  
38 pursuant to NRS 386.525; or

39 (3) Remain an achievement charter school for at least 6 more  
40 years.

41 (b) That the achievement charter school has not made adequate  
42 improvement in pupil achievement and school performance, the ~~school~~  
43 ~~must continue~~ Department shall direct the Executive Director to notify  
44 the parent or legal guardian of each pupil enrolled in the achievement  
45 charter school that the achievement charter school has not made  
46 adequate improvement in pupil achievement and school performance.  
47 Such notice must include, without limitation, information regarding:

48 (1) Public schools which the pupil may be eligible to attend,  
49 including, without limitation, charter schools, programs of distance  
50 education offered pursuant to NRS 388.820 to 388.874, inclusive, and  
51 alternative programs for the education of pupils at risk of dropping out of  
52 school pursuant to NRS 388.537;

(2) The opportunity for the parent to establish an education savings account pursuant to section 7 of Senate Bill No. 302 of this session and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by section 11 of Senate Bill No. 302 of this session;

(3) Any other alternatives for the education of the pupil that are available in this State; and

(4) The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate the school as an achievement charter school for at least 6 more years. ~~the~~

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director shall evaluate must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of section 21 of this act;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to section 21.5 of this act, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

~~2-4~~ 4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

~~1-4~~ 5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of

subsection 1, the school is subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 386.560.

~~++~~ 6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.311.

~~++Sec. 56++~~ **Sec. 57.** The provisions of NRS 288.150, as amended by section 52 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after the effective date of that section, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before the effective date of that section during the current term of the agreement.

~~++Sec. 57++~~ **Sec. 58.** 1. This section and sections 52 and ~~++56++~~ 57 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, 17, 18, 19, 21, 22, 23, 25 to 28, inclusive, 30, 32, 34, 35, 36, 38, 39, 40, 42 to 51, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

3. Section 56 of this act becomes effective on July 1, 2016, if, and only if, Assembly Bill No. 448 of this session is enacted and becomes effective.

4. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55, inclusive, of this act become effective on January 1, 2020.