

SENATE BILL NO. 77—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-314)

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

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

AN ACT relating to education; requiring certain underperforming schools to be designated as turnaround schools; requiring the Department of Education to establish a turnaround plan under which a turnaround school is required to operate; authorizing the closure of a turnaround school, the operation of a turnaround school by certain organizations or the conversion of a turnaround school into a charter school in certain circumstances; exempting a turnaround school from certain requirements; preventing a turnaround school from being included in certain programs; revising requirements concerning an application to form a charter school; authorizing the sponsor of a charter school to reconstitute the governing body of the charter school; requiring the board of trustees of a school district to consider designating certain schools as empowerment schools; requiring consideration of a turnaround plan when making certain decisions concerning training and professional development for certain teachers and administrators; excluding the right of the board of trustees of a school district to reassign the employees of a turnaround school from the scope of collective bargaining; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law establishes the statewide system of accountability for public schools. (NRS 385.3455-385.391) The statewide system of accountability provides for each public school to be rated based on the performance of the school and whether each public school meets the annual measurable objectives and performance targets. (NRS 385.3594) **Section 5** of this bill requires the Department of Education to designate a public school that demonstrates unsatisfactory pupil achievement and school performance as a turnaround school. A charter school and a university school for profoundly gifted pupils are not considered a public school for purposes of that designation. **Sections 5 and 6** of this bill require the Department to establish a 3-year turnaround plan for a turnaround school that is intended to make changes to improve pupil achievement and school performance. If the Department determines during the third year of a turnaround plan that a turnaround school has not made adequate improvement, **section 7** of this bill requires the Department to: (1) extend the period for the turnaround plan; (2) close the school; (3) require the board of trustees of the school district to enter into a contract with a contractor or educational management organization to operate the school; or (4) authorize the board of trustees of the school district to convert the school into a charter school.

Section 12 of this bill exempts a turnaround school from the requirement that the principal of each school prepare a plan to improve the achievement of pupils enrolled in the school. **Section 16** of this bill prevents the board of trustees of a school district from including a turnaround school in a program of school-based decision making, which is a program that gives participating schools the ability to make certain decisions concerning the operation of the school. **Sections 18, 19 and 23** of this bill exempt a turnaround school from the prohibition on converting an existing public school into a charter school. **Sections 35, 37 and 38** of this bill require a turnaround plan to be considered when making certain decisions concerning professional development and training for teachers and administrators in a school district in which a turnaround school is located. **Section 36** of this bill provides that pupil achievement data will not be used in performance evaluations of teachers for the first 2 years during which the school operates under a turnaround plan. **Section 39** of this bill excludes the right of a school district to make reassignments of employees who are not retained by a turnaround school from the scope of collective bargaining.

Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520) **Section 22** of this bill prescribes additional items that an application to form a charter school is required to include. **Sections 22 and 23** of this bill authorize a charter management organization to submit an application to form a charter school, and **sections 27, 31 and 34** of this bill give a charter management organization some of the same rights and responsibilities as a committee to form a charter school. **Section 14** of this bill defines "charter management organization" as 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. **Section 23** also adds certain factors relating to the academic, financial and organizational performance of the applicant to the list of factors a proposed sponsor of a charter school is required to consider when reviewing an application to form a charter school. **Section 26** of this bill authorizes the Department to adopt regulations prescribing qualifications of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.

Existing law authorizes the sponsor of a charter school to revoke a written charter or terminate a charter contract if the sponsor determines that revocation or termination is necessary to protect the health and safety of certain persons or that the charter school has: (1) breached the charter or contract; (2) failed to comply



with generally accepted standards of fiscal management or with certain statutes or regulations; (3) persistently underperformed; or (4) is financially impaired such that the charter school cannot continue to operate. (NRS 386.535) Existing law requires such revocation or termination if a charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school. (NRS 386.5351) **Sections 15, 21, 24 and 25** of this bill authorize the sponsor of a charter school to reconstitute the governing body of the charter school as an alternative to revocation or termination in such circumstances.

Existing law creates a Program of Empowerment Schools, which requires a school that is designated as an empowerment school to adopt an empowerment plan and provides such a school with some autonomy in certain matters. (NRS 386.730-386.750) **Section 28** of this bill requires the board of trustees of a school district to consider designating certain high performing schools within the school district as empowerment schools and prevents the board of trustees of a school district from designating a turnaround school as an empowerment school.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *“Turnaround plan” means a plan established by the Department for a turnaround school pursuant to section 5 of this act.*

Sec. 3. *“Turnaround school” means a public school that is so designated by the Department pursuant to section 5 of this act.*

Sec. 4. *As used in sections 4 to 8, inclusive, of this act, unless the context otherwise requires, “public school” has the meaning ascribed to it in NRS 385.007, but does not include a charter school or a university school for profoundly gifted pupils.*

Sec. 5. 1. *The Department shall designate a public school as a turnaround school if the public school is not currently subject to a turnaround plan and, based upon the most recent annual report of the statewide system of accountability for public schools:*

(a) The public school is an elementary school or middle school and rated in the lowest 5 percent of elementary or middle schools in this State in pupil achievement and school performance;

(b) The public school is a high school and the graduation rate at the high school for the immediately preceding school year is less than 60 percent; or

(c) Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by the Department by regulation.

2. *The Department shall notify a public school and the school district in which the public school is located within 60 days after designating the public school as a turnaround school.*



3. The Department shall establish a turnaround plan for a turnaround school, which will be developed and carried out in phases over a period of 3 consecutive school years. The first year of a turnaround plan must commence at the beginning of the school year immediately following the designation.

Sec. 6. 1. A turnaround plan established by the Department for a turnaround school must include, without limitation:

(a) A review of the performance of the principal at the school to determine whether to retain or replace the principal. If the Department decides to replace the principal, the board of trustees of the school district in which the school is located must:

(1) Immediately commence the process of selecting a new principal for the school and make a selection with the approval of the Department so that the new principal may begin before the start of the next school year; and

(2) Reassign the replaced principal to another public school within the school district.

(b) A requirement that the principal of the school:

(1) Review each employee of the school to determine whether to retain the employee based on the needs of the school and the ability of the employee to effectively meet the requirements of the turnaround plan. The board of trustees of the school district in which the school is located shall reassign any employee who is not retained pursuant to this paragraph to another public school within the school district; and

(2) Collaborate with the board of trustees of the school district in which the school is located in making hiring determinations for the school.

(c) Financial and other incentives to be offered to teachers and paraprofessionals who work in classrooms or provide tutoring to pupils at the school that are intended to motivate such persons to apply for positions at the school and continue employment at the school. Such incentives may include, without limitation:

(1) Salary increases or bonuses;

(2) Flexible schedules that allow teachers to pursue other assignments or education; and

(3) Opportunities for promotion or career development.

(d) Revisions to the schedule of the school day prescribed for the school to:

(1) Lengthen the school day to provide for additional instruction; and

(2) Provide additional time for teachers to construct and modify lesson plans.

(e) A new or revised program for instruction in the subjects of reading, mathematics, science and writing.



(f) Measures to ensure that data is used by the school in a manner that assists in evaluating the performance of pupils and teachers and improving instruction. Such measures may include, without limitation:

(1) Employment of a data specialist; and

(2) Training teachers or the principal of the school in the use of data for such purposes.

(g) Strategies for employees of the school to:

(1) Encourage social and emotional development of pupils; and

(2) Build a community among pupils and employees of the school.

(h) Strategies to promote a supportive environment that encourages the improvement of pupil achievement and social growth.

(i) A budget for carrying out the requirements of the turnaround plan.

(j) Any other specifications deemed necessary or desirable by the Department to improve pupil achievement and school performance.

2. The board of trustees of the school district in which the turnaround school is located shall take all measures necessary to carry out a turnaround plan. The Department shall, with input from the board of trustees of the school district, prescribe a schedule according to which the board of trustees and the school shall carry out the turnaround plan.

3. The Department may evaluate the implementation and effect of a turnaround plan and modify a turnaround plan in any manner it deems necessary.

4. The Department may, as part of the turnaround plan, establish qualifications necessary for a principal or teacher to be employed at or retained by a turnaround school. The Department must approve the employment of a principal before an offer is extended for that position.

Sec. 7. 1. If, during the third year of a turnaround plan, the Department determines that the turnaround school has not made adequate improvement in pupil achievement and school performance, the Department must notify the board of trustees of the school district in which the school is located.

2. Not more than 60 days after receiving the notice described in subsection 1, the board of trustees of the school district shall hold a public hearing to consider the actions which the Department may take pursuant to subsection 3. The board of trustees shall consider input received during the hearing and otherwise in determining the appropriate recommendation to



1 *make to the Department. Upon reaching a decision, the board of*
2 *trustees of the school district shall submit its recommendation to*
3 *the Department.*

4 *3. After receiving the recommendation from the board of*
5 *trustees of the school district, the Department shall hold a public*
6 *hearing to determine whether to:*

7 *(a) Extend the period for the turnaround plan;*

8 *(b) Close the school;*

9 *(c) Require the board of trustees of the school district to enter*
10 *into a contract with an educational management organization to*
11 *operate the school; or*

12 *(d) Authorize the board of trustees of the school district or the*
13 *State Public Charter School Authority to convert the school into a*
14 *charter school in the manner prescribed by regulation pursuant to*
15 *subsection 4.*

16 *4. The Department shall adopt regulations that prescribe the*
17 *process for converting a turnaround school into a charter school.*

18 *5. As used in this section, “educational management*
19 *organization” means a corporation, business, organization or*
20 *other entity, whether or not conducted for profit, with which the*
21 *board of trustees of a school district contracts to operate a public*
22 *school.*

23 ***Sec. 8. The Department shall adopt any regulations that are***
24 ***necessary or desirable to carry out the provisions of sections 5, 6***
25 ***and 7 of this act.***

26 ***Sec. 9.*** NRS 385.007 is hereby amended to read as follows:

27 385.007 As used in this title, unless the context otherwise
28 requires:

29 1. “Charter school” means a public school that is formed
30 pursuant to the provisions of NRS 386.490 to 386.649, inclusive **H**,
31 ***or section 7 of this act.***

32 2. “Department” means the Department of Education.

33 3. “Homeschooled child” means a child who receives
34 instruction at home and who is exempt from compulsory attendance
35 pursuant to NRS 392.070.

36 4. “Limited English proficient” has the meaning ascribed to it
37 in 20 U.S.C. § 7801(25).

38 5. “Public schools” means all kindergartens and elementary
39 schools, junior high schools and middle schools, high schools,
40 charter schools and any other schools, classes and educational
41 programs which receive their support through public taxation and,
42 except for charter schools, whose textbooks and courses of study are
43 under the control of the State Board.

44 6. “State Board” means the State Board of Education.



7. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.

Sec. 10. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.3891, inclusive, *and sections 2 to 8, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, *and sections 2 to 8, inclusive, of this act* do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 12. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils enrolled in the school and identified in the statewide system of accountability for public schools will meet the performance targets established for that group.

(e) Annual measurable objectives and performance targets, consistent with the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, for the continuous and substantial progress by each group of pupils identified in the statewide system of accountability for public schools who are enrolled in the school to ensure that each group will meet the performance targets established for that group.



(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the



1 school district or governing body, if any, who are responsible for
2 ensuring that the plan is carried out effectively or for overseeing and
3 monitoring whether the plan is carried out effectively.

4 (k) In consultation with the Department, an identification, by
5 category, of the employees of the Department, if any, who are
6 responsible for overseeing and monitoring whether the plan is
7 carried out effectively.

8 (l) For each provision of the plan, a timeline for carrying out
9 that provision, including, without limitation, a timeline for
10 monitoring whether the provision is carried out effectively.

11 (m) For each provision of the plan, measurable criteria for
12 determining whether the provision has contributed toward
13 improving the academic achievement of pupils, increasing the rate
14 of attendance of pupils and reducing the number of pupils who drop
15 out of school.

16 (n) The resources available to the school to carry out the plan. If
17 this State has a financial analysis program that is designed to track
18 educational expenditures and revenues to individual schools, each
19 school shall use that statewide program in complying with this
20 paragraph. If a statewide program is not available, each school shall
21 use the financial analysis program used by the school district in
22 which the school is located in complying with this paragraph.

23 (o) A summary of the effectiveness of appropriations made by
24 the Legislature that are available to the school to improve the
25 academic achievement of pupils and programs approved by the
26 Legislature to improve the academic achievement of pupils.

27 (p) A budget of the overall cost for carrying out the plan.

28 3. The principal of each school shall, in consultation with the
29 employees of the school:

30 (a) Review the plan prepared pursuant to this section annually to
31 evaluate the effectiveness of the plan; and

32 (b) Based upon the evaluation of the plan, make revisions, as
33 necessary, to ensure that the plan is designed to improve the
34 academic achievement of pupils enrolled in the school.

35 4. On or before December 15 of each year, the principal of
36 each school shall submit the plan or the revised plan, as applicable,
37 to:

38 (a) If the school is a public school of the school district, the
39 superintendent of schools of the school district.

40 (b) If the school is a charter school, the governing body of the
41 charter school.

42 5. If a Title I school is rated as underperforming pursuant to the
43 statewide system of accountability for public schools, the
44 superintendent of schools of the school district or the governing
45 body, as applicable, shall carry out a process for peer review of the



plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

6. If a school is rated as meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, or if a school that is not a Title I school is rated as underperforming pursuant to the statewide accountability system for public schools, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

7. On or before January 31 of each year, the principal of each school shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and

(g) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

8. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 5 or 6, as applicable.

9. The provisions of this section do not apply to a turnaround school, as defined in section 3 of this act.

Sec. 13. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. “Charter management organization” means a nonprofit organization that holds a written charter, charter



1 *contract or other equivalent agreement to operate more than one*
2 *charter school in this State or another state.*

3 **Sec. 15. 1.** *If the sponsor of a charter school reconstitutes*
4 *the governing body of a charter school pursuant to NRS 386.535*
5 *or 386.5351, the sponsor shall appoint new members to the*
6 *governing body who meet the qualifications for membership set*
7 *forth in NRS 386.549. The sponsor may reappoint any member of*
8 *the prior governing body. Before appointing members of the new*
9 *governing body, the sponsor must consider:*

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

13 *(b) Any relevant credentials, experience or other*
14 *qualifications, including, without limitation, whether a person*
15 *resides in the geographic area served by the charter school and*
16 *whether a person has experience in education.*

17 **2.** *If the sponsor of a charter school revokes a written charter*
18 *or terminates a charter contract, the sponsor may:*

19 *(a) Manage the school until other arrangements are made for*
20 *pupils who attend the school; or*

21 *(b) Enter into an agreement with another charter school or*
22 *charter management organization to operate one or more*
23 *campuses of the charter school.*

24 **Sec. 16.** NRS 386.4154 is hereby amended to read as follows:

25 386.4154 ~~{The}~~

26 **1.** *Except as otherwise provided in subsection 2, the* board of
27 trustees of a school district may prescribe rules relating to the
28 creation and administration of a program of school-based decision
29 making for the public schools within the district. The rules must
30 provide:

31 ~~{1.}~~ **(a)** For the creation of a school council;

32 ~~{2.}~~ **(b)** For the involvement of parents and other members of
33 the community on and with the school council;

34 ~~{3.}~~ **(c)** The requirements for recordkeeping by the school
35 council;

36 ~~{4.}~~ **(d)** The procedure for appealing a decision of the school
37 council;

38 ~~{5.}~~ **(e)** The procedure for a school to obtain a waiver of the
39 requirements of regulations of the board of trustees or the State
40 Board;

41 ~~{6.}~~ **(f)** A method for determining the progress of a pupil in a
42 program of school-based decision making;

43 ~~{7.}~~ **(g)** A method for reporting the progress of a pupil to the
44 pupil, the pupil's parents or guardians, the board of trustees and the
45 State Board;



~~18.1~~ (h) Plans for improving the schools within the district;
~~19.1~~ (i) A method for allocating money to schools that have adopted a program of school-based decision making and for the administration of the budget of the school district; and

~~110.1~~ (j) The procedure which a school council or board of trustees may use to withdraw from a program of school-based decision making.

2. A program of school-based decision making must not include a turnaround school, as defined in section 3 of this act.

Sec. 17. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, **and sections 14 and 15 of this act**, the words and terms defined in NRS 386.492 to 386.503, inclusive, **and section 14 of this act** have the meanings ascribed to them in those sections.

Sec. 18. NRS 386.505 is hereby amended to read as follows:

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

1. ~~The~~ **Except as otherwise provided in section 7 of this act**, the conversion of an existing public school, homeschool or other program of home study to a charter school.

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

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.649, inclusive **H**, **and sections 14 and 15 of this act**.

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

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

Sec. 19. NRS 386.506 is hereby amended to read as follows:

386.506 The provisions of NRS 386.490 to 386.649, inclusive, **and sections 14 and 15 of this act** do not authorize an existing public school, homeschool or other program of home study to convert to a charter school **H** **except as otherwise provided in section 7 of this act**.

Sec. 20. NRS 386.5135 is hereby amended to read as follows:

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

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



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

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

5. The Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~H~~, and sections 14 and 15 of this act. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

Sec. 21. 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. 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 14 and 15 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 ~~H~~; *and*

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

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

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

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

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

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

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

Sec. 22. 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 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 ~~{ }~~ , **and sections 14 and 15 of this act.**

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

(1) Improving the academic achievement of pupils;

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

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



(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

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

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

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school **or, if the applicant proposes to use an instructional model in the charter school that does not rely primarily on a prescribed set of textbooks, a curriculum alignment, a scope and sequence and a sample lesson plan in English language arts and mathematics in the format prescribed by the sponsor for each grade level to be taught in the first year in which the charter school will be in operation.**

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

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



1 for transportation to ensure that pupils have access to transportation
2 to and from the charter school.

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

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

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

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

21 *(q) The method that the charter school will use to solicit input*
22 *concerning the governance of the charter school from parents of*
23 *pupils who attend the charter school and members of the*
24 *community in which the charter school is located.*

25 *(r) A statement of whether or not the charter school will*
26 *provide food service or participate in the National School Lunch*
27 *Program, 42 U.S.C. §§ 1751 et seq., and, if the charter school will*
28 *not provide food service or participate in the National School*
29 *Lunch Program, an explanation of the manner in which the*
30 *charter school will ensure that the lack of food service or*
31 *participation in the National School Lunch Program does not*
32 *prevent pupils from attending the charter school.*

33 *(s) If the applicant is seeking to convert a turnaround school*
34 *in the manner prescribed by regulation pursuant to subsection 4 of*
35 *section 7 of this act, an explanation of the manner in which the*
36 *charter school will determine whether a teacher employed to teach*
37 *at the public school will be allowed to continue to be employed by*
38 *the charter school.*

39 6. As used in subsection 1, “teacher” means a person who:

40 (a) Holds a current license to teach issued pursuant to chapter
41 391 of NRS or who previously held such a license and is retired, as
42 long as his or her license was held in good standing; and

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

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



7. As used in this section:

(a) “Curriculum alignment” means a document that explains which topics described in a scope and sequence directly address the standards of content and performance established pursuant to NRS 389.520 and school-based educational goals and objectives.

(b) “Scope and sequence” means a document that describes the lessons that will be taught in each grade and subject area in the order in which such lessons will be taught over the course of an academic year.

(c) “Turnaround school” has the meaning ascribed to it in section 3 of this act.

Sec. 23. NRS 386.525 is hereby amended to read as follows:

386.525 1. A *committee to form a charter school or a charter management organization* may submit ~~the~~ *an* application to form a charter school to the proposed sponsor of the charter school. ~~It~~ *Except as otherwise provided in section 7 of this act and the regulations adopted pursuant thereto, if* an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

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

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

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

(d) *If the applicant proposes to use an existing school as a model for the charter school, evaluate the academic, financial and organizational performance of the existing school;*

(e) *If the applicant proposes to enter into a management contract with a contractor or educational management organization, evaluate:*

(1) *The academic, financial and organizational performance and current business plan of the educational management organization; and*

(2) *The academic, financial and organizational performance of the schools operated by the educational management organization; and*

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



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

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, *and sections 14 and 15 of this act* and the regulations applicable to charter schools; and

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

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 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



1 application at a meeting which must be held not later than 60 days
2 after receipt of the application or a later period mutually agreed
3 upon by the committee to form the charter school and the State
4 Public Charter School Authority. Notice of the meeting must be
5 posted in accordance with chapter 241 of NRS. The State Public
6 Charter School Authority shall review the application in accordance
7 with the requirements for review set forth in subsections 2 and 3.
8 The State Public Charter School Authority may approve an
9 application only if it satisfies the requirements of subsection 3. Not
10 more than 30 days after the meeting, the State Public Charter School
11 Authority shall provide written notice of its determination to the
12 applicant.

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

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

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

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

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

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

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

42 12. *As used in this section, "contractor" or "educational*
43 *management organization" has the meaning ascribed to it in*
44 *NRS 386.562.*



Sec. 24. 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 14 and 15 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; or

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

2. Before the sponsor *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 of the charter school**, 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 charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

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

5. If the **governing body of a charter school is reconstituted**, the written charter is revoked or the charter contract is terminated, 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 termination not later than 10 days after revoking the written charter or terminating the charter contract.

Sec. 25. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The sponsor of a charter school shall **reconstitute the governing body of a charter school**, revoke the written charter or terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If **the governing body of a charter school is reconstituted**, a written charter is revoked 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, revocation or** termination not later than 10 days after **reconstituting**



1 *the governing body*, revoking the written charter or terminating the
2 charter contract.

3 3. The provisions of NRS 386.535 do not apply to the
4 *reconstitution of a governing body*, revocation of a written charter
5 or termination of a charter contract pursuant to this section.

6 **Sec. 26.** NRS 386.540 is hereby amended to read as follows:

7 386.540 1. The Department shall adopt regulations that
8 prescribe:

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

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

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

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

27 (e) The process for submission of an application to renew a
28 charter contract;

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

36 (g) The process for submission of an amendment of a written
37 charter or a charter contract pursuant to NRS 386.527 and the
38 contents of the application.

39 2. The Department may adopt regulations as it determines are
40 necessary to carry out the provisions of NRS 386.490 to 386.649,
41 inclusive, *and sections 14 and 15 of this act*, including, without
42 limitation, regulations that prescribe : ~~the:~~

43 (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~~; and

(d) Qualifications, in addition to those prescribed by NRS 386.520, of a charter management organization or a committee to form a charter school that is authorized to file an application to form a charter school pursuant to NRS 386.525.

Sec. 27. NRS 386.563 is hereby amended to read as follows:

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, *a charter management organization*, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560.

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 28. NRS 386.720 is hereby amended to read as follows:

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

2. The board of trustees of a school district which is located:

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

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

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

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership



1 of the design team must consist of the following persons appointed
2 by the board of trustees:

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

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

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

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

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

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

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

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

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

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

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

27 *7. The board of trustees of a school district shall consider*
28 *approving a public school within the school district to operate as*
29 *an empowerment school if the school receives the highest rating*
30 *possible indicating a high level of performance or progress of a*
31 *public school, as determined by the Department pursuant to the*
32 *statewide system of accountability for public schools.*

33 *8. As used in this section, "turnaround school" has the*
34 *meaning ascribed to it in section 3 of this act.*

35 **Sec. 29.** Chapter 388 of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 *"Charter management organization" has the meaning ascribed*
38 *to it in section 14 of this act.*

39 **Sec. 30.** NRS 388.820 is hereby amended to read as follows:

40 388.820 As used in NRS 388.820 to 388.874, inclusive, *and*
41 *section 29 of this act*, unless the context otherwise requires, the
42 words and terms defined in NRS 388.823, 388.826 and 388.829 *and*
43 *section 29 of this act* have the meanings ascribed to them in those
44 sections.



Sec. 31. NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school may submit an application to the Department to provide a program of distance education. In addition, a committee to form a charter school **or charter management organization** may submit an application to the Department to provide a program of distance education if the application to form the charter school submitted by the committee **or organization** pursuant to NRS 386.520 indicates that the charter school intends to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses of distance education which have not been reviewed by the Department before submission of the application.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the State Board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

4. Except as otherwise provided in this subsection, the Department shall approve an application submitted pursuant to this section if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, **and section 29 of this act** and all other applicable statutes and regulations. The Department shall deny an application to provide a program of distance education submitted by a committee to form a charter school **or a charter management organization** if the Department denies the application to form a charter school submitted by that committee **or organization**. The Department shall provide written notice to the applicant of the Department's approval or denial of the application.

5. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of 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. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the



requirements of NRS 388.820 to 388.874, inclusive, *and section 29 of this act* and all other applicable statutes and regulations.

Sec. 32. NRS 388.846 is hereby amended to read as follows:

388.846 1. If the board of trustees of a school district provides a program of distance education, the board of trustees shall ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.3891, inclusive ~~H~~, *and sections 2 to 8, inclusive, of this act;*

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. If the governing body of a charter school provides a program of distance education, the governing body shall:

(a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees before the pupil receives educational services through the program of distance education.

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the charter school, including, without limitation:

(1) Graduation requirements;

(2) Accountability of public schools, as set forth in NRS 385.3455 to 385.3891, inclusive ~~H~~, *and sections 2 to 8, inclusive, of this act;*

(3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(4) Discipline of pupils.

Sec. 33. NRS 388.862 is hereby amended to read as follows:

388.862 1. If a pupil is enrolled full-time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district with which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed



enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.3891, inclusive ~~H~~, and sections 2 to 8, inclusive, of this act;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. A pupil who is enrolled full-time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.3891, inclusive ~~H~~, and sections 2 to 8, inclusive, of this act;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

3. If a pupil is enrolled part-time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.3891, inclusive ~~H~~, and sections 2 to 8, inclusive, of this act;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

Sec. 34. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school, ~~for~~ a committee to form a charter school or a charter management



1 **organization** to provide a program of distance education and the
2 contents of the application;

3 (c) The qualifications and conditions for enrollment that a pupil
4 must satisfy to enroll in a program of distance education, consistent
5 with NRS 388.850 and any other applicable statute;

6 (d) A method for reporting to the Department the number of
7 pupils who are enrolled in a program of distance education and the
8 attendance of those pupils;

9 (e) The requirements for assessing the achievement of pupils
10 who are enrolled in a program of distance education, which must
11 include, without limitation, the administration of the examinations
12 required pursuant to NRS 389.550 and, if applicable for the grade
13 levels of the pupils enrolled, the administration of the examinations
14 pursuant to NRS 389.805 and the college and career readiness
15 assessment pursuant to NRS 389.807; and

16 (f) A written description of the process pursuant to which the
17 State Board may revoke its approval for the operation of a program
18 of distance education.

19 2. The State Board may adopt regulations as it determines are
20 necessary to carry out the provisions of NRS 388.820 to 388.874,
21 inclusive **H**, **and section 29 of this act.**

22 **Sec. 35.** NRS 391.298 is hereby amended to read as follows:

23 391.298 If the board of trustees of a school district or the
24 superintendent of schools of a school district schedules a day or
25 days for the professional development of teachers or administrators
26 employed by the school district:

27 1. The primary focus of that scheduled professional
28 development must be to improve the achievement of the pupils
29 enrolled in the school district, as set forth in the plan to improve the
30 achievement of pupils prepared pursuant to NRS 385.357 **H** **and**
31 **any turnaround plan established pursuant to section 5 of this act.**

32 2. The scheduled professional development must be structured
33 so that teachers attend professional development that is designed for
34 the specific subject areas or grades taught by those teachers.

35 **Sec. 36.** NRS 391.3125 is hereby amended to read as follows:

36 391.3125 1. It is the intent of the Legislature that a uniform
37 system be developed for objective evaluation of teachers and other
38 licensed personnel in each school district.

39 2. Each board, following consultation with and involvement of
40 elected representatives of the teachers or their designees, shall
41 develop a policy for objective evaluations in narrative form. The
42 policy must comply with the statewide performance evaluation
43 system established by the State Board pursuant to NRS 391.465.
44 The policy must set forth a means according to which an employee's
45 overall performance is determined to be highly effective, effective,



1 minimally effective or ineffective. Except as otherwise provided in
2 subsection 9, the policy must require that pupil achievement data, as
3 prescribed by the State Board pursuant to NRS 391.465, account for
4 at least 50 percent of the evaluation. The policy may include an
5 evaluation by the teacher, pupils, administrators or other teachers or
6 any combination thereof. In a similar manner, counselors, librarians
7 and other licensed personnel must be evaluated. A copy of the
8 policy adopted by the board must be filed with the Department. The
9 primary purpose of an evaluation is to provide a format for
10 constructive assistance. Evaluations, while not the sole criterion,
11 must be used in the dismissal process.

12 3. The person charged with the evaluation of a teacher pursuant
13 to this section shall hold a conference with the teacher before and
14 after each scheduled observation of the teacher during the school
15 year.

16 4. A probationary teacher must be evaluated three times during
17 each school year of his or her probationary employment. Each
18 evaluation must include at least one scheduled observation of the
19 teacher during the school year as follows:

20 (a) The first scheduled observation must occur within 40 days
21 after the first day of instruction of the school year;

22 (b) The second scheduled observation must occur after 40 days
23 but within 80 days after the first day of instruction of the school
24 year; and

25 (c) The third scheduled observation must occur after 80 days but
26 within 120 days after the first day of instruction of the school year.

27 5. If a postprobationary teacher receives an evaluation
28 designating his or her overall performance as minimally effective or
29 ineffective, the postprobationary teacher must be evaluated three
30 times in the immediately succeeding school year in accordance with
31 the observation schedule set forth in subsection 4. If a
32 postprobationary teacher is evaluated three times in a school year
33 and he or she receives an evaluation designating his or her overall
34 performance as minimally effective or ineffective on the first or
35 second evaluation, or both evaluations, the postprobationary teacher
36 may request that the third evaluation be conducted by another
37 administrator. If a postprobationary teacher requests that his or her
38 third evaluation be conducted by another administrator, that
39 administrator must be:

40 (a) Employed by the school district or, if the school district has
41 five or fewer administrators, employed by another school district in
42 this State; and

43 (b) Selected by the postprobationary teacher from a list of three
44 candidates submitted by the superintendent.



6. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

8. The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional practice of the teacher in the classroom;

(b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 9, an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;

(e) Recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in the areas of instructional practice, professional responsibilities and the performance of pupils; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

9. The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

10. *The evaluation of a teacher at a turnaround school must not be adversely affected by pupil achievement data during the*



first or second year that the school is operating under a turnaround plan established pursuant to section 5 of this act.

11. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to improve his or her performance based upon the recommendations reported in the evaluation of the teacher.

Sec. 37. NRS 391.520 is hereby amended to read as follows:

391.520 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.



(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to NRS 391.540.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to NRS 391.552.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385.357 *and the turnaround plans established pursuant to section 5 of this act* for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.3593 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

Sec. 38. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to



1 the appropriate governing body for the types of training that should
2 be offered by the regional training program.

3 (c) In making the assessment required by paragraph (b) and as
4 deemed necessary by the governing body, review the plans to
5 improve the achievement of pupils prepared pursuant to NRS
6 385.357 **and the turnaround plans established pursuant to section**
7 **5 of this act** for individual schools within the primary jurisdiction of
8 the regional training program.

9 (d) Prepare a 5-year plan for the regional training program for
10 review by the Statewide Council, which includes, without
11 limitation:

12 (1) An assessment of the training needs of teachers and
13 administrators who are employed by the school districts within the
14 primary jurisdiction of the regional training program; and

15 (2) Specific details of the training that will be offered by the
16 regional training program for the first 2 years covered by the plan
17 including, without limitation, the biennial budget of the regional
18 training program for those 2 years.

19 ➤ The governing body shall incorporate into the 5-year plan any
20 revisions recommended by the Statewide Council.

21 (e) Review the 5-year plan on an annual basis and make
22 revisions to the plan as are necessary to serve the training needs of
23 teachers and administrators employed by the school districts within
24 the primary jurisdiction of the regional training program.

25 2. The Department, the Nevada System of Higher Education
26 and the board of trustees of a school district may request the
27 governing body of the regional training program that serves the
28 school district to provide training, participate in a program or
29 otherwise perform a service that is in addition to the duties of the
30 regional training program that are set forth in the plan adopted
31 pursuant to this section or otherwise required by statute. An entity
32 may not represent that a regional training program will perform
33 certain duties or otherwise obligate the regional training program as
34 part of an application by that entity for a grant unless the entity has
35 first obtained the written confirmation of the governing body of the
36 regional training program to perform those duties or obligations.
37 The governing body of a regional training program may, but is not
38 required to, grant a request pursuant to this subsection.

39 **Sec. 39.** NRS 288.150 is hereby amended to read as follows:

40 288.150 1. Except as provided in subsection 4, every local
41 government employer shall negotiate in good faith through one or
42 more representatives of its own choosing concerning the mandatory
43 subjects of bargaining set forth in subsection 2 with the designated
44 representatives of the recognized employee organization, if any, for



1 each appropriate bargaining unit among its employees. If either
2 party so requests, agreements reached must be reduced to writing.

3 2. The scope of mandatory bargaining is limited to:

4 (a) Salary or wage rates or other forms of direct monetary
5 compensation.

6 (b) Sick leave.

7 (c) Vacation leave.

8 (d) Holidays.

9 (e) Other paid or nonpaid leaves of absence.

10 (f) Insurance benefits.

11 (g) Total hours of work required of an employee on each
12 workday or workweek.

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

15 (i) Discharge and disciplinary procedures.

16 (j) Recognition clause.

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

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

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

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

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

28 (p) General savings clauses.

29 (q) Duration of collective bargaining agreements.

30 (r) Safety of the employee.

31 (s) Teacher preparation time.

32 (t) Materials and supplies for classrooms.

33 (u) ~~The~~ *Except as otherwise provided in subsection 6, the*
34 policies for the transfer and reassignment of teachers.

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

37 (w) Procedures and requirements for the reopening of collective
38 bargaining agreements that exceed 1 year in duration for additional,
39 further, new or supplementary negotiations during periods of fiscal
40 emergency. The requirements for the reopening of a collective
41 bargaining agreement must include, without limitation, measures of
42 revenue shortfalls or reductions relative to economic indicators such
43 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. *The board of trustees of a school district may reassign any member of the staff of a turnaround school, and any provision of any agreement negotiated pursuant to this chapter which 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.



~~17.1~~ 8. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

9. *As used in this section, "turnaround school" has the meaning ascribed to it in section 3 of this act.*

Sec. 40. Section 15 of this act is hereby amended to read as follows:

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 shall appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor may reappoint any member of the prior governing body. Before appointing members of the new 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; and

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

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

(a) Manage the school until other arrangements are made for pupils who attend the school; or

(b) Enter into an agreement with another charter school or charter management organization to operate one or more campuses of the charter school.

Sec. 41. 1. The Department of Education may determine whether to designate as a turnaround school pursuant to section 5 of this act:

(a) A public school that has been designated as a priority school or focus school by the Department pursuant to the statewide system of accountability for public schools; or

(b) A public school that has received three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A public school described in subsection 1 which is not designated as a turnaround school pursuant to section 5 of this act remains subject to any statutory requirements in existence and agreements entered into with the Department before the effective date of this section.



3. If, pursuant to section 5 of this act, the Department of Education designates a public school described in subsection 1 as a turnaround school, notwithstanding the provisions of section 5 of this act, the Department may establish a turnaround plan which has a duration of less than 3 years.

4. As used in this section, a “public school” has the meaning ascribed to it in NRS 385.007, but does not include a charter school or a university school for profoundly gifted pupils.

Sec. 42. The amendatory provisions of sections 15, 24 and 25 of this act apply to charter schools formed before, on or after the effective date of this section.

Sec. 43. The provisions of NRS 288.150, as amended by section 39 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after the effective date of this 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 this section during the current term of the agreement.

Sec. 44. 1. This section and sections 1 to 39, inclusive, 41, 42 and 43 of this act become effective upon passage and approval.

2. Section 40 of this act becomes effective on January 1, 2020.

