

ASSEMBLY BILL NO. 49—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Education

SUMMARY—Makes various changes relating to charter schools.
(BDR 34-255)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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

AN ACT relating to education; revising the requirements for a charter school to be eligible to be rated using the alternative performance framework; prohibiting certain actions relating to written charters and charter contracts; creating a process for filing complaints regarding charter schools which are sponsored by the State Public Charter School Authority; requiring a charter school to give notice to the parent or legal guardian of each pupil and take certain actions after the occurrence of certain events; establishing a process for a charter school to have an expedited review to become a qualified provider of an alternative route to licensure; prohibiting a member of the State Public Charter School Authority from engaging in certain acts; revising provisions relating to the appointment of the Executive Director of the Authority; revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the sponsor of a charter school to amend a written
- 2 charter or charter contract upon the request of the governing body of a charter
- 3 school. (NRS 388A.276) Existing law also requires the State Board of Education to
- 4 adopt regulations which prescribe an alternative performance framework to
- 5 evaluate certain schools which serve certain populations and prescribes eligibility



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6 requirements for a school to be rated using the alternative performance framework.
7 (NRS 385A.730, 385A.740) **Sections 1 and 2** of this bill establish additional
8 eligibility requirements for a charter school to be rated using the alternative
9 performance framework. **Section 11** of this bill provides for the amendment of a
10 written charter or charter contract or the execution of a charter contract of a charter
11 school to comply with the requirements of **sections 1 and 2**. **Section 25** of this bill
12 allows the formation of a charter school dedicated to providing educational services
13 exclusively to pupils described in **section 1**.

14 Existing law provides for the formation and operation of charter schools in this
15 State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter
16 School Authority or, with the approval of the Department of Education, the board
17 of trustees of a school district or a college or university within the Nevada System
18 of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter
19 school approved before June 11, 2013, existing law requires the sponsor of the
20 charter school to grant a written charter to the governing body of the charter school.
21 For any charter school approved on or after that date, existing law requires the
22 sponsor to enter into a charter contract with the governing body of the charter
23 school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or
24 charter contract is not assignable or transferable and may not be delegated to a third
25 party; and (2) prohibits the use of a written charter or charter contract as security
26 for a loan. **Section 5** of this bill requires a charter school to designate any
27 information submitted to the sponsor of the charter school that is intended to remain
28 confidential and requires the sponsor to determine whether such information should
29 be declared confidential. **Sections 5.5-10** of this bill provide for the filing,
30 investigation and resolution of complaints regarding charter schools sponsored by
31 the State Public Charter School Authority. **Section 11.5** of this bill requires a
32 charter school to give notice to the parent or legal guardian of each pupil and take
33 certain actions upon the occurrence of certain events. **Section 13** of this bill
34 requires the Department of Education to satisfy certain requirements before
35 submitting an application for a grant which may result in the distribution of money
36 to a charter school or a sponsor of a charter school.

37 Existing law requires the Commission on Professional Standards in Education
38 to adopt regulations providing for an alternative route to licensure for teachers and
39 other educational personnel and establishing the requirements for approval as a
40 qualified provider of such an alternate route. (NRS 391.019) **Section 12** of this bill
41 authorizes a charter school or charter management organization that meets certain
42 requirements to request its sponsor or proposed sponsor to submit a request for an
43 expedited review from the Commission of the application of the charter school or
44 charter management organization to become a qualified provider. **Section 12** also
45 authorizes the sponsor or proposed sponsor of the charter school to include a
46 request for a waiver by the Commission of any requirement not prescribed by
47 existing law for the charter school or charter management organization.

48 Existing law creates the State Public Charter School Authority, requires the
49 Authority to appoint an Executive Director and authorizes the Authority to sponsor
50 charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill, with
51 the exception of allowing not more than two members of the Authority to be
52 teachers or administrators employed by certain charter schools or charter
53 management organizations, prohibits a member of the Authority from actively
54 engaging in business with or holding a direct pecuniary interest relating to charter
55 schools. **Section 16** of this bill revises the process for appointing and the
56 qualifications required of the Executive Director of the Authority.

57 Existing law authorizes the proposed sponsor of a charter school to review an
58 application to form a charter school and approve the application if it satisfies
59 certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the
60 identity of each member of a team of reviewers assembled by the proposed sponsor



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61 of a charter school to review an application to form a charter school is confidential
62 for a certain period of time after review of the application. **Sections 14, 19, 20, 23,**
63 **24 and 26** of this bill make various other changes relating to charter schools.

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

1 **Section 1.** NRS 385A.740 is hereby amended to read as
2 follows:

3 385A.740 1. A public school, including, without limitation, a
4 charter school, that wishes to be rated using the alternative
5 performance framework prescribed by the State Board pursuant to
6 NRS 385A.730 must request the board of trustees of the school
7 district or sponsor of the charter school, as applicable, to apply to
8 the State Board on behalf of the school for approval to be rated
9 using the alternative performance framework.

10 2. The board of trustees of a school district or the sponsor of a
11 charter school, as applicable, may apply to the State Board on behalf
12 of a school for the school to be rated using the alternative
13 performance framework by submitting a form prescribed by the
14 Department.

15 3. A *public* school *other than a charter school* is eligible to be
16 rated using the alternative performance framework if:

17 (a) The school specifies that the mission of the school is to serve
18 pupils who:

19 (1) Have been expelled or suspended from a public school,
20 including, without limitation, a charter school;

21 (2) Have been deemed to be a habitual disciplinary problem
22 pursuant to NRS 392.4655;

23 (3) Are academically disadvantaged;

24 (4) Have been adjudicated delinquent;

25 (5) Have been adjudicated to be in need of supervision for a
26 reason set forth in NRS 62B.320; or

27 (6) Have an individualized education program; and

28 (b) At least 75 percent of the pupils enrolled at the school fall
29 within one or more of the categories listed in paragraph (a).

30 4. *A charter school is eligible to be rated using the alternative*
31 *performance framework if the charter school:*

32 (a) *Specifies in its written charter or charter contract that:*

33 (1) *The mission of the charter school is to serve only pupils*
34 *who are described in subparagraphs (1) to (6), inclusive, of*
35 *paragraph (a) of subsection 3; and*

36 (2) *The admissions policy of the charter school only allows*
37 *the pupils identified in its mission statement to enroll in the*
38 *charter school; and*



1 *(b) Completes any requirements to transition to the alternative*
2 *performance framework required by the proposed sponsor of the*
3 *charter school pursuant to section 11 of this act.*

4 *5. In addition to the requirements of subsection 4, if the*
5 *charter school, at the time of its application to be rated using the*
6 *alternative performance framework, has one or more enrolled*
7 *pupils who are not identified in its mission statement, the charter*
8 *school must have a plan approved by its sponsor for at least 75*
9 *percent of pupils enrolled in the charter school to be pupils*
10 *identified in its mission statement by a certain date.*

11 *6. As used in this section, "academically disadvantaged"*
12 *includes, without limitation, being retained in the same grade level*
13 *two or more times or having a deficiency in the credits required to*
14 *graduate on time.*

15 **Sec. 2.** NRS 385A.740 is hereby amended to read as follows:

16 385A.740 1. A public school, including, without limitation, a
17 charter school, that wishes to be rated using the alternative
18 performance framework prescribed by the State Board pursuant to
19 NRS 385A.730 must request the board of trustees of the school
20 district or sponsor of the charter school, as applicable, to apply to
21 the State Board on behalf of the school for approval to be rated
22 using the alternative performance framework.

23 2. The board of trustees of a school district or the sponsor of a
24 charter school, as applicable, may apply to the State Board on behalf
25 of a school for the school to be rated using the alternative
26 performance framework by submitting a form prescribed by the
27 Department.

28 3. A public school other than a charter school is eligible to be
29 rated using the alternative performance framework if:

30 (a) The school specifies that the mission of the school is to serve
31 pupils who:

32 (1) Have been expelled or suspended from a public school,
33 including, without limitation, a charter school;

34 (2) Have been deemed to be a habitual disciplinary problem
35 pursuant to NRS 392.4655;

36 (3) Are academically disadvantaged;

37 (4) Have been adjudicated delinquent;

38 (5) Have been adjudicated to be in need of supervision for a
39 reason set forth in NRS 62B.320; or

40 (6) Have an individualized education program; and

41 (b) At least 75 percent of the pupils enrolled at the school fall
42 within one or more of the categories listed in paragraph (a).

43 4. A charter school is eligible to be rated using the alternative
44 performance framework if the charter school:

45 (a) Specifies in its ~~written charter or~~ charter contract that:



1 (1) The mission of the charter school is to serve only pupils
2 who are described in subparagraphs (1) to (6), inclusive, of
3 paragraph (a) of subsection 3; and

4 (2) The admissions policy of the charter school only allows
5 the pupils identified in its mission statement to enroll in the charter
6 school; and

7 (b) Completes any requirements to transition to the alternative
8 performance framework required by the proposed sponsor of the
9 charter school pursuant to section 11 of this act.

10 5. In addition to the requirements of subsection 4, if the charter
11 school, at the time of its application to be rated using the alternative
12 performance framework, has one or more enrolled pupils who are
13 not identified in its mission statement, the charter school must have
14 a plan approved by its sponsor for at least 75 percent of pupils
15 enrolled in the charter school to be pupils identified in its mission
16 statement by a certain date.

17 6. As used in this section, “academically disadvantaged”
18 includes, without limitation, being retained in the same grade level
19 two or more times or having a deficiency in the credits required to
20 graduate on time.

21 **Sec. 3.** Chapter 388A of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 4 to 13, inclusive, of this
23 act.

24 **Sec. 4. 1.** *A written charter issued by the sponsor of a*
25 *charter school to the governing body of the charter school is not*
26 *assignable or transferable and may not be delegated to a third*
27 *party.*

28 **2.** *A charter contract entered into between the governing body*
29 *of a charter school and the sponsor of the charter school is not*
30 *assignable or transferable and may not be delegated to a third*
31 *party.*

32 **3.** *A written charter or charter contract may not be used as*
33 *security for any loan and shall be deemed to have no monetary*
34 *value.*

35 **4.** *For the purpose of this section, an amendment to a written*
36 *charter or charter contract which consolidates two or more*
37 *charter schools, the restart of a charter school pursuant to NRS*
38 *388A.300 and the reconstitution of the governing body of a*
39 *charter school pursuant to NRS 388A.330 do not constitute the*
40 *assignment, transfer or delegation of a written charter or charter*
41 *contract.*

42 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, any*
43 *information relating to an educational management organization*
44 *or other person who provides educational or management services*
45 *to a charter school or charter management organization that is*



1 *provided to the sponsor of the charter school or a charter school*
2 *operated by the charter management organization is not*
3 *confidential and may be disclosed to any member of the general*
4 *public upon request.*

5 *2. A charter school must designate any information*
6 *contained in a submission by the charter school to the sponsor of*
7 *the charter school that is intended to remain confidential and*
8 *request for the sponsor to declare such information confidential.*
9 *Upon receipt of such a request, the sponsor of the charter school*
10 *shall determine whether the designated information should be*
11 *declared confidential. If the sponsor of the charter school*
12 *determines the information should not be declared confidential,*
13 *the sponsor must give the charter school an opportunity to redact*
14 *such information. Except as otherwise provided in NRS 239.0115,*
15 *if the sponsor of the charter school determines that the*
16 *information should be declared confidential, the information is*
17 *confidential and must not be disclosed.*

18 **Sec. 5.5.** *The provisions of sections 5.5 to 10, inclusive, of*
19 *this act apply only to a charter school which is sponsored by the*
20 *State Public Charter School Authority.*

21 **Sec. 6. 1.** *Except as otherwise provided by federal law, a*
22 *parent or legal guardian of a pupil enrolled in a charter school,*
23 *a pupil who is at least 18 years of age enrolled in a charter school,*
24 *a member of the governing body of a charter school or an*
25 *employee of a charter school may file a written complaint with the*
26 *State Public Charter School Authority which alleges a violation of*
27 *the provisions of this chapter, the written charter or charter*
28 *contract of the charter school or any other provision of law or*
29 *regulation relating to the management or operation of the charter*
30 *school.*

31 *2. Upon receipt of a complaint filed pursuant to subsection 1,*
32 *the State Public Charter School Authority shall investigate the*
33 *allegations contained within the complaint, conduct a review to*
34 *determine whether the charter school has complied with the*
35 *provisions of this chapter, the written charter or charter contract*
36 *and respond in writing to the complaining party within 30 days*
37 *after receipt of the complaint. The staff of the charter school and*
38 *any other person named in the complaint shall cooperate with the*
39 *State Public Charter School Authority during such an*
40 *investigation.*

41 **Sec. 7. 1.** *A parent or legal guardian of a pupil enrolled in*
42 *a charter school, a pupil who is at least 18 years of age enrolled in*
43 *a charter school, a member of the governing body of a charter*
44 *school or an employee of a charter school who has evidence that a*
45 *charter school has violated any state or federal law or regulation*



1 *relating to special education or pupils who are limited English*
2 *proficient may file a complaint directly with the Department and*
3 *notify the State Public Charter School Authority in writing. The*
4 *Department shall investigate the complaint and notify the State*
5 *Public Charter School Authority of its findings.*

6 *2. A person who has evidence that a charter school or an*
7 *employee or vendor of a charter school has committed a crime*
8 *shall file a complaint directly with a law enforcement agency and*
9 *notify the State Public Charter School Authority in writing. The*
10 *law enforcement agency may investigate the complaint and notify*
11 *the State Public Charter School Authority of its findings.*

12 *3. A person who has evidence that a charter school has*
13 *violated any law or regulation which is within the jurisdiction of*
14 *an agency of this State other than the Department may file a*
15 *complaint directly with the appropriate agency and notify the State*
16 *Public Charter School Authority in writing. If the agency*
17 *determines that credible evidence exists to support the complaint,*
18 *the agency shall investigate the complaint and notify the State*
19 *Public Charter School Authority of its findings.*

20 *4. The State Public Charter School Authority shall accept the*
21 *findings of the Department, a law enforcement agency or an*
22 *agency pursuant to subsection 1, 2 or 3, as applicable, as*
23 *conclusive unless it is shown that the Department, law*
24 *enforcement agency or agency acted with fraud or a gross abuse*
25 *of discretion.*

26 **Sec. 8. 1.** *A parent or legal guardian of a pupil enrolled in*
27 *a charter school, a pupil who is at least 18 years of age enrolled in*
28 *a charter school, a member of the governing body of a charter*
29 *school or an employee of a charter school may file a complaint*
30 *directly with the State Public Charter School Authority if the*
31 *person has evidence that the charter school has:*

32 *(a) Violated any law or regulation relating to the health and*
33 *safety of pupils;*

34 *(b) Violated any law or regulation relating to the civil rights of*
35 *pupils, except for a law or regulation described in subsection 1 of*
36 *section 7 of this act;*

37 *(c) Violated any law or regulation or policy of the sponsor of*
38 *the charter school relating to the enrollment, suspension or*
39 *expulsion of pupils;*

40 *(d) Committed fraud, financial mismanagement or financial*
41 *malfeasance; or*

42 *(e) Committed academic dishonesty, including, without*
43 *limitation, engaging in a policy or practice that has the intent or*
44 *effect of inappropriately increasing the graduation rate or*



1 *inappropriately increasing performance on assessments mandated*
2 *by this State or the State Public Charter School Authority.*

3 2. *If the State Public Charter School Authority determines*
4 *that credible evidence exists to support a complaint submitted*
5 *pursuant to subsection 1, the State Public Charter School*
6 *Authority shall investigate the complaint and respond to the*
7 *complaining party in writing.*

8 **Sec. 9.** 1. *If the State Public Charter School Authority*
9 *determines that external expertise is necessary to conduct an*
10 *investigation of a complaint filed pursuant to sections 5.5 to 10,*
11 *inclusive, of this act, the State Public Charter School Authority*
12 *may select an investigator to conduct the investigation and make*
13 *any appropriate determinations or recommendations to the State*
14 *Public Charter School Authority.*

15 2. *If the State Public Charter School Authority determines*
16 *that a violation has occurred, the State Public Charter School*
17 *Authority may petition a court of competent jurisdiction for an*
18 *order directing the charter school to reimburse the State Public*
19 *Charter School Authority for the actual costs of its investigation.*
20 *A charter school subject to such an order must reimburse the State*
21 *Public Charter School Authority within 30 days after issuance of*
22 *the order. Any money received by the State Public Charter School*
23 *Authority pursuant to this subsection must be used for*
24 *investigations, audits and other proceedings of the State Public*
25 *Charter School Authority and does not revert to the State General*
26 *Fund.*

27 3. *If the State Public Charter School Authority determines*
28 *that a current or former member of the governing body of the*
29 *charter school or a current or former employee of the charter*
30 *school failed to cooperate with any investigation conducted*
31 *pursuant to this section, the State Public Charter School Authority*
32 *may begin a proceeding to revoke the written charter or terminate*
33 *the charter contract of the charter school pursuant to*
34 *NRS 388A.330.*

35 4. *If the State Public Charter School Authority determines*
36 *that the charter school or an employee of the charter school has*
37 *violated any provision of this chapter or another statute or*
38 *regulation applicable to charter schools or has materially*
39 *breached the terms and conditions of the written charter or*
40 *charter contract of the charter school, the State Public Charter*
41 *School Authority may:*

42 (a) *Begin a proceeding to revoke the written charter or*
43 *terminate the charter contract of the charter school pursuant to*
44 *NRS 388A.330; and*



1 (b) Refer the matter to the district attorney of the county in
2 which the charter school is located, the Attorney General or any
3 other appropriate agency for further action.

4 5. If the State Public Charter School Authority determines
5 that the current operations of the charter school pose an imminent
6 danger to the health and safety of the pupils or staff of the charter
7 school, the State Public Charter School Authority shall order the
8 charter school to suspend its operations at any or all of its
9 facilities until appropriate corrective action has been taken.

10 **Sec. 10.** The governing body of a charter school shall
11 develop a policy for accepting, investigating and responding to
12 complaints and submit the policy to the State Public Charter
13 School Authority for review and approval. Such a policy may
14 allow for a complaint to be delegated to the staff of the charter
15 school or an educational management organization if the policy
16 allows a complaining party who does not believe the staff of the
17 charter school or educational management organization has
18 adequately addressed a complaint to submit the complaint to the
19 governing body of the charter school for its investigation and
20 response.

21 **Sec. 11. 1.** If a charter school wishes to be rated using the
22 alternative performance framework prescribed by the State Board
23 pursuant to NRS 385A.730, the governing body of the charter
24 school may submit to the sponsor of the charter school a request to
25 amend the written charter or charter contract, as applicable, of the
26 charter school pursuant to NRS 388A.276 to include the mission
27 statement and admissions policy required by subsection 4 of
28 NRS 385A.740.

29 2. The sponsor of a charter school may require that:

30 (a) A request to amend a written charter or charter contract
31 described in subsection 1 also include such changes to the
32 academic program, organizational plan and financial model of the
33 charter school as the sponsor of the charter school determines are
34 necessary for a charter school rated using the alternative
35 performance framework; and

36 (b) A charter school which submits a request to amend a
37 written charter or charter contract described in subsection 1
38 perform such actions as the sponsor of the charter school
39 determines to be necessary to successfully transition to being rated
40 using the alternative performance framework.

41 3. The sponsor of a charter school shall evaluate a request to
42 amend a written charter or charter contract described in
43 subsection 1 by reviewing the academic, organizational and
44 financial performance of the charter school. If the sponsor of the
45 charter school determines that the charter school is unlikely to



1 *achieve academic, organizational or financial success if the*
2 *request to amend its written charter or charter contract is*
3 *approved, the sponsor of the charter school must deny the request.*

4 *4. Unless invited to do so by the sponsor of the charter school,*
5 *the governing body of a charter school whose request to amend its*
6 *written charter or charter contract is denied pursuant to*
7 *subsection 3 may not submit a materially similar request for 1 year*
8 *after the denial of its request.*

9 *5. If a proposed sponsor of a charter school approves an*
10 *application to form a charter school and the proposed sponsor of*
11 *the charter school determines that the charter school has a*
12 *mission statement and an admissions policy which satisfy the*
13 *requirements of subsection 4 of NRS 385A.740, the proposed*
14 *sponsor of the charter school shall include language in the charter*
15 *contract entered into with the charter school which provides that:*

16 *(a) Except as otherwise provided in paragraph (b), the*
17 *proposed sponsor of the charter school will submit an application*
18 *to the State Board on behalf of the charter school for the charter*
19 *school to be rated using the alternative performance framework*
20 *within 2 years after the charter school commences operation;*

21 *(b) The proposed sponsor of the charter school will submit the*
22 *application described in paragraph (a) only upon the successful*
23 *completion by the charter school of such actions as the proposed*
24 *sponsor of the charter school determines to be necessary to*
25 *successfully transition to being rated using the alternative*
26 *performance framework; and*

27 *(c) Upon approval of such an application by the State Board,*
28 *the performance framework adopted by the proposed sponsor of*
29 *the charter school will be replaced by the alternative performance*
30 *framework.*

31 **Sec. 11.5. 1. A charter school shall provide notification to**
32 **the parent or legal guardian of each pupil enrolled in the charter**
33 **school, post a notice prominently on the Internet website of the**
34 **charter school and revise the marketing materials of the charter**
35 **school to include such a notice within 5 business days after:**

36 *(a) The Department reports that the graduation rate of the*
37 *charter school for that school year was less than 67 percent;*

38 *(b) The Department reports that the charter school was rated*
39 *in the lowest 5 percent of public schools in the State pursuant to*
40 *the statewide system of accountability for public schools;*

41 *(c) The Department reports that the charter school received an*
42 *annual rating established as one of the two lowest ratings possible*
43 *indicating underperformance of a public school, as determined by*
44 *the Department pursuant to the statewide system of accountability*
45 *for public schools;*



1 (d) The governing body of the charter school submits to the
2 sponsor of the charter school a written request for an amendment
3 of the written charter or charter contract of the charter school
4 which would result in the:

5 (1) Relocation of the charter school to a location more than
6 1 mile from its current location;

7 (2) Closure of a campus of the charter school or the
8 elimination of one or more grade levels; or

9 (3) Reduction of enrollment as a result of an academic,
10 financial or organizational issue;

11 (e) The sponsor of the charter school issues a notice of intent
12 to revoke the written charter or terminate the charter contract of
13 the charter school; or

14 (f) The sponsor of the charter school revokes the written
15 charter or terminates the charter contract of the charter school.

16 2. A notice provided to a parent or legal guardian pursuant to
17 subsection 1 must include a list of other public schools to which a
18 pupil may transfer if the charter school closes or adopts changes
19 which a parent or legal guardian finds unacceptable.

20 3. Within 10 days after a charter school provides the notice
21 required by subsection 1, the charter school shall hold a public
22 hearing to discuss a plan to correct any issue which caused the
23 issuance of such a notice and to solicit suggestions to improve the
24 performance of the charter school.

25 **Sec. 12. 1.** A charter school that has received, within the
26 immediately preceding 2 consecutive school years, one of the three
27 highest ratings of performance pursuant to the statewide system of
28 accountability for public schools may request that its sponsor
29 submit a request to the Commission on Professional Standards in
30 Education for an expedited review of an application to become a
31 qualified provider of an alternative route to licensure pursuant to
32 subparagraph (1) of paragraph (a) of subsection 1 of
33 NRS 391.019.

34 2. A charter management organization which operates a
35 charter school that has received, within the immediately preceding
36 2 consecutive school years, one of the three highest ratings of
37 performance pursuant to the statewide system of accountability for
38 public schools, or equivalent ratings in another state, as
39 determined by the Department, and which intends to form a new
40 charter school in this State may request that its proposed sponsor
41 submit a request to the Commission on Professional Standards in
42 Education for an expedited review of an application to become a
43 qualified provider of an alternative route to licensure pursuant to
44 subparagraph (1) of paragraph (a) of subsection 1 of
45 NRS 391.019.



1 3. *If a sponsor or proposed sponsor receives a request*
2 *pursuant to subsection 1 or 2 and determines that the charter*
3 *school or charter management organization, as applicable, is*
4 *eligible to become a qualified provider, the sponsor or proposed*
5 *sponsor may submit a request for an expedited review of the*
6 *appropriate application to the Commission on Professional*
7 *Standards in Education.*

8 4. *A charter school or charter management organization may*
9 *include in a request made pursuant to subsection 1 or 2 a request*
10 *for the Commission on Professional Standards in Education to*
11 *waive any requirement which may apply to a program for an*
12 *alternative route to licensure that is not prescribed by NRS*
13 *391.019. If the sponsor or proposed sponsor, as applicable,*
14 *approves the request made pursuant to this subsection, the sponsor*
15 *or proposed sponsor may include the request for a waiver with*
16 *the request for an expedited review submitted pursuant to*
17 *subsection 3.*

18 5. *Upon receipt of the written request of a sponsor of a*
19 *charter school or a proposed sponsor of a charter management*
20 *organization for an expedited review submitted pursuant to*
21 *subsection 3 and an application to become a qualified provider,*
22 *the Commission on Professional Standards in Education shall*
23 *review the application to become a qualified provider and approve*
24 *or deny the application within 45 days after receipt of the*
25 *application and the written request. If the request for an expedited*
26 *review includes a request for a waiver pursuant to subsection 4,*
27 *the Commission on Professional Standards in Education shall*
28 *waive any requirement which may apply to a program for an*
29 *alternative route to licensure that is not prescribed by*
30 *NRS 391.019.*

31 **Sec. 13.** *Before submitting an application for any grant*
32 *which may result in the distribution of money to a charter school*
33 *or the sponsor of a charter school, the Department shall:*

34 1. *Consider the definitions and measures of school*
35 *performance specified in the grant and make any necessary*
36 *adjustments to the information submitted by the Department to*
37 *conform to the definitions and measures of school performance*
38 *specified in the grant;*

39 2. *Separately determine the academic performance for each*
40 *campus of the charter school and the charter school as a whole;*
41 *and*

42 3. *If the State Board has approved an application by a charter*
43 *school to be rated using the alternative performance framework*
44 *prescribed by the State Board pursuant to NRS 385A.730, apply*



1 *the alternative performance framework to evaluate the*
2 *performance of the charter school.*

3 **Sec. 14.** NRS 388A.150 is hereby amended to read as follows:

4 388A.150 **1.** The State Public Charter School Authority is
5 hereby created. The purpose of the State Public Charter School
6 Authority is to:

7 ~~1-1~~ **(a)** Authorize charter schools of high-quality throughout
8 this State with the goal of expanding the opportunities for pupils in
9 this State, including, without limitation, pupils who are at risk.

10 ~~1-2~~ **(b)** Provide oversight to the charter schools that it sponsors
11 to ensure that those charter schools maintain high educational and
12 operational standards, preserve autonomy and safeguard the
13 interests of pupils and the community.

14 ~~1-3~~ **(c)** Serve as a model of the best practices in sponsoring
15 charter schools and foster a climate in this State in which all *high-*
16 *quality* charter schools, regardless of sponsor, can flourish.

17 **2.** *The provisions of this section shall not be construed to*
18 *create a duty for the State Public Charter School Authority to*
19 *provide any assistance, support or services to a charter school*
20 *other than to carry out its purpose as described in subsection 1.*

21 **Sec. 15.** NRS 388A.153 is hereby amended to read as follows:

22 388A.153 **1.** The State Public Charter School Authority
23 consists of seven members. The membership of the State Public
24 Charter School Authority consists of:

25 (a) Two members appointed by the Governor in accordance with
26 subsection 2;

27 (b) Two members, who must not be Legislators, appointed by
28 the Majority Leader of the Senate in accordance with subsection 2;

29 (c) Two members, who must not be Legislators, appointed by
30 the Speaker of the Assembly in accordance with subsection 2; and

31 (d) One member appointed by the Charter School Association of
32 Nevada or its successor organization.

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

36 (a) Includes persons with a demonstrated understanding of
37 charter schools and a commitment to using charter schools as a way
38 to strengthen public education in this State;

39 (b) Includes a parent or legal guardian of a pupil enrolled in a
40 charter school in this State;

41 (c) Includes persons with specific knowledge of:

42 (1) Issues relating to elementary and secondary education;

43 (2) School finance or accounting, or both;

44 (3) Management practices;



1 (4) Assessments required in elementary and secondary
2 education;

3 (5) Educational technology;

4 (6) The laws and regulations applicable to charter schools;

5 (d) Insofar as practicable, reflects the ethnic and geographical
6 diversity of this State; and

7 (e) Insofar as practicable, consists of persons who are experts on
8 best practices for authorizing charter schools and developing and
9 operating high-quality charter schools and charter management
10 organizations.

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

13 4. *Except as otherwise provided in subsection 5, a member of*
14 *the State Public Charter School Authority must not be actively*
15 *engaged in business with or hold a direct pecuniary interest*
16 *relating to charter schools, including, without limitation, serving*
17 *as a vendor, contractor, employee, officer, director or member of*
18 *the governing body of a charter school, educational management*
19 *organization or charter management organization.*

20 5. *Not more than two members of the State Public Charter*
21 *School Authority may be teachers or administrators who are*
22 *employed by a charter school or charter management organization*
23 *in this State. For a teacher or administrator employed by a charter*
24 *school or charter management organization to be eligible to serve*
25 *as a member of the State Public Charter School Authority, the*
26 *charter school or charter management organization which*
27 *employs the teacher or administrator must not have ever received*
28 *an annual rating established as one of the three lowest ratings of*
29 *performance pursuant to the statewide system of accountability for*
30 *public schools.*

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

39 ~~5~~ 7. The members of the State Public Charter School
40 Authority shall select a Chair and Vice Chair from among its
41 members. After the initial selection of those officers, each of those
42 officers holds the position for a term of 2 years commencing on
43 July 1 of each odd-numbered year. If a vacancy occurs in the Chair
44 or Vice Chair, the vacancy must be filled in the same manner as the
45 original selection for the remainder of the unexpired term.



1 ~~16.1~~ 8. Each member of the State Public Charter School
2 Authority is entitled to receive:

3 (a) For each day or portion of a day during which he or she
4 attends a meeting of the State Public Charter School Authority a
5 salary of not more than \$80, as fixed by the State Public Charter
6 School Authority; and

7 (b) For each day or portion of a day during which he or she
8 attends a meeting of the State Public Charter School Authority or is
9 otherwise engaged in the business of the State Public Charter School
10 Authority the per diem allowance and travel expenses provided for
11 state officers and employees generally.

12 **Sec. 16.** NRS 388A.190 is hereby amended to read as follows:

13 388A.190 1. The ~~{State Public Charter School Authority~~
14 ~~shall appoint an}~~ Executive Director of the State Public Charter
15 School Authority ~~{for a term of 3 years. The State Public Charter~~
16 ~~School Authority shall ensure that the Executive Director has a~~
17 ~~demonstrated understanding of charter schools and a commitment to~~
18 ~~using charter schools as a way to strengthen public education in this~~
19 ~~State.~~

20 ~~—2.— A vacancy in the position of Executive Director must be~~
21 ~~filled by the State Public Charter School Authority for the remainder~~
22 ~~of the unexpired term.~~

23 ~~—3.— The Executive Director is} :~~

24 (a) *Must be appointed by the Governor from a list of three*
25 *candidates submitted by the State Public Charter School Authority*
26 *and serves at the pleasure of the Governor.*

27 (b) *Is in the unclassified service of the State.*

28 2. *To be eligible for appointment to the office of Executive*
29 *Director of the State Public Charter School Authority, a person*
30 *must:*

31 (a) *Be at least 21 years of age at the time of appointment; and*

32 (b) *Possess a demonstrated understanding of charter schools*
33 *and a commitment to using charter schools to strengthen public*
34 *education in this State.*

35 **Sec. 17.** (Deleted by amendment.)

36 **Sec. 18.** (Deleted by amendment.)

37 **Sec. 19.** NRS 388A.223 is hereby amended to read as follows:

38 388A.223 1. Each sponsor of a charter school shall carry out
39 the following duties and powers:

40 (a) Evaluating applications to form charter schools as prescribed
41 by NRS 388A.249;

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



1 (c) Declining to approve applications to form charter schools
2 that do not satisfy the requirements of NRS 388A.249;

3 (d) Negotiating , *developing* and executing charter contracts
4 pursuant to NRS 388A.270;

5 (e) Monitoring, in accordance with this chapter and in
6 accordance with the terms and conditions of the applicable charter
7 contract, the performance and compliance of each charter school
8 sponsored by the entity;

9 (f) Determining whether the charter contract of a charter school
10 that the entity sponsors merits renewal or whether the renewal of the
11 charter contract should be denied or whether the written charter
12 should be revoked or the charter contract terminated or restarted, as
13 applicable, in accordance with NRS 388A.285, 388A.300 or
14 388A.330, as applicable;

15 (g) Determining whether the governing body of a charter school
16 should be reconstituted in accordance with NRS 388A.330; and

17 (h) Adopting a policy for appointing a new governing body of a
18 charter school for which the governing body is reconstituted in
19 accordance with NRS 388A.330.

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

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

29 (b) The procedure and criteria for soliciting and evaluating
30 charter school applications in accordance with NRS 388A.249,
31 which must include, without limitation:

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

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

43 (c) The procedure and criteria for evaluating applications for the
44 renewal of charter contracts pursuant to NRS 388A.285;



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

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

13 (f) A description of how the sponsor will maintain oversight of
14 the charter schools it sponsors, which must include, without
15 limitation:

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

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

23 (g) A description of the process of evaluation for the charter
24 schools it sponsors in accordance with NRS 388A.351.

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

29 4. The provisions of this section do not establish a private right
30 of action against the sponsor of a charter school.

31 **Sec. 20.** NRS 388A.246 is hereby amended to read as follows:

32 388A.246 An application to form a charter school must include
33 all information prescribed by the Department by regulation and:

34 1. A summary of the plan for the proposed charter school.

35 2. A clear written description of the mission of the charter
36 school and the goals for the charter school. A charter school must
37 have as its stated purpose at least one of the following goals:

38 (a) Improving the academic achievement of pupils;

39 (b) Encouraging the use of effective and innovative methods of
40 teaching;

41 (c) Providing an accurate measurement of the educational
42 achievement of pupils;

43 (d) Establishing accountability and transparency of public
44 schools;



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

3 (f) Creating new professional opportunities for teachers.

4 3. A clear description of the indicators, measures and metrics
5 for the categories of academics, finances and organization that the
6 charter school proposes to use, the external assessments that will be
7 used to assess performance in those categories and the objectives
8 that the committee to form a charter school plans to achieve in those
9 categories, which must be expressed in terms of the objectives,
10 measures and metrics. The objectives and the indicators, measures
11 and metrics used by the charter school must be consistent with the
12 performance framework adopted by the sponsor pursuant to
13 NRS 388A.270.

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

21 5. The proposed location of, or the geographic area to be
22 served by, the charter school and evidence of a need and community
23 support for the charter school in that area.

24 6. The minimum, planned and maximum projected enrollment
25 of pupils in each grade in the charter school for each year that the
26 charter school would operate under the proposed charter contract.

27 7. The procedure for applying for enrollment in the proposed
28 charter school, which must include, without limitation, the proposed
29 dates for accepting applications for enrollment in each year of
30 operation under the proposed charter contract and a statement of
31 whether the charter school will enroll pupils who are in a particular
32 category of at-risk pupils before enrolling other children who are
33 eligible to attend the charter school pursuant to NRS 388A.456 and
34 the method for determining eligibility for enrollment in each such
35 category of at-risk pupils served by the charter school.

36 8. The academic program that the charter school proposes to
37 use, a description of how the academic program complies with the
38 requirements of NRS 388A.366, the proposed academic calendar for
39 the first year of operation and a sample daily schedule for a pupil in
40 each grade served by the charter school.

41 9. A description of the proposed instructional design of the
42 charter school and the type of learning environment the charter
43 school will provide, including, without limitation, whether the
44 charter school will provide a program of distance education, the
45 planned class size and structure, the proposed curriculum for



- 1 the charter school and the teaching methods that will be used at the
2 charter school.
- 3 10. The manner in which the charter school plans to identify
4 and serve the needs of pupils with disabilities, pupils who are
5 English language learners, pupils who are academically behind their
6 peers and gifted pupils.
- 7 11. A description of any co-curricular or extracurricular
8 activities that the charter school plans to offer and the manner in
9 which these programs will be funded.
- 10 12. Any uniform or dress code policy that the charter school
11 plans to use.
- 12 13. Plans and timelines for recruiting and enrolling students,
13 including procedures for any lottery for admission that the charter
14 school plans to conduct.
- 15 14. The rules of behavior and punishments that the charter
16 school plans to adopt pursuant to NRS 388A.495, including, without
17 limitation, any unique discipline policies for pupils enrolled in a
18 program of special education.
- 19 15. A chart that clearly presents the proposed organizational
20 structure of the charter school and a clear description of the roles
21 and responsibilities of the governing body, administrators and any
22 other persons included on the chart and a table summarizing the
23 decision-making responsibilities of the staff and governing body of
24 the charter school and, if applicable, the charter management
25 organization that operates the charter school. The table must also
26 identify the person responsible for each activity conducted by the
27 charter school, including, without limitation, the person responsible
28 for establishing curriculum and culture, providing professional
29 development to employees of the charter school and making
30 determinations concerning the staff of the charter school.
- 31 16. The names of any external organizations that will play a
32 role in operating the charter school and the role each such
33 organization will play.
- 34 17. The manner in which the governing body of the charter
35 school will be chosen.
- 36 18. A staffing chart for the first year in which the charter
37 school plans to operate and a projected staffing plan for the term of
38 the charter contract.
- 39 19. Plans for recruiting administrators, teachers and other staff,
40 providing professional development to such staff.
- 41 20. Proposed bylaws for the governing body, a description of
42 the manner in which the charter school will be governed, including,
43 without limitation, any governance training that will be provided to
44 the governing body, and a code of ethics for members and
45 employees of the governing body. The code of ethics must be



1 prepared with guidance from the Nevada Commission on Ethics and
2 must not conflict with any policy adopted by the sponsor.

3 21. Explanations of any partnerships or contracts central to the
4 operations or mission of the charter school.

5 22. A statement of whether the charter school will provide for
6 the transportation of pupils to and from the charter school. If the
7 charter school will provide transportation, the application must
8 include the proposed plan for the transportation of pupils. If the
9 charter school will not provide transportation, the application must
10 include a statement that the charter school will work with the
11 parents and guardians of pupils enrolled in the charter school to
12 develop a plan for transportation to ensure that pupils have access to
13 transportation to and from the charter school.

14 23. The procedure for the evaluation of teachers of the charter
15 school, if different from the procedure prescribed in NRS 391.680
16 and 391.725. If the procedure is different from the procedure
17 prescribed in NRS 391.680 and 391.725, the procedure for the
18 evaluation of teachers of the charter school must provide the same
19 level of protection and otherwise comply with the standards for
20 evaluation set forth in NRS 391.680 and 391.725.

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

30 25. Opportunities and expectations for involving the parents of
31 pupils enrolled in the charter school in instruction at the charter
32 school and the operation of the charter school, including, without
33 limitation, the manner in which the charter school will solicit input
34 concerning the governance of the charter school from such parents.

35 26. A detailed plan for starting operation of the charter school
36 that identifies necessary tasks, the persons responsible for
37 performing them and the dates by which such tasks will be
38 accomplished.

39 27. A description of the financial plan and policies to be used
40 by the charter school.

41 28. A description of the insurance coverage the charter school
42 will obtain.

43 29. Budgets for starting operation at the charter school, the first
44 year of operation of the charter school and the first 5 years of



1 operation of the charter school, with any assumptions inherent in the
2 budgets clearly stated.

3 30. Evidence of any money pledged or contributed to the
4 budget of the charter school.

5 31. A statement of the facilities that will be used to operate the
6 charter school and a plan for operating such facilities, including,
7 without limitation, any backup plan to be used if the charter school
8 cannot be operated out of the planned facilities.

9 32. If the charter school ~~is~~ *operates* a vocational school, a
10 description of the career and technical education program that will
11 be used by the charter school.

12 33. If the charter school will provide a program of distance
13 education, a description of the system of course credits that the
14 charter school will use and the manner in which the charter school
15 will:

16 (a) Monitor and verify the participation in and completion of
17 courses by pupils;

18 (b) Require pupils to participate in assessments and submit
19 coursework;

20 (c) Conduct parent-teacher conferences; and

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

23 34. If the charter school will provide a program where a
24 student may earn college credit for courses taken in high school, a
25 draft memorandum of understanding between the charter school and
26 the college or university through which the credits will be earned
27 and a term sheet, which must set forth:

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

31 (b) The roles and responsibilities of the governing body of the
32 charter school, the employees of the charter school and the college
33 or university;

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

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

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

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



1 35. If the applicant currently operates a charter school in
2 another state, evidence of the performance of such charter schools
3 and the capacity of the applicant to operate the proposed charter
4 school.

5 36. If the applicant proposes to contract with an educational
6 management organization or any other person to provide
7 educational or management services:

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

12 (b) A term sheet that sets forth:

13 (1) The proposed duration of the proposed contract between
14 the governing body of the charter school and the educational
15 management organization;

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

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

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

25 (5) A disclosure of the investments made by the educational
26 management organization or other person in the proposed charter
27 school; and

28 (6) The conditions for renewal and termination of the
29 contract; and

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

37 37. Any additional information that the sponsor determines is
38 necessary to evaluate the ability of the proposed charter school to
39 serve pupils in the school district in which the proposed charter
40 school will be located.

41 **Sec. 21.** NRS 388A.249 is hereby amended to read as follows:

42 388A.249 1. A committee to form a charter school or charter
43 management organization may submit the application to the
44 proposed sponsor of the charter school. Except as otherwise
45 provided in NRS 388B.290, if an application proposes to convert an



1 existing public school, homeschool or other program of home study
2 into a charter school, the proposed sponsor shall deny the
3 application.

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

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

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

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

18 (d) Adhere to the policies and practices developed by the
19 proposed sponsor pursuant to subsection 2 of NRS 388A.223.

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

23 (a) The application:

24 (1) Complies with this chapter and the regulations applicable
25 to charter schools; and

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

28 (b) The applicant has demonstrated competence in accordance
29 with the criteria for approval prescribed by the sponsor pursuant to
30 subsection 2 of NRS 388A.223 that will likely result in a successful
31 opening and operation of the charter school.

32 4. *The identity of each member of the team of reviewers*
33 *assembled by a proposed sponsor of a charter school is*
34 *confidential for 5 years after the review of an application to form a*
35 *charter school is complete and must not be disclosed unless*
36 *ordered by a district court in an action brought pursuant to*
37 *subsection 3 of NRS 388A.255.*

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

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



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

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

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

5 **Sec. 22.** (Deleted by amendment.)

6 **Sec. 23.** NRS 388A.270 is hereby amended to read as follows:

7 388A.270 1. If the proposed sponsor of a charter school
8 approves an application to form a charter school, it shall, before
9 June 11, 2013, grant a written charter to the governing body of the
10 charter school or, on or after June 11, 2013, negotiate, *develop* and
11 execute a charter contract with the governing body of the charter
12 school. A charter contract must be executed not later than 60 days
13 before the charter school commences operation. The charter contract
14 must be in writing and incorporate, without limitation:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

18 8. A written charter or a charter contract, as applicable, must be
19 for a term of 6 years. The term of the charter contract begins on the
20 first day of operation of the charter school after the charter contract
21 has been executed. The sponsor of the charter school may require, or
22 the governing body of the charter school may request that the
23 sponsor authorize, the charter school to delay commencement of
24 operation for 1 school year.

25 **Sec. 24.** NRS 388A.330 is hereby amended to read as follows:

26 388A.330 Except as otherwise provided in NRS 388A.300:

27 1. Except as otherwise provided in subsection 6, the sponsor of
28 a charter school may reconstitute the governing body of a charter
29 school, revoke a written charter or terminate a charter contract
30 before the expiration of the charter if the sponsor determines that:

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

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

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

36 (3) Failed to comply with the provisions of this chapter or
37 any other statute or regulation applicable to charter schools; or

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

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



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

7 (d) The committee to form the charter school or charter
8 management organization, as applicable, or any member of the
9 committee to form the charter school or charter management
10 organization, as applicable, or the governing body of the charter
11 school has at any time made a material misrepresentation or
12 omission concerning any information disclosed to the sponsor;

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

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

22 (g) Pupil achievement and school performance at the charter
23 school is unsatisfactory as determined by the Department pursuant
24 to criteria prescribed by regulation by the Department to measure
25 the performance of any public school ~~is~~ *pursuant to the statewide*
26 *system of accountability for public schools.*

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

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

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

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

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



1 3. Except as otherwise provided in subsection 4, not more than
2 90 days after the notice is provided pursuant to subsection 2, the
3 sponsor shall hold a public hearing to make a determination
4 regarding whether to reconstitute the governing body, revoke the
5 written charter or terminate the charter contract. If the charter school
6 corrects the deficiencies to the satisfaction of the sponsor within the
7 time prescribed in paragraph (b) of subsection 2, the sponsor shall
8 not reconstitute the governing body, revoke the written charter or
9 terminate the charter contract of the charter school. The sponsor
10 may not include in a written notice pursuant to subsection 2 any
11 deficiency which was included in a previous written notice and
12 which was corrected by the charter school, unless the deficiency
13 recurred after being corrected or the sponsor determines that the
14 deficiency is evidence of an ongoing pattern of deficiencies in a
15 particular area.

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

19 5. If the governing body of a charter school is reconstituted, the
20 written charter is revoked or the charter contract is terminated, the
21 sponsor of the charter school shall submit a written report to
22 the Department and the governing body of the charter school setting
23 forth the reasons for the reconstitution, revocation or termination, as
24 applicable, not later than 10 days after reconstituting the governing
25 body, revoking the written charter or terminating the charter
26 contract.

27 6. The governing body of a charter school may not be
28 reconstituted if it has been previously reconstituted.

29 **Sec. 25.** NRS 388A.453 is hereby amended to read as follows:

30 388A.453 1. An application for enrollment in a charter
31 school may be submitted annually to the governing body of the
32 charter school by the parent or legal guardian of any child who
33 resides in this State.

34 2. Except as otherwise provided in subsections 1 to 5,
35 inclusive, NRS 388A.336 and subsections 1 and 2 of NRS
36 388A.456, a charter school shall enroll pupils who are eligible for
37 enrollment in the order in which the applications are received.

38 3. If the board of trustees of the school district in which the
39 charter school is located has established zones of attendance
40 pursuant to NRS 388.040, the charter school shall, if practicable,
41 ensure that the racial composition of pupils enrolled in the charter
42 school does not differ by more than 10 percent from the racial
43 composition of pupils who attend public schools in the zone in
44 which the charter school is located.



1 4. If a charter school is sponsored by the board of trustees of a
2 school district located in a county whose population is 100,000 or
3 more, except for a program of distance education provided by the
4 charter school, the charter school shall enroll pupils who are eligible
5 for enrollment who reside in the school district in which the charter
6 school is located before enrolling pupils who reside outside the
7 school district.

8 5. Except as otherwise provided in subsections 1 and 2 of NRS
9 388A.456, if more pupils who are eligible for enrollment apply for
10 enrollment in the charter school than the number of spaces which
11 are available, the charter school shall determine which applicants to
12 enroll pursuant to subsections 1 to 4, inclusive, on the basis of a
13 lottery system.

14 6. Except as otherwise provided in subsection 9, a charter
15 school shall not accept applications for enrollment in the charter
16 school or otherwise discriminate based on the:

- 17 (a) Race;
- 18 (b) Gender;
- 19 (c) Religion;
- 20 (d) Ethnicity; or
- 21 (e) Disability,

22 ↳ of a pupil.

23 7. A lottery held pursuant to subsection 5 must be held not
24 sooner than 45 days after the date on which a charter school begins
25 accepting applications for enrollment unless the sponsor of the
26 charter school determines there is good cause to hold it sooner.

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

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

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

42 (c) Who are at risk **†† or, for a charter school that is eligible to**
43 **be rated using the alternative performance framework pursuant to**
44 **subsection 4 of NRS 385A.740, who are described in**



1 *subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection*
2 *3 of NRS 385A.740.*

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

7 **Sec. 26.** NRS 388A.518 is hereby amended to read as follows:

8 388A.518 1. Except as otherwise provided in this subsection,
9 at least 70 percent of the teachers who provide instruction at a
10 charter school must be highly qualified. If a charter school ~~is~~
11 *operates* a vocational school, the charter school shall, to the extent
12 practicable, ensure that at least 70 percent of the teachers who
13 provide instruction at the school are highly qualified, but in no event
14 may less than 50 percent of the teachers who provide instruction at
15 the school be highly qualified.

16 2. If a charter school specializes in:

17 (a) Arts and humanities, physical education or health education,
18 a teacher must be highly qualified to teach those courses of study.

19 (b) The construction industry or other building industry,
20 teachers *at the school who are employed full-time* must ~~be highly~~
21 ~~qualified~~ *hold a license issued by the Superintendent of Public*
22 *Instruction which contains an endorsement* to teach courses of
23 study relating to ~~the~~ *business and* industry . ~~if those teachers are~~
24 ~~employed full-time.~~

25 ~~—(c) The construction industry or other building industry and the~~
26 ~~school offers courses of study in computer education, technology or~~
27 ~~business, teachers must be highly qualified to teach those courses of~~
28 ~~study if those teachers are employed full-time.~~

29 3. A person who is initially hired by the governing body of a
30 charter school on or after January 8, 2002, to teach in a program
31 supported with money from Title I must be highly qualified. For the
32 purposes of this subsection, a person is not “initially hired” if the
33 person has been employed as a teacher by another school district or
34 charter school in this State without an interruption in employment
35 before the date of hire by his or her current employer.

36 4. A teacher who is employed by a charter school, regardless of
37 the date of hire, must, on or before July 1, 2006, be highly qualified
38 if the teacher teaches one or more of the following subjects:

- 39 (a) English language arts;
40 (b) Mathematics;
41 (c) Science;
42 (d) A foreign or world language;
43 (e) Civics or government;
44 (f) Economics;
45 (g) Geography;



- 1 (h) History; or
- 2 (i) The arts.

3 5. Except as otherwise provided in NRS 388A.515, a charter
4 school may employ a person who is not highly qualified to teach a
5 course of study for which a teacher is not required to be highly
6 qualified if the person has:

7 (a) A degree, a license or a certificate in the field for which the
8 person is employed to teach at the charter school; and

9 (b) At least 2 years of experience in that field.

10 6. A teacher who is employed by a charter school to teach
11 special education or English as a second language must be licensed
12 to teach special education or English as a second language, as
13 applicable.

14 7. For purposes of this section, a teacher is highly qualified:

15 (a) If employed by a charter school that has not received, within
16 the immediately preceding 2 consecutive school years, one of the
17 three highest ratings of performance pursuant to the statewide
18 system of accountability for public schools, or equivalent ratings in
19 another state, as determined by the Department, if the teacher ~~†~~

20 ~~— (1) Meets the qualifications prescribed in 20 U.S.C. §~~
21 ~~7801(23)(B) or (C), as applicable; and~~

22 ~~— (2) Is~~ *is* licensed to teach pursuant to chapter 391 of NRS.

23 (b) If employed by a charter school that has received, within the
24 immediately preceding 2 consecutive school years, one of the three
25 highest ratings of performance pursuant to the statewide system of
26 accountability for public schools, or equivalent ratings in another
27 state, as determined by the Department, if the teacher ~~†meets the~~
28 ~~qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as~~
29 ~~applicable,†~~ *holds a bachelor's degree or a graduate degree from*
30 *an accredited college or university and has demonstrated expertise*
31 *in the subject area for which the teacher provides instruction on*
32 *an assessment approved by the Department, in consultation with*
33 *sponsors of charter schools described in this paragraph,* regardless
34 of whether the teacher is licensed to teach pursuant to chapter 391 of
35 NRS.

36 8. If a charter school that has received within the immediately
37 preceding 2 consecutive school years, one of the three highest
38 ratings of performance pursuant to the statewide system of
39 accountability for public schools, or equivalent ratings in another
40 state, as determined by the Department, intends to employ persons
41 to teach who are not licensed, the charter school shall within 3
42 years:

43 (a) Obtain approval for and offer an alternative route to
44 licensure pursuant to NRS 391.019; or



1 (b) Enter into an agreement with a qualified provider of an
2 alternative route to licensure to provide the required education and
3 training to unlicensed teachers who are employed by the school to
4 teach such a course of study.

5 **Sec. 27.** (Deleted by amendment.)

6 **Sec. 28.** (Deleted by amendment.)

7 **Sec. 29.** NRS 239.010 is hereby amended to read as follows:

8 239.010 1. Except as otherwise provided in this section and
9 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
10 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
11 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
12 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
13 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
14 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
15 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
16 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
17 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
18 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
19 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
20 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
21 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
22 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
23 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
24 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
25 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
26 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
27 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
28 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
29 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
30 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
31 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
32 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
33 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
34 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
35 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
36 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
37 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
38 388.501, 388.503, 388.513, 388.750, **388A.249**, 391.035, 392.029,
39 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447,
40 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403,
41 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070,
42 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,
43 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,
44 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420,
45 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,



1 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
2 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
3 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
4 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063,
5 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,
6 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,
7 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
8 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
9 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,
10 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,
11 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665,
12 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
13 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,
14 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
15 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
16 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
17 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
18 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
19 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
20 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
21 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
22 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
23 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
24 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
25 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
26 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
27 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
28 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
29 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41
30 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
31 391, Statutes of Nevada 2013 and unless otherwise declared by law
32 to be confidential, all public books and public records of a
33 governmental entity must be open at all times during office hours to
34 inspection by any person, and may be fully copied or an abstract or
35 memorandum may be prepared from those public books and public
36 records. Any such copies, abstracts or memoranda may be used to
37 supply the general public with copies, abstracts or memoranda of the
38 records or may be used in any other way to the advantage of the
39 governmental entity or of the general public. This section does not
40 supersede or in any manner affect the federal laws governing
41 copyrights or enlarge, diminish or affect in any other manner the
42 rights of a person in any written book or record which is
43 copyrighted pursuant to federal law.

44 2. A governmental entity may not reject a book or record
45 which is copyrighted solely because it is copyrighted.



1 3. A governmental entity that has legal custody or control of a
2 public book or record shall not deny a request made pursuant to
3 subsection 1 to inspect or copy or receive a copy of a public book or
4 record on the basis that the requested public book or record contains
5 information that is confidential if the governmental entity can
6 redact, delete, conceal or separate the confidential information from
7 the information included in the public book or record that is not
8 otherwise confidential.

9 4. A person may request a copy of a public record in any
10 medium in which the public record is readily available. An officer,
11 employee or agent of a governmental entity who has legal custody
12 or control of a public record:

13 (a) Shall not refuse to provide a copy of that public record in a
14 readily available medium because the officer, employee or agent has
15 already prepared or would prefer to provide the copy in a different
16 medium.

17 (b) Except as otherwise provided in NRS 239.030, shall, upon
18 request, prepare the copy of the public record and shall not require
19 the person who has requested the copy to prepare the copy himself
20 or herself.

21 **Sec. 30.** Section 4 of this act is hereby amended to read as
22 follows:

23 Sec. 4. 1. ~~{A written charter issued by the sponsor of a~~
24 ~~charter school to the governing body of the charter school is~~
25 ~~not assignable or transferable and may not be delegated to a~~
26 ~~third party.~~

27 ~~—2.}~~ A charter contract entered into between the
28 governing body of a charter school and the sponsor of the
29 charter school is not assignable or transferable and may not
30 be delegated to a third party.

31 ~~{3.}~~ 2. A ~~{written charter or}~~ charter contract may not be
32 used as security for any loan and shall be deemed to have no
33 monetary value.

34 ~~{4.}~~ 3. For the purpose of this section, an amendment to
35 a ~~{written charter or}~~ charter contract which consolidates two
36 or more charter schools, the restart of a charter school
37 pursuant to NRS 388A.300 and the reconstitution of the
38 governing body of a charter school pursuant to NRS
39 388A.330 do not constitute the assignment, transfer or
40 delegation of a ~~{written charter or}~~ charter contract.

41 **Sec. 31.** (Deleted by amendment.)

42 **Sec. 32.** Section 6 of this act is hereby amended to read as
43 follows:

44 Sec. 6. 1. Except as otherwise provided by federal
45 law, a parent or legal guardian of a pupil enrolled in a charter



1 school, a pupil who is at least 18 years of age enrolled in a
2 charter school, a member of the governing body of a charter
3 school or an employee of a charter school may file a written
4 complaint with the State Public Charter School Authority
5 which alleges a violation of the provisions of this chapter, the
6 ~~written charter or~~ charter contract of the charter school or
7 any other provision of law or regulation relating to the
8 management or operation of the charter school.

9 2. Upon receipt of a complaint filed pursuant to
10 subsection 1, the State Public Charter School Authority shall
11 investigate the allegations contained within the complaint,
12 conduct a review to determine whether the charter school has
13 complied with the provisions of this chapter, the ~~written~~
14 ~~charter or~~ charter contract and respond in writing to the
15 complaining party within 30 days after receipt of the
16 complaint. The staff of the charter school and any other
17 person named in the complaint shall cooperate with the State
18 Public Charter School Authority during such an investigation.

19 **Sec. 33.** Section 9 of this act is hereby amended to read as
20 follows:

21 Sec. 9. 1. If the State Public Charter School Authority
22 determines that external expertise is necessary to conduct an
23 investigation of a complaint filed pursuant to sections 5.5 to
24 10, inclusive, of this act, the State Public Charter School
25 Authority may select an investigator to conduct the
26 investigation and make any appropriate determinations or
27 recommendations to the State Public Charter School
28 Authority.

29 2. If the State Public Charter School Authority
30 determines that a violation has occurred, the State Public
31 Charter School Authority may petition a court of competent
32 jurisdiction for an order directing the charter school to
33 reimburse the State Public Charter School Authority for the
34 actual costs of its investigation. A charter school subject to
35 such an order must reimburse the State Public Charter School
36 Authority within 30 days after issuance of the order. Any
37 money received by the State Public Charter School Authority
38 pursuant to this subsection must be used for investigations,
39 audits and other proceedings of the State Public Charter
40 School Authority and does not revert to the State General
41 Fund.

42 3. If the State Public Charter School Authority
43 determines that a current or former member of the governing
44 body of the charter school or a current or former employee of
45 the charter school failed to cooperate with any investigation



1 conducted pursuant to this section, the State Public Charter
2 School Authority may begin a proceeding to ~~revoke the~~
3 ~~written charter or~~ terminate the charter contract of the charter
4 school pursuant to NRS 388A.330.

5 4. If the State Public Charter School Authority
6 determines that the charter school or an employee of the
7 charter school has violated any provision of this chapter or
8 another statute or regulation applicable to charter schools or
9 has materially breached the terms and conditions of the
10 ~~written charter or~~ charter contract of the charter school, the
11 State Public Charter School Authority may:

12 (a) Begin a proceeding to ~~revoke the written charter or~~
13 terminate the charter contract of the charter school pursuant
14 to NRS 388A.330; and

15 (b) Refer the matter to the district attorney of the county
16 in which the charter school is located, the Attorney General
17 or any other appropriate agency for further action.

18 5. If the State Public Charter School Authority
19 determines that the current operations of the charter school
20 pose an imminent danger to the health and safety of the pupils
21 or staff of the charter school, the State Public Charter School
22 Authority shall order the charter school to suspend its
23 operations at any or all of its facilities until appropriate
24 corrective action has been taken.

25 **Sec. 34.** Section 11 of this act is hereby amended to read as
26 follows:

27 Sec. 11. 1. If a charter school wishes to be rated
28 using the alternative performance framework prescribed by
29 the State Board pursuant to NRS 385A.730, the governing
30 body of the charter school may submit to the sponsor
31 of the charter school a request to amend the ~~written charter~~
32 ~~or~~ charter contract ~~, as applicable,~~ of the charter school
33 pursuant to NRS 388A.276 to include the mission
34 statement and admissions policy required by subsection 4 of
35 NRS 385A.740.

36 2. The sponsor of a charter school may require that:

37 (a) A request to amend a ~~written charter or~~ charter
38 contract described in subsection 1 also include such changes
39 to the academic program, organizational plan and financial
40 model of the charter school as the sponsor of the charter
41 school determines are necessary for a charter school rated
42 using the alternative performance framework; and

43 (b) A charter school which submits a request to amend a
44 ~~written charter or~~ charter contract described in subsection 1
45 perform such actions as the sponsor of the charter school



1 determines to be necessary to successfully transition to being
2 rated using the alternative performance framework.

3 3. The sponsor of a charter school shall evaluate a
4 request to amend a ~~{written charter or}~~ charter contract
5 described in subsection 1 by reviewing the academic,
6 organizational and financial performance of the charter
7 school. If the sponsor of the charter school determines that
8 the charter school is unlikely to achieve academic,
9 organizational or financial success if the request to amend its
10 ~~{written charter or}~~ charter contract is approved, the sponsor
11 of the charter school must deny the request.

12 4. Unless invited to do so by the sponsor of the charter
13 school, the governing body of a charter school whose request
14 to amend its ~~{written charter or}~~ charter contract is denied
15 pursuant to subsection 3 may not submit a materially similar
16 request for 1 year after the denial of its request.

17 5. If a proposed sponsor of a charter school approves an
18 application to form a charter school and the proposed sponsor
19 of the charter school determines that the charter school has a
20 mission statement and an admissions policy which satisfy the
21 requirements of subsection 4 of NRS 385A.740, the proposed
22 sponsor of the charter school shall include language in the
23 charter contract entered into with the charter school which
24 provides that:

25 (a) Except as otherwise provided in paragraph (b), the
26 proposed sponsor of the charter school will submit an
27 application to the State Board on behalf of the charter school
28 for the charter school to be rated using the alternative
29 performance framework within 2 years after the charter
30 school commences operation;

31 (b) The proposed sponsor of the charter school will
32 submit the application described in paragraph (a) only upon
33 the successful completion by the charter school of such
34 actions as the proposed sponsor of the charter school
35 determines to be necessary to successfully transition to being
36 rated using the alternative performance framework; and

37 (c) Upon approval of such an application by the State
38 Board, the performance framework adopted by the proposed
39 sponsor of the charter school will be replaced by the
40 alternative performance framework.

41 **Sec. 34.5.** Section 11.5 of this act is hereby amended to read
42 as follows:

43 Sec. 11.5. 1. A charter school shall provide
44 notification to the parent or legal guardian of each pupil
45 enrolled in the charter school, post a notice prominently on



1 the Internet website of the charter school and revise the
2 marketing materials of the charter school to include such a
3 notice within 5 business days after:

4 (a) The Department reports that the graduation rate of the
5 charter school for that school year was less than 67 percent;

6 (b) The Department reports that the charter school was
7 rated in the lowest 5 percent of public schools in the State
8 pursuant to the statewide system of accountability for public
9 schools;

10 (c) The Department reports that the charter school
11 received an annual rating established as one of the two lowest
12 ratings possible indicating underperformance of a public
13 school, as determined by the Department pursuant to the
14 statewide system of accountability for public schools;

15 (d) The governing body of the charter school submits to
16 the sponsor of the charter school a written request for an
17 amendment of the ~~written charter or~~ charter contract of the
18 charter school which would result in the:

19 (1) Relocation of the charter school to a location more
20 than 1 mile from its current location;

21 (2) Closure of a campus of the charter school or the
22 elimination of one or more grade levels; or

23 (3) Reduction of enrollment as a result of an academic,
24 financial or organizational issue;

25 (e) The sponsor of the charter school issues a notice of
26 intent to ~~revoke the written charter or~~ terminate the charter
27 contract of the charter school; or

28 (f) The sponsor of the charter school ~~revokes the written~~
29 ~~charter or~~ terminates the charter contract of the charter
30 school.

31 2. A notice provided to a parent or legal guardian
32 pursuant to subsection 1 must include a list of other public
33 schools to which a pupil may transfer if the charter school
34 closes or adopts changes which a parent or legal guardian
35 finds unacceptable.

36 3. Within 10 days after a charter school provides the
37 notice required by subsection 1, the charter school shall hold
38 a public hearing to discuss a plan to correct any issue which
39 caused the issuance of such a notice and to solicit suggestions
40 to improve the performance of the charter school.

41 **Sec. 35.** The governing body of each charter school formed on
42 or before June 30, 2017, shall submit a request to its sponsor to
43 amend its written charter or charter contract pursuant to NRS
44 388A.276 to include the policy for accepting, investigating and



1 responding to complaints required by section 10 of this act on or
2 before September 1, 2017.

3 **Sec. 36.** 1. This section and sections 1, 3 to 17, inclusive, 19,
4 20, 22 to 29, inclusive, and 35 of this act become effective on
5 July 1, 2017.

6 2. Sections 2, 18, 21 and 30 to 34, 34.5, inclusive, of this act
7 become effective on January 1, 2020.

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* A B 4 9 R 1 *