
ASSEMBLY BILL NO. 489—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

MARCH 23, 2009

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-297)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included
in Executive Budget.

~

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

AN ACT relating to education; revising provisions relating to sponsorship of charter schools; creating the Nevada Charter School Institute for sponsorship of charter schools; prescribing the membership, duties and powers of the Institute; repealing the Subcommittee on Charter Schools of the State Board of Education; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the formation of charter schools and authorizes school
2 districts, the State Board of Education and colleges and universities within the
3 Nevada System of Higher Education to sponsor charter schools. (NRS 386.500-
4 386.610) **Sections 18-27** of this bill create the Nevada Charter School Institute and
5 prescribe the membership of the Charter School Institute. **Section 30** of this bill
6 removes the authority of the State Board of Education to sponsor charter schools
7 and authorizes the Nevada Charter School Institute to sponsor charter schools.
8 (NRS 386.515) **Sections 35 and 41** of this bill authorize the Nevada Charter School
9 Institute to adopt regulations relating to charter schools and eliminates the authority
10 of the Department of Education and the State Board of Education to adopt
11 regulations relating to charter schools. (NRS 386.540, 386.578) **Sections 50 and 51**
12 of this bill require the Director of the Nevada Charter School Institute and other
13 persons employed by the Charter School Institute to be appointed or hired, as
14 appropriate, beginning on July 1, 2009, and certain other dates. **Section 52** of this
15 bill requires the members of the Charter School Institute to be appointed on or
16 before January 1, 2010. **Section 55** of this bill transfers the sponsorship of all State



* A B 4 8 9 *

17 Board-sponsored charter schools to the Nevada Charter School Institute beginning
18 with the 2010-2011 school year.

19 **Section 47** of this bill repeals the Subcommittee on Charter Schools of the State
20 Board of Education. (NRS 386.507)

21 **Section 48** of this bill appropriates money to the Account for the Nevada
22 Charter School Institute created by **section 27** of this bill for the establishment and
23 operation of the Nevada Charter School Institute for the 2009-2011 biennium.

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

1 **Section 1.** NRS 385.005 is hereby amended to read as follows:
2 385.005 1. The Legislature reaffirms its intent that public
3 education in the State of Nevada is essentially a matter for local
4 control by local school districts. The provisions of this title are
5 intended to reserve to the boards of trustees of local school districts
6 within this State such rights and powers as are necessary to maintain
7 control of the education of the children within their respective
8 districts. These rights and powers may only be limited by other
9 specific provisions of law.

10 2. The responsibility of establishing a statewide policy of
11 integration or desegregation of public schools is reserved to the
12 Legislature. The responsibility for establishing a local policy of
13 integration or desegregation of public schools consistent with the
14 statewide policy established by the Legislature is delegated to
15 the respective boards of trustees of local school districts and to the
16 governing body of each charter school.

17 3. The State Board shall, and *the Nevada Charter School*
18 *Institute*, each board of trustees of a local school district, the
19 governing body of each charter school and any other school officer
20 may, advise the Legislature at each regular session of any
21 recommended legislative action to ensure high standards of equality
22 of educational opportunity for all children in the State of Nevada.

23 **Sec. 2.** NRS 385.347 is hereby amended to read as follows:

24 385.347 1. The board of trustees of each school district in
25 this State, in cooperation with associations recognized by the State
26 Board as representing licensed educational personnel in the district,
27 shall adopt a program providing for the accountability of the school
28 district to the residents of the district and to the State Board for the
29 quality of the schools and the educational achievement of the pupils
30 in the district, including, without limitation, pupils enrolled in
31 charter schools in the school district. The board of trustees of each
32 school district shall report the information required by subsection 2
33 for each charter school that is located within the school district,
34 regardless of the sponsor of the charter school. The information for



1 charter schools must be reported separately and must denote the
2 charter schools sponsored by the school district, the charter schools
3 sponsored by the ~~[State Board]~~ *Nevada Charter School Institute*
4 and the charter schools sponsored by a college or university within
5 the Nevada System of Higher Education.

6 2. The board of trustees of each school district shall, on or
7 before August 15 of each year, prepare an annual report of
8 accountability concerning:

9 (a) The educational goals and objectives of the school district.

10 (b) Pupil achievement for each school in the district and the
11 district as a whole, including, without limitation, each charter school
12 in the district. The board of trustees of the district shall base its
13 report on the results of the examinations administered pursuant to
14 NRS 389.015 and 389.550 and shall compare the results of those
15 examinations for the current school year with those of previous
16 school years. The report must include, for each school in the district,
17 including, without limitation, each charter school in the district, and
18 each grade in which the examinations were administered:

19 (1) The number of pupils who took the examinations.

20 (2) A record of attendance for the period in which the
21 examinations were administered, including an explanation of any
22 difference in the number of pupils who took the examinations and
23 the number of pupils who are enrolled in the school.

24 (3) Except as otherwise provided in this paragraph, pupil
25 achievement, reported separately by gender and reported separately
26 for the following groups of pupils:

27 (I) Pupils who are economically disadvantaged, as
28 defined by the State Board;

29 (II) Pupils from major racial and ethnic groups, as defined
30 by the State Board;

31 (III) Pupils with disabilities;

32 (IV) Pupils who are limited English proficient; and

33 (V) Pupils who are migratory children, as defined by the
34 State Board.

35 (4) A comparison of the achievement of pupils in each group
36 identified in paragraph (b) of subsection 1 of NRS 385.361 with the
37 annual measurable objectives of the State Board.

38 (5) The percentage of pupils who were not tested.

39 (6) Except as otherwise provided in this paragraph, the
40 percentage of pupils who were not tested, reported separately by
41 gender and reported separately for the groups identified in
42 subparagraph (3).

43 (7) The most recent 3-year trend in pupil achievement in
44 each subject area tested and each grade level tested pursuant to NRS
45 389.015 and 389.550, which may include information regarding the



1 trend in the achievement of pupils for more than 3 years, if such
2 information is available.

3 (8) Information that compares the results of pupils in the
4 school district, including, without limitation, pupils enrolled in
5 charter schools in the district, with the results of pupils throughout
6 this State. The information required by this subparagraph must be
7 provided in consultation with the Department to ensure the accuracy
8 of the comparison.

9 (9) For each school in the district, including, without
10 limitation, each charter school in the district, information that
11 compares the results of pupils in the school with the results of pupils
12 throughout the school district and throughout this State. The
13 information required by this subparagraph must be provided in
14 consultation with the Department to ensure the accuracy of the
15 comparison.

16 ➔ A separate reporting for a group of pupils must not be made
17 pursuant to this paragraph if the number of pupils in that group is
18 insufficient to yield statistically reliable information or the results
19 would reveal personally identifiable information about an individual
20 pupil. The State Board shall prescribe the mechanism for
21 determining the minimum number of pupils that must be in a group
22 for that group to yield statistically reliable information.

23 (c) The ratio of pupils to teachers in kindergarten and at each
24 grade level for each elementary school in the district and the district
25 as a whole, including, without limitation, each charter school in the
26 district, and the average class size for each core academic subject, as
27 set forth in NRS 389.018, for each secondary school in the district
28 and the district as a whole, including, without limitation, each
29 charter school in the district.

30 (d) Information on the professional qualifications of teachers
31 employed by each school in the district and the district as a whole,
32 including, without limitation, each charter school in the district. The
33 information must include, without limitation:

34 (1) The percentage of teachers who are:

35 (I) Providing instruction pursuant to NRS 391.125;

36 (II) Providing instruction pursuant to a waiver of the
37 requirements for licensure for the grade level or subject area in
38 which the teachers are employed; or

39 (III) Otherwise providing instruction without an
40 endorsement for the subject area in which the teachers are
41 employed;

42 (2) The percentage of classes in the core academic subjects,
43 as set forth in NRS 389.018, that are not taught by highly qualified
44 teachers;



1 (3) The percentage of classes in the core academic subjects,
2 as set forth in NRS 389.018, that are not taught by highly qualified
3 teachers, in the aggregate and disaggregated by high-poverty
4 compared to low-poverty schools, which for the purposes of this
5 subparagraph means schools in the top quartile of poverty and the
6 bottom quartile of poverty in this State;

7 (4) For each middle school, junior high school and high
8 school:

9 (I) On and after July 1, 2005, the number of persons
10 employed as substitute teachers for 20 consecutive days or more in
11 the same classroom or assignment, designated as long-term
12 substitute teachers, including the total number of days long-term
13 substitute teachers were employed at each school, identified by
14 grade level and subject area; and

15 (II) On and after July 1, 2006, the number of persons
16 employed as substitute teachers for less than 20 consecutive days,
17 designated as short-term substitute teachers, including the total
18 number of days short-term substitute teachers were employed at
19 each school, identified by grade level and subject area; and

20 (5) For each elementary school:

21 (I) On and after July 1, 2005, the number of persons
22 employed as substitute teachers for 20 consecutive days or more in
23 the same classroom or assignment, designated as long-term
24 substitute teachers, including the total number of days long-term
25 substitute teachers were employed at each school, identified by
26 grade level; and

27 (II) On and after July 1, 2006, the number of persons
28 employed as substitute teachers for less than 20 consecutive days,
29 designated as short-term substitute teachers, including the total
30 number of days short-term substitute teachers were employed at
31 each school, identified by grade level.

32 (e) The total expenditure per pupil for each school in the district
33 and the district as a whole, including, without limitation, each
34 charter school in the district. If this State has a financial analysis
35 program that is designed to track educational expenditures and
36 revenues to individual schools, each school district shall use that
37 statewide program in complying with this paragraph. If a statewide
38 program is not available, each school district shall use its own
39 financial analysis program in complying with this paragraph.

40 (f) The curriculum used by the school district, including:

41 (1) Any special programs for pupils at an individual school;

42 and

43 (2) The curriculum used by each charter school in the
44 district.



1 (g) Records of the attendance and truancy of pupils in all grades,
2 including, without limitation:

3 (1) The average daily attendance of pupils, for each school in
4 the district and the district as a whole, including, without limitation,
5 each charter school in the district.

6 (2) For each elementary school, middle school and junior
7 high school in the district, including, without limitation, each charter
8 school in the district that provides instruction to pupils enrolled in a
9 grade level other than high school, information that compares the
10 attendance of the pupils enrolled in the school with the attendance of
11 pupils throughout the district and throughout this State. The
12 information required by this subparagraph must be provided in
13 consultation with the Department to ensure the accuracy of the
14 comparison.

15 (h) The annual rate of pupils who drop out of school in grade 8
16 and a separate reporting of the annual rate of pupils who drop out of
17 school in grades 9 to 12, inclusive, for each such grade, for each
18 school in the district and for the district as a whole. The reporting
19 for pupils in grades 9 to 12, inclusive, excludes pupils who:

20 (1) Provide proof to the school district of successful
21 completion of the examinations of general educational development.

22 (2) Are enrolled in courses that are approved by the
23 Department as meeting the requirements for an adult standard
24 diploma.

25 (3) Withdraw from school to attend another school.

26 (i) Records of attendance of teachers who provide instruction,
27 for each school in the district and the district as a whole, including,
28 without limitation, each charter school in the district.

29 (j) Efforts made by the school district and by each school in the
30 district, including, without limitation, each charter school in the
31 district, to increase:

32 (1) Communication with the parents of pupils in the district;
33 and

34 (2) The participation of parents in the educational process
35 and activities relating to the school district and each school,
36 including, without limitation, the existence of parent organizations
37 and school advisory committees.

38 (k) Records of incidents involving weapons or violence for each
39 school in the district, including, without limitation, each charter
40 school in the district.

41 (l) Records of incidents involving the use or possession of
42 alcoholic beverages or controlled substances for each school in the
43 district, including, without limitation, each charter school in the
44 district.



1 (m) Records of the suspension and expulsion of pupils required
2 or authorized pursuant to NRS 392.466 and 392.467.

3 (n) The number of pupils who are deemed habitual disciplinary
4 problems pursuant to NRS 392.4655, for each school in the district
5 and the district as a whole, including, without limitation, each
6 charter school in the district.

7 (o) The number of pupils in each grade who are retained in the
8 same grade pursuant to NRS 392.033 or 392.125, for each school in
9 the district and the district as a whole, including, without limitation,
10 each charter school in the district.

11 (p) The transiency rate of pupils for each school in the district
12 and the district as a whole, including, without limitation, each
13 charter school in the district. For the purposes of this paragraph, a
14 pupil is not transient if he is transferred to a different school within
15 the school district as a result of a change in the zone of attendance
16 by the board of trustees of the school district pursuant to
17 NRS 388.040.

18 (q) Each source of funding for the school district.

19 (r) A compilation of the programs of remedial study that are
20 purchased in whole or in part with money received from this State,
21 for each school in the district and the district as a whole, including,
22 without limitation, each charter school sponsored by the district. The
23 compilation must include:

24 (1) The amount and sources of money received for programs
25 of remedial study for each school in the district and the district as a
26 whole, including, without limitation, each charter school in the
27 district.

28 (2) An identification of each program of remedial study,
29 listed by subject area.

30 (s) For each high school in the district, including, without
31 limitation, each charter school in the district, the percentage of
32 pupils who graduated from that high school or charter school in the
33 immediately preceding year and enrolled in remedial courses in
34 reading, writing or mathematics at a university, state college or
35 community college within the Nevada System of Higher Education.

36 (t) The technological facilities and equipment available at each
37 school, including, without limitation, each charter school, and the
38 district's plan to incorporate educational technology at each school.

39 (u) For each school in the district and the district as a whole,
40 including, without limitation, each charter school in the district, the
41 number and percentage of pupils who received:

42 (1) A standard high school diploma, reported separately for
43 pupils who received the diploma pursuant to:

44 (I) Paragraph (a) of subsection 1 of NRS 389.805; and

45 (II) Paragraph (b) of subsection 1 of NRS 389.805.



1 (2) An adjusted diploma.

2 (3) A certificate of attendance.

3 (v) For each school in the district and the district as a whole,
4 including, without limitation, each charter school in the district, the
5 number and percentage of pupils who failed to pass the high school
6 proficiency examination.

7 (w) The number of habitual truants who are reported to a school
8 police officer or law enforcement agency pursuant to paragraph (a)
9 of subsection 2 of NRS 392.144 and the number of habitual truants
10 who are referred to an advisory board to review school attendance
11 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
12 school in the district and for the district as a whole.

13 (x) The amount and sources of money received for the training
14 and professional development of teachers and other educational
15 personnel for each school in the district and for the district as a
16 whole, including, without limitation, each charter school in the
17 district.

18 (y) Whether the school district has made adequate yearly
19 progress. If the school district has been designated as demonstrating
20 need for improvement pursuant to NRS 385.377, the report must
21 include a statement indicating the number of consecutive years the
22 school district has carried that designation.

23 (z) Information on whether each public school in the district,
24 including, without limitation, each charter school in the district, has
25 made adequate yearly progress, including, without limitation:

26 (1) The number and percentage of schools in the district, if
27 any, that have been designated as needing improvement pursuant to
28 NRS 385.3623; and

29 (2) The name of each school, if any, in the district that has
30 been designated as needing improvement pursuant to NRS 385.3623
31 and the number of consecutive years that the school has carried that
32 designation.

33 (aa) Information on the paraprofessionals employed by each
34 public school in the district, including, without limitation, each
35 charter school the district. The information must include:

36 (1) The number of paraprofessionals employed at the school;
37 and

38 (2) The number and percentage of all paraprofessionals who
39 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
40 reporting requirements of this subparagraph apply to
41 paraprofessionals who are employed in positions supported with
42 Title I money and to paraprofessionals who are not employed in
43 positions supported with Title I money.

44 (bb) For each high school in the district, including, without
45 limitation, each charter school that operates as a high school,



1 information that provides a comparison of the rate of graduation of
2 pupils enrolled in the high school with the rate of graduation of
3 pupils throughout the district and throughout this State. The
4 information required by this paragraph must be provided in
5 consultation with the Department to ensure the accuracy of the
6 comparison.

7 (cc) An identification of the appropriations made by the
8 Legislature that are available to the school district or the schools
9 within the district and programs approved by the Legislature to
10 improve the academic achievement of pupils.

11 (dd) For each school in the district and the district as a whole,
12 including, without limitation, each charter school in the district,
13 information on pupils enrolled in career and technical education,
14 including, without limitation:

15 (1) The number of pupils enrolled in a course of career and
16 technical education;

17 (2) The number of pupils who completed a course of career
18 and technical education;

19 (3) The average daily attendance of pupils who are enrolled
20 in a program of career and technical education;

21 (4) The annual rate of pupils who dropped out of school and
22 were enrolled in a program of career and technical education before
23 dropping out;

24 (5) The number and percentage of pupils who completed a
25 program of career and technical education and who received a
26 standard high school diploma, an adjusted diploma or a certificate of
27 attendance; and

28 (6) The number and percentage of pupils who completed a
29 program of career and technical education and who did not receive a
30 high school diploma because the pupils failed to pass the high
31 school proficiency examination.

32 (ee) Such other information as is directed by the Superintendent
33 of Public Instruction.

34 3. The records of attendance maintained by a school for
35 purposes of paragraph (i) of subsection 2 must include the number
36 of teachers who are in attendance at school and the number of
37 teachers who are absent from school. A teacher shall be deemed in
38 attendance if the teacher is excused from being present in the
39 classroom by the school in which he is employed for one of the
40 following reasons:

41 (a) Acquisition of knowledge or skills relating to the
42 professional development of the teacher; or

43 (b) Assignment of the teacher to perform duties for cocurricular
44 or extracurricular activities of pupils.



1 4. The annual report of accountability prepared pursuant to
2 subsection 2 must:

3 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations
4 adopted pursuant thereto; and

5 (b) Be presented in an understandable and uniform format and,
6 to the extent practicable, provided in a language that parents can
7 understand.

8 5. The Superintendent of Public Instruction shall:

9 (a) Prescribe forms for the reports required pursuant to
10 subsection 2 and provide the forms to the respective school districts.

11 (b) Provide statistical information and technical assistance to
12 school districts to ensure that the reports provide comparable
13 information with respect to each school in each district and among
14 the districts throughout this State.

15 (c) Consult with a representative of the:

16 (1) Nevada State Education Association;

17 (2) Nevada Association of School Boards;

18 (3) Nevada Association of School Administrators;

19 (4) Nevada Parent Teacher Association;

20 (5) Budget Division of the Department of Administration;

21 and

22 (6) Legislative Counsel Bureau,

23 ↪ concerning the program and consider any advice or
24 recommendations submitted by the representatives with respect to
25 the program.

26 6. The Superintendent of Public Instruction may consult with
27 representatives of parent groups other than the Nevada Parent
28 Teacher Association concerning the program and consider any
29 advice or recommendations submitted by the representatives with
30 respect to the program.

31 7. On or before August 15 of each year, the board of trustees of
32 each school district shall submit to each advisory board to review
33 school attendance created in the county pursuant to NRS 392.126
34 the information required in paragraph (g) of subsection 2.

35 8. On or before August 15 of each year, the board of trustees of
36 each school district shall:

37 (a) Provide written notice that the report required pursuant to
38 subsection 2 is available on the Internet website maintained by the
39 school district, if any, or otherwise provide written notice of
40 the availability of the report. The written notice must be provided to
41 the:

42 (1) Governor;

43 (2) State Board;

44 (3) Department;

45 (4) *Nevada Charter School Institute;*



1 (5) Committee; and
2 ~~(5)~~ (6) Bureau.

3 (b) Provide for public dissemination of the annual report of
4 accountability prepared pursuant to subsection 2 in the manner set
5 forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report
6 on the Internet website maintained by the school district, if any. If a
7 school district does not maintain a website, the district shall
8 otherwise provide for public dissemination of the annual report by
9 providing a copy of the report to the schools in the school district,
10 including, without limitation, each charter school in the district, the
11 residents of the district, and the parents and guardians of pupils
12 enrolled in schools in the district, including, without limitation, each
13 charter school in the district.

14 9. Upon the request of the Governor, an entity described in
15 paragraph (a) of subsection 8 or a member of the general public, the
16 board of trustees of a school district shall provide a portion or
17 portions of the report required pursuant to subsection 2.

18 10. As used in this section:

19 (a) "Highly qualified" has the meaning ascribed to it in 20
20 U.S.C. § 7801(23).

21 (b) "Paraprofessional" has the meaning ascribed to it in
22 NRS 391.008.

23 **Sec. 3.** NRS 385.349 is hereby amended to read as follows:

24 385.349 1. The board of trustees of each school district shall
25 prepare a summary of the annual report of accountability prepared
26 pursuant to NRS 385.347 on the form prescribed by the Department
27 pursuant to subsection 3 or an expanded form, as applicable. The
28 summary must include, without limitation:

29 (a) The information set forth in subsection 1 of NRS 385.34692,
30 reported for the school district as a whole and for each school within
31 the school district;

32 (b) Information on the involvement of parents and legal
33 guardians in the education of their children; and

34 (c) Other information required by the Superintendent of Public
35 Instruction in consultation with the Bureau.

36 2. The summary prepared pursuant to subsection 1 must:

37 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations
38 adopted pursuant thereto; and

39 (b) Be presented in an understandable and uniform format and,
40 to the extent practicable, provided in a language that parents will
41 likely understand.

42 3. The Department shall, in consultation with the Bureau and
43 the school districts, prescribe a form that contains the basic
44 information required by subsection 1. The board of trustees of a
45 school district may use an expanded form that contains additions to



1 the form prescribed by the Department if the basic information
2 contained in the expanded form complies with the form prescribed
3 by the Department.

4 4. On or before September 7 of each year, the board of trustees
5 of each school district shall:

6 (a) Submit the summary in an electronic format to the:

7 (1) Governor;

8 (2) State Board;

9 (3) Department;

10 (4) *Nevada Charter School Institute*;

11 (5) Committee;

12 ~~(5)~~ (6) Bureau; and

13 ~~(6)~~ (7) Schools within the school district.

14 (b) Provide for the public dissemination of the summary by
15 posting a copy of the summary on the Internet website maintained
16 by the school district, if any. If a school district does not maintain a
17 website, the district shall otherwise provide for public dissemination
18 of the summary. The board of trustees of each school district shall
19 ensure that the parents and guardians of pupils enrolled in the school
20 district have sufficient information concerning the availability of the
21 summary, including, without limitation, information that describes
22 how to access the summary on the Internet website maintained by
23 the school district, if any. Upon the request of a parent or legal
24 guardian, the school district shall provide the parent or legal
25 guardian with a written copy of the summary.

26 5. The board of trustees of each school district shall report the
27 information required by this section for each charter school that is
28 located within the school district, regardless of the sponsor of the
29 charter school. The information for charter schools must be reported
30 separately and must denote the charter schools sponsored by the
31 school district, the charter schools sponsored by the ~~[State Board]~~
32 *Nevada Charter School Institute* and the charter schools sponsored
33 by a college or university within the Nevada System of Higher
34 Education.

35 **Sec. 4.** NRS 385.3613 is hereby amended to read as follows:

36 385.3613 1. Except as otherwise provided in subsection 2, on
37 or before June 15 of each year, the Department shall determine
38 whether each public school is making adequate yearly progress, as
39 defined by the State Board pursuant to NRS 385.361.

40 2. On or before June 30 of each year, the Department shall
41 determine whether each public school that operates on a schedule
42 other than a traditional 9-month schedule is making adequate yearly
43 progress, as defined by the State Board pursuant to NRS 385.361.

44 3. The determination pursuant to subsection 1 or 2, as
45 applicable, for a public school, including, without limitation, a



1 charter school sponsored by the board of trustees of the school
2 district, must be made in consultation with the board of trustees of
3 the school district in which the public school is located. If a charter
4 school is sponsored by the ~~[State Board]~~ *Nevada Charter School*
5 *Institute* or by a college or university within the Nevada System of
6 Higher Education, the Department shall make a determination for
7 the charter school in consultation with the ~~[State Board]~~ *Charter*
8 *School Institute* or the institution *within the Nevada System of*
9 *Higher Education* that sponsors the charter school, as applicable.
10 The determination made for each school must be based only upon
11 the information and data for those pupils who are enrolled in the
12 school for a full academic year. On or before June 15 or June 30 of
13 each year, as applicable, the Department shall transmit:

14 (a) Except as otherwise provided in paragraph (b) or (c), the
15 determination made for each public school to the board of trustees
16 of the school district in which the public school is located.

17 (b) To the ~~[State Board]~~ *Nevada Charter School Institute* the
18 determination made for each charter school that is sponsored by the
19 ~~[State Board.]~~ *Institute*.

20 (c) The determination made for the charter school to the
21 institution that sponsors the charter school if a charter school is
22 sponsored by a college or university within the Nevada System of
23 Higher Education.

24 4. Except as otherwise provided in this subsection, the
25 Department shall determine that a public school has failed to make
26 adequate yearly progress if any group identified in paragraph (b) of
27 subsection 1 of NRS 385.361 does not satisfy the annual measurable
28 objectives established by the State Board pursuant to that section.
29 To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations
30 adopted pursuant thereto, the State Board shall prescribe by
31 regulation the conditions under which a school shall be deemed to
32 have made adequate yearly progress even though a group identified
33 in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the
34 annual measurable objectives of the State Board.

35 5. In addition to the provisions of subsection 4, the Department
36 shall determine that a public school has failed to make adequate
37 yearly progress if:

38 (a) The number of pupils enrolled in the school who took the
39 examinations administered pursuant to NRS 389.550 or the high
40 school proficiency examination, as applicable, is less than 95
41 percent of all pupils enrolled in the school who were required to
42 take the examinations; or

43 (b) Except as otherwise provided in subsection 6, for each group
44 of pupils identified in paragraph (b) of subsection 1 of NRS
45 385.361, the number of pupils in the group enrolled in the school



1 who took the examinations administered pursuant to NRS 389.550
2 or the high school proficiency examination, as applicable, is less
3 than 95 percent of all pupils in that group enrolled in the school who
4 were required to take the examinations.

5 6. If the number of pupils in a particular group who are
6 enrolled in a public school is insufficient to yield statistically
7 reliable information:

8 (a) The Department shall not determine that the school has
9 failed to make adequate yearly progress pursuant to paragraph (b) of
10 subsection 5 based solely upon that particular group.

11 (b) The pupils in such a group must be included in the overall
12 count of pupils enrolled in the school who took the examinations.

13 ➔ The State Board shall prescribe the mechanism for determining
14 the number of pupils that must be in a group for that group to yield
15 statistically reliable information.

16 7. If an irregularity in testing administration or an irregularity
17 in testing security occurs at a school and the irregularity invalidates
18 the test scores of pupils, those test scores must be included in the
19 scores of pupils reported for the school, the attendance of those
20 pupils must be counted towards the total number of pupils who took
21 the examinations and the pupils must be included in the total
22 number of pupils who were required to take the examinations.

23 8. As used in this section:

24 (a) "Irregularity in testing administration" has the meaning
25 ascribed to it in NRS 389.604.

26 (b) "Irregularity in testing security" has the meaning ascribed to
27 it in NRS 389.608.

28 **Sec. 5.** NRS 385.362 is hereby amended to read as follows:

29 385.362 1. If a public school fails to make adequate yearly
30 progress for 1 year:

31 (a) Except as otherwise provided in ~~paragraph (b),~~ *paragraphs*
32 *(b) and (c),* the board of trustees of the school district in which the
33 school is located shall ensure that the school receives technical
34 assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the
35 regulations adopted pursuant thereto. For a charter school sponsored
36 by the school district, the board of trustees shall provide the
37 technical assistance to the charter school in conjunction with the
38 governing body of the charter school.

39 (b) *For a charter school sponsored by the Nevada Charter*
40 *School Institute, the Institute shall ensure, in conjunction with the*
41 *governing body of the charter school, that the charter school*
42 *receives technical assistance in the manner set forth in 20 U.S.C. §*
43 *6316(b)(4) and the regulations adopted pursuant thereto.*

44 (c) For a charter school sponsored by ~~the State Board or by~~ a
45 college or university within the Nevada System of Higher



1 Education, the Department shall ensure, in conjunction with the
2 governing body of the charter school, that the school receives
3 technical assistance in the manner set forth in 20 U.S.C. §
4 6316(b)(4) and the regulations adopted pursuant thereto.

5 2. If a public school fails to make adequate yearly progress for
6 1 year, the principal of the school shall ensure that the plan to
7 improve the achievement of pupils enrolled in the school is
8 reviewed, revised and approved in accordance with NRS 385.357.

9 **Sec. 6.** NRS 385.366 is hereby amended to read as follows:

10 385.366 1. Based upon the information received from the
11 Department pursuant to NRS 385.3613, the board of trustees of each
12 school district shall, on or before July 1 of each year, issue a
13 preliminary designation for each public school in the school district
14 in accordance with the criteria set forth in NRS 385.3623, excluding
15 charter schools sponsored by the ~~{State Board}~~ *Nevada Charter*
16 *School Institute* or by a college or university within the Nevada
17 System of Higher Education. The board of trustees shall make
18 preliminary designations for all charter schools that are sponsored
19 by the board of trustees. The Department shall make preliminary
20 designations for all charter schools that are sponsored by the ~~{State~~
21 ~~Board}~~ *Nevada Charter School Institute* and all charter schools
22 sponsored by a college or university within the Nevada System of
23 Higher Education. The initial designation of a school as
24 demonstrating need for improvement must be based upon 2
25 consecutive years of data and information for that school.

26 2. Before making a final designation for a school, the board of
27 trustees of the school district or the Department, as applicable, shall
28 provide the school an opportunity to review the data upon which the
29 preliminary designation is based and to present evidence in the
30 manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations
31 adopted pursuant thereto. If the school is a public school of the
32 school district or a charter school sponsored by the board of trustees,
33 the board of trustees of the school district shall, in consultation with
34 the Department, make a final determination concerning the
35 designation for the school on August 1. If the school is a charter
36 school sponsored by the ~~{State Board}~~ *Nevada Charter School*
37 *Institute* or by a college or university within the Nevada System of
38 Higher Education, the Department shall make a final determination
39 concerning the designation for the school on August 1.

40 3. On or before August 1 of each year, the Department shall
41 provide written notice of the determinations made pursuant to NRS
42 385.3613 and the final designations made pursuant to this section as
43 follows:

44 (a) The determinations and final designations made for all
45 schools in this State to the:



- 1 (1) Governor;
- 2 (2) State Board;
- 3 (3) Committee; and
- 4 (4) Bureau.

5 (b) The determinations and final designations made for all
6 schools within a school district to the:

- 7 (1) Superintendent of schools of the school district; and
- 8 (2) Board of trustees of the school district.

9 (c) The determination and final designation made for each
10 school to the principal of the school.

11 *(d) The determination and final designation made for each*
12 *charter school sponsored by the Nevada Charter School Institute*
13 *to the Institute.*

14 **Sec. 7.** NRS 385.3661 is hereby amended to read as follows:

15 385.3661 1. Except as otherwise provided in subsection 2, if
16 a public school is designated as demonstrating need for
17 improvement pursuant to NRS 385.3623 and the provisions of NRS
18 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees
19 of the school district shall:

20 (a) Provide notice of the designation to the parents and
21 guardians of pupils enrolled in the school on the form prescribed by
22 the Department pursuant to NRS 385.382; and

23 (b) Ensure that the school receives technical assistance in the
24 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
25 adopted pursuant thereto.

26 2. If a charter school is designated as demonstrating need for
27 improvement pursuant to NRS 385.3623 and the provisions of NRS
28 385.3693, 385.3721 or 385.3745 do not apply:

29 (a) The governing body of the charter school shall provide
30 notice of the designation to the parents and guardians of pupils
31 enrolled in the charter school on the form prescribed by the
32 Department pursuant to NRS 385.382.

33 (b) For a charter school sponsored by the board of trustees of a
34 school district, the board of trustees shall, in conjunction with the
35 governing body of the charter school, ensure that the charter school
36 receives technical assistance in the manner set forth in 20 U.S.C. §
37 6316(b)(4) and the regulations adopted pursuant thereto.

38 (c) *For a charter school sponsored by the Nevada Charter*
39 *School Institute, the Institute shall, in conjunction with the*
40 *governing body of the charter school, ensure that the charter*
41 *school receives technical assistance in the manner set forth in 20*
42 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

43 (d) For a charter school sponsored by ~~[the State Board or by]~~ a
44 college or university within the Nevada System of Higher
45 Education, the Department shall, in conjunction with the governing



1 body of the charter school, ensure that the charter school receives
2 technical assistance in the manner set forth in 20 U.S.C. §
3 6316(b)(4) and the regulations adopted pursuant thereto.

4 3. In addition to the requirements of subsection 1 or 2, as
5 applicable, if a Title I school is designated as demonstrating need
6 for improvement pursuant to NRS 385.3623 and the provisions of
7 NRS 385.3693, 385.3721 or 385.3745 do not apply:

8 (a) Except as otherwise provided in ~~paragraph (b).~~ *paragraphs*
9 *(b) and (c)*, the board of trustees of the school district shall provide
10 school choice to the parents and guardians of pupils enrolled in the
11 school, including, without limitation, a charter school sponsored by
12 the school district, in accordance with 20 U.S.C. § 6316(b)(1) and
13 the regulations adopted pursuant thereto.

14 (b) *For a charter school sponsored by the Nevada Charter*
15 *School Institute, the Institute shall work cooperatively with the*
16 *board of trustees of the school district in which the charter school*
17 *is located to provide school choice to the parents and guardians of*
18 *pupils enrolled in the charter school in accordance with 20 U.S.C.*
19 *§ 6316(b)(1) and the regulations adopted pursuant thereto.*

20 (c) For a charter school sponsored by ~~the State Board or by~~ a
21 college or university within the Nevada System of Higher
22 Education, the Department shall work cooperatively with the board
23 of trustees of the school district in which the charter school is
24 located to provide school choice to the parents and guardians of
25 pupils enrolled in the charter school in accordance with 20 U.S.C. §
26 6316(b)(1) and the regulations adopted pursuant thereto.

27 **Sec. 8.** NRS 385.3693 is hereby amended to read as follows:

28 385.3693 1. Except as otherwise provided in subsection 2, if
29 a public school is designated as demonstrating need for
30 improvement pursuant to NRS 385.3623 for 2 consecutive years, the
31 board of trustees of the school district shall:

32 (a) Provide notice of the designation to the parents and
33 guardians of pupils enrolled in the school on the form prescribed by
34 the Department pursuant to NRS 385.382; and

35 (b) Ensure that the school receives technical assistance in the
36 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
37 adopted pursuant thereto.

38 2. If a charter school is designated as demonstrating need for
39 improvement pursuant to NRS 385.3623 for 2 consecutive years:

40 (a) The governing body of the charter school shall provide
41 notice of the designation to the parents and guardians of pupils
42 enrolled in the school on the form prescribed by the Department
43 pursuant to NRS 385.382.

44 (b) For a charter school sponsored by the board of trustees of a
45 school district, the board of trustees shall, in conjunction with the



1 governing body of the charter school, ensure that the charter school
2 receives technical assistance in the manner set forth in 20 U.S.C. §
3 6316(b)(4) and the regulations adopted pursuant thereto.

4 (c) *For a charter school sponsored by the Nevada Charter*
5 *School Institute, the Institute shall, in conjunction with the*
6 *governing body of the charter school, ensure that the charter*
7 *school receives technical assistance in the manner set forth in 20*
8 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

9 (d) For a charter school sponsored by ~~{the State Board or by}~~ a
10 college or university within the Nevada System of Higher
11 Education, the Department shall, in conjunction with the governing
12 body of the charter school, ensure that the charter school receives
13 technical assistance in the manner set forth in 20 U.S.C. §
14 6316(b)(4) and the regulations adopted pursuant thereto.

15 **Sec. 9.** NRS 385.372 is hereby amended to read as follows:

16 385.372 1. In addition to the requirements of NRS 385.3693,
17 if a Title I school is designated as demonstrating need for
18 improvement pursuant to NRS 385.3623 for 2 consecutive years for
19 failing to make adequate yearly progress:

20 (a) Except as otherwise provided in paragraph (b), the board of
21 trustees of the school district shall:

22 (1) Provide school choice to the parents and guardians of
23 pupils enrolled in the school in accordance with 20 U.S.C. §
24 6316(b)(1) and the regulations adopted pursuant thereto.

25 (2) Except as otherwise provided in subsection 2, provide
26 supplemental educational services in accordance with 20 U.S.C. §
27 6316(e) and the regulations adopted pursuant thereto from a
28 provider approved pursuant to NRS 385.384, unless a waiver is
29 granted pursuant to that provision of federal law.

30 (b) If the school is a charter school:

31 (1) Sponsored by the board of trustees of a school district,
32 the board of trustees shall provide school choice to the parents and
33 guardians of pupils enrolled in the school in accordance with 20
34 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

35 (2) *Sponsored by the Nevada Charter School Institute, the*
36 *Institute shall work cooperatively with the board of trustees of the*
37 *school district in which the charter school is located to provide*
38 *school choice to the parents and guardians of pupils enrolled in*
39 *the charter school in accordance with 20 U.S.C. § 6316(b)(1) and*
40 *the regulations adopted pursuant thereto.*

41 (3) Sponsored by ~~{the State Board or by}~~ a college or
42 university within the Nevada System of Higher Education, the
43 Department shall work cooperatively with the board of trustees of
44 the school district in which the charter school is located to provide
45 school choice to the parents and guardians of pupils enrolled in the



1 charter school in accordance with 20 U.S.C. § 6316(b)(1) and the
2 regulations adopted pursuant thereto.

3 ~~(3)~~ (4) Except as otherwise provided in subsection 3, the
4 governing body of the charter school shall provide supplemental
5 educational services in accordance with 20 U.S.C. § 6316(e) and the
6 regulations adopted pursuant thereto from a provider approved
7 pursuant to NRS 385.384, unless a waiver is granted pursuant to that
8 provision of federal law.

9 2. The board of trustees of a school district shall grant a delay
10 from the imposition of supplemental educational services for a
11 school for a period not to exceed 1 year if the school qualifies for a
12 delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to
13 make adequate yearly progress during the period of the delay, the
14 provisions of NRS 385.3721 apply to the school as if the delay
15 never occurred.

16 3. The sponsor of a charter school shall grant a delay from the
17 imposition of supplemental educational services for the charter
18 school for a period not to exceed 1 year if the charter school
19 qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the
20 charter school fails to make adequate yearly progress during
21 the period of the delay, the provisions of NRS 385.3721 apply to the
22 charter school as if the delay never occurred.

23 **Sec. 10.** NRS 385.3721 is hereby amended to read as follows:

24 385.3721 1. If a public school is designated as demonstrating
25 need for improvement pursuant to NRS 385.3623 for 3 consecutive
26 years, the support team established for the school pursuant to this
27 section shall carry out the requirements of NRS 385.3741 and
28 385.3742.

29 2. Except as otherwise provided in subsection 3, if a public
30 school is designated as demonstrating need for improvement
31 pursuant to NRS 385.3623 for 3 consecutive years:

32 (a) The board of trustees of the school district shall:

33 (1) Provide notice of the designation to the parents and
34 guardians of pupils enrolled in the school on the form prescribed by
35 the Department pursuant to NRS 385.382; and

36 (2) Ensure that the school receives technical assistance in the
37 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
38 adopted pursuant thereto.

39 (b) The Department shall establish a support team for the
40 school, with the membership prescribed pursuant to NRS 385.374.

41 3. If a charter school is designated as demonstrating need for
42 improvement pursuant to NRS 385.3623 for 3 consecutive years:

43 (a) The governing body of the charter school shall provide
44 notice of the designation to the parents and guardians of pupils



1 enrolled in the charter school on the form prescribed by the
2 Department pursuant to NRS 385.382.

3 (b) For a charter school sponsored by the board of trustees of a
4 school district, the board of trustees shall, in conjunction with the
5 governing body of the charter school, ensure that the charter school
6 receives technical assistance in the manner set forth in 20 U.S.C. §
7 6316(b)(4) and the regulations adopted pursuant thereto.

8 (c) *For a charter school sponsored by the Nevada Charter*
9 *School Institute, the Institute shall, in conjunction with the*
10 *governing body of the charter school, ensure that the charter*
11 *school receives technical assistance in the manner set forth in 20*
12 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

13 (d) For a charter school sponsored by ~~the State Board or by~~ a
14 college or university within the Nevada System of Higher
15 Education, the Department shall, in conjunction with the governing
16 body of the charter school, ensure that the charter school receives
17 technical assistance in the manner set forth in 20 U.S.C. §
18 6316(b)(4) and the regulations adopted pursuant thereto.

19 ~~(d)~~ (e) The Department shall establish a support team for the
20 school, with the membership prescribed pursuant to NRS 385.374.

21 **Sec. 11.** NRS 385.3741 is hereby amended to read as follows:

22 385.3741 1. Each support team established for a public
23 school pursuant to NRS 385.3721 shall:

24 (a) Review and analyze the operation of the school, including,
25 without limitation, the design and operation of the instructional
26 program of the school.

27 (b) Review and analyze the data pertaining to the school upon
28 which the report required pursuant to subsection 2 of NRS 385.347
29 is based and review and analyze any data that is more recent than
30 the data upon which the report is based.

31 (c) Review the most recent plan to improve the achievement of
32 the school's pupils.

33 (d) Review the information concerning the educational
34 involvement accords provided to the support team pursuant to NRS
35 392.4575 and the information concerning the reports provided to the
36 support team pursuant to NRS 392.456.

37 (e) Identify and investigate the problems and factors at the
38 school that contributed to the designation of the school as
39 demonstrating need for improvement.

40 (f) Assist the school in developing recommendations for
41 improving the performance of pupils who are enrolled in the school.

42 (g) Except as otherwise provided in this paragraph, make
43 recommendations to the board of trustees of the school district, the
44 State Board and the Department concerning additional assistance for
45 the school in carrying out the plan for improvement of the school.



1 For a charter school sponsored by the ~~[State Board,]~~ *Nevada*
2 *Charter School Institute*, the support team shall make the
3 recommendations to the ~~[State Board]~~ *Institute* and the Department.
4 For a charter school sponsored by a college or university within the
5 Nevada System of Higher Education, the support team shall make
6 the recommendations to the sponsor, the State Board and the
7 Department.

8 (h) In accordance with its findings pursuant to this section and
9 NRS 385.3742, submit, on or before November 1, written revisions
10 to the most recent plan to improve the achievement of the school's
11 pupils for approval pursuant to NRS 385.357. The written revisions
12 must:

13 (1) Comply with NRS 385.357;

14 (2) If the school is a Title I school, be developed in
15 consultation with parents and guardians of pupils enrolled in the
16 school and, to the extent deemed appropriate by the entity that
17 created the support team, outside experts;

18 (3) Include the data and findings of the support team that
19 provide support for the revisions;

20 (4) Set forth goals, objectives, tasks and measures for the
21 school that are:

22 (I) Designed to improve the achievement of the school's
23 pupils;

24 (II) Specific;

25 (III) Measurable; and

26 (IV) Conducive to reliable evaluation;

27 (5) Set forth a timeline to carry out the revisions;

28 (6) Set forth priorities for the school in carrying out the
29 revisions; and

30 (7) Set forth the name and duties of each person who is
31 responsible for carrying out the revisions.

32 (i) Except as otherwise provided in this paragraph, work
33 cooperatively with the board of trustees of the school district in
34 which the school is located, the employees of the school, and the
35 parents and guardians of pupils enrolled in the school to carry out
36 and monitor the plan for improvement of the school. If a charter
37 school is sponsored by the ~~[State Board, the Department]~~ *Nevada*
38 *Charter School Institute, the Institute* shall assist the school with
39 carrying out and monitoring the plan for improvement of the school.
40 If a charter school is sponsored by a college or university within the
41 Nevada System of Higher Education, ~~[that]~~ *the* institution *that*
42 *sponsors the charter school* shall assist the school with carrying out
43 and monitoring the plan for improvement of the school.

44 (j) Prepare a quarterly progress report in the format prescribed
45 by the Department and:



- 1 (1) Submit the progress report to the Department.
- 2 (2) Distribute copies of the progress report to each employee
- 3 of the school for review.

4 (k) In addition to the requirements of this section, if the support
5 team is established for a Title I school, carry out the requirements of
6 20 U.S.C. § 6317(a)(5).

7 2. A school support team may require the school for which the
8 support team was established to submit plans, strategies, tasks and
9 measures that, in the determination of the support team, will assist
10 the school in improving the achievement and proficiency of pupils
11 enrolled in the school.

12 3. The Department shall prescribe a concise quarterly progress
13 report for use by each support team in accordance with paragraph (j)
14 of subsection 1.

15 **Sec. 12.** NRS 385.3743 is hereby amended to read as follows:

16 385.3743 1. In addition to the requirements of NRS
17 385.3721, if a Title I school is designated as demonstrating need for
18 improvement pursuant to NRS 385.3623 for 3 consecutive years:

19 (a) Except as otherwise provided in paragraph (b), the board of
20 trustees of the school district shall:

21 (1) Provide school choice to the parents and guardians of
22 pupils enrolled in the school in accordance with 20 U.S.C. §
23 6316(b)(1) and the regulations adopted pursuant thereto;

24 (2) Provide supplemental educational services in accordance
25 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant
26 thereto from a provider approved pursuant to NRS 385.384, unless a
27 waiver is granted pursuant to that provision of federal law; and

28 (3) Except as otherwise provided in subsection 2, take
29 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
30 regulations adopted pursuant thereto.

31 (b) If the school is a charter school:

32 (1) Sponsored by the board of trustees of a school district,
33 the board of trustees shall:

34 (I) Provide school choice to the parents and guardians of
35 pupils enrolled in the charter school in accordance with 20 U.S.C. §
36 6316(b)(1); and

37 (II) Except as otherwise provided in subsection 3, take
38 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
39 regulations adopted pursuant thereto.

40 (2) *Sponsored by the Nevada Charter School Institute, the*
41 *Institute shall:*

42 (I) *Work cooperatively with the board of trustees of the*
43 *school district in which the charter school is located to provide*
44 *school choice to the parents and guardians of pupils enrolled in*



1 *the school in accordance with 20 U.S.C. § 6316(b)(1) and the*
2 *regulations adopted pursuant thereto; and*

3 (II) *Except as otherwise provided in subsection 3, take*
4 *corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the*
5 *regulations adopted pursuant thereto.*

6 (3) Sponsored by ~~{the State Board or by}~~ a college or
7 university within the Nevada System of Higher Education, the
8 Department shall:

9 (I) Work cooperatively with the board of trustees of
10 the school district in which the charter school is located to provide
11 school choice to the parents and guardians of pupils enrolled in the
12 school in accordance with 20 U.S.C. § 6316(b)(1) and the
13 regulations adopted pursuant thereto; and

14 (II) Except as otherwise provided in subsection 3, take
15 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
16 regulations adopted pursuant thereto.

17 ~~{(3)}~~ (4) Regardless of the sponsor, the governing body of
18 the charter school shall provide supplemental educational services in
19 accordance with 20 U.S.C. § 6316(e) and the regulations adopted
20 pursuant thereto from a provider approved pursuant to NRS
21 385.384, unless a waiver is granted pursuant to that provision of
22 federal law.

23 2. The board of trustees of a school district shall grant a delay
24 from the imposition of corrective action for a school for a period not
25 to exceed 1 year if the school qualifies for a delay pursuant to 20
26 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly
27 progress during the period of the delay, the provisions of NRS
28 385.3745 apply as if the delay never occurred.

29 3. The sponsor of a charter school shall grant a delay from the
30 imposition of corrective action for the charter school for a period not
31 to exceed 1 year if the charter school qualifies for a delay pursuant
32 to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make
33 adequate yearly progress during the period of the delay, the
34 provisions of NRS 385.3745 apply as if the delay never occurred.

35 **Sec. 13.** NRS 385.3744 is hereby amended to read as follows:

36 385.3744 1. Except as otherwise provided in subsection 3, if
37 a public school that is not a Title I school is designated as
38 demonstrating need for improvement pursuant to NRS 385.3623 for
39 3 consecutive years for failing to make adequate yearly progress, the
40 support team established for the school shall consider whether
41 corrective action is appropriate for the school. If the support team
42 determines that corrective action is appropriate, the support team
43 shall make a recommendation for corrective action for the school,
44 including, without limitation, the type of corrective action that is



1 recommended from the list of corrective actions authorized pursuant
2 to subsection 2. The recommendation must be submitted to:

3 (a) For a school of the school district or a charter school
4 sponsored by the board of trustees of the school district, the board of
5 trustees.

6 (b) *For a charter school sponsored by the Nevada Charter
7 School Institute, the Institute.*

8 (c) For a charter school sponsored by ~~[the State Board or by]~~ a
9 college or university within the Nevada System of Higher
10 Education, the Department.

11 2. Regardless of whether a support team recommends
12 corrective action for a school, *the Nevada Charter School Institute
13 may, for a charter school sponsored by the Institute,* the
14 Department may, for a charter school sponsored by ~~[the State Board
15 or by]~~ a college or university within the Nevada System of Higher
16 Education, and the board of trustees of a school district may, for a
17 school of the school district or a charter school sponsored by the
18 board of trustees, take one or more of the following corrective
19 actions for the school:

20 (a) Develop and carry out a new curriculum at the school,
21 including the provision of appropriate professional development
22 relating to the new curriculum.

23 (b) Significantly decrease the managerial authority of the
24 employees at the school.

25 (c) Extend the school year or the school day.

26 3. The *Nevada Charter School Institute, the* Department or
27 the board of trustees of a school district, as applicable, shall grant a
28 delay from the imposition of corrective action for a school for a
29 period not to exceed 1 year if the school qualifies for a delay in the
30 manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to
31 make adequate yearly progress during the period of the delay, the
32 *Nevada Charter School Institute, the* Department or the board of
33 trustees, as applicable, may proceed with corrective action as if the
34 delay never occurred.

35 **Sec. 14.** NRS 385.3745 is hereby amended to read as follows:

36 385.3745 1. If a public school is designated as demonstrating
37 need for improvement pursuant to NRS 385.3623 for 4 or more
38 consecutive years, the support team established for the school
39 pursuant to NRS 385.3721 shall carry out the requirements of NRS
40 385.3741, 385.3742 and 385.3744, as applicable.

41 2. Except as otherwise provided in subsection 3, if a public
42 school is designated as demonstrating need for improvement
43 pursuant to NRS 385.3623 for 4 or more consecutive years:

44 (a) The board of trustees of the school district shall:



1 (1) Provide notice of the designation to the parents and
2 guardians of pupils enrolled in the school on the form prescribed by
3 the Department pursuant to NRS 385.382; and

4 (2) Ensure that the school receives technical assistance in the
5 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
6 adopted pursuant thereto.

7 (b) The Department shall continue a support team for the school.

8 3. If a charter school is designated as demonstrating need for
9 improvement pursuant to NRS 385.3623 for 4 or more consecutive
10 years:

11 (a) The governing body of the charter school shall provide
12 notice of the designation to the parents and guardians of pupils
13 enrolled in the school on the form prescribed by the Department
14 pursuant to NRS 385.382.

15 (b) For a charter school sponsored by the board of trustees of a
16 school district, the board of trustees shall, in conjunction with the
17 governing body of the charter school, ensure that the charter school
18 receives technical assistance in the manner set forth in 20 U.S.C. §
19 6316(b)(4) and the regulations adopted pursuant thereto.

20 (c) *For a charter school sponsored by the Nevada Charter
21 School Institute, the Institute shall, in conjunction with the
22 governing body of the charter school, ensure that the charter
23 school receives technical assistance in the manner set forth in 20
24 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

25 (d) For a charter school sponsored by ~~the State Board or by~~ a
26 college or university within the Nevada System of Higher
27 Education, the Department shall, in conjunction with the governing
28 body of the charter school, ensure that the charter school receives
29 technical assistance in the manner set forth in 20 U.S.C. §
30 6316(b)(4) and the regulations adopted pursuant thereto.

31 ~~(d)~~ (e) The Department shall continue a support team for the
32 charter school.

33 **Sec. 15.** NRS 385.3746 is hereby amended to read as follows:

34 385.3746 1. In addition to the requirements of NRS
35 385.3745, if a Title I school is designated as demonstrating need for
36 improvement pursuant to NRS 385.3623 for 4 or more consecutive
37 years:

38 (a) Except as otherwise provided in paragraph (b), the board of
39 trustees of the school district shall:

40 (1) Provide school choice to the parents and guardians of
41 pupils enrolled in the school in accordance with 20 U.S.C. §
42 6316(b)(1) and the regulations adopted pursuant thereto;

43 (2) Provide supplemental educational services in accordance
44 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant



1 thereto from a provider approved pursuant to NRS 385.384, unless a
2 waiver is granted pursuant to that provision of federal law; and

3 (3) Except as otherwise provided in subsection 2, proceed
4 with a plan for restructuring the school if required by 20 U.S.C. §
5 6316(b)(8) and the regulations adopted pursuant thereto.

6 (b) If the school is a charter school:

7 (1) Sponsored by the board of trustees of a school district,
8 the board of trustees shall:

9 (I) Provide school choice to the parents and guardians of
10 pupils enrolled in the charter school in accordance with 20 U.S.C. §
11 6316(b)(1); and

12 (II) Except as otherwise provided in subsection 3, proceed
13 with a plan for restructuring the school if required by 20 U.S.C. §
14 6316(b)(8) and the regulations adopted pursuant thereto.

15 (2) *Sponsored by the Nevada Charter School Institute, the*
16 *Institute shall:*

17 (I) *Work cooperatively with the board of trustees of the*
18 *school district in which the charter school is located to provide*
19 *school choice to the parents and guardians of pupils enrolled in*
20 *the school in accordance with 20 U.S.C. § 6316(b)(1) and the*
21 *regulations adopted pursuant thereto; and*

22 (II) *Except as otherwise provided in subsection 3,*
23 *proceed with a plan for restructuring the school if required by 20*
24 *U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.*

25 (3) Sponsored by ~~{the State Board or by}~~ a college or
26 university within the Nevada System of Higher Education, the
27 Department shall:

28 (I) Work cooperatively with the board of trustees of
29 the school district in which the charter school is located to provide
30 school choice to the parents and guardians of pupils enrolled in the
31 school in accordance with 20 U.S.C. § 6316(b)(1) and the
32 regulations adopted pursuant thereto; and

33 (II) Except as otherwise provided in subsection 3, proceed
34 with a plan for restructuring the school if required by 20 U.S.C. §
35 6316(b)(8) and the regulations adopted pursuant thereto.

36 ~~{(3)}~~ (4) Regardless of the sponsor, the governing body of
37 the charter school shall provide supplemental educational services in
38 accordance with 20 U.S.C. § 6316(e) and the regulations adopted
39 pursuant thereto from a provider approved pursuant to NRS
40 385.384, unless a waiver is granted pursuant to that provision of
41 federal law.

42 2. The board of trustees of a school district shall grant a delay
43 from the imposition of a plan for restructuring for a school for a
44 period not to exceed 1 year if the school qualifies for a delay
45 pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make



1 adequate yearly progress during the period of the delay, the board of
2 trustees shall proceed with a plan for restructuring the school as if
3 the delay never occurred.

4 3. The sponsor of a charter school shall grant a delay from the
5 imposition of a plan for restructuring for the charter school for a
6 period not to exceed 1 year if the charter school qualifies for a delay
7 pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to
8 make adequate yearly progress during the period of the delay, the
9 Department shall proceed with a plan for restructuring the charter
10 school as if the delay never occurred.

11 4. Before the board of trustees of a school district, *the Nevada*
12 *Charter School Institute* or the Department proceeds with a plan for
13 restructuring, the board of trustees, *the Institute* or the Department,
14 as applicable, shall provide to the administrators, teachers and other
15 educational personnel employed at that school, and parents and
16 guardians of pupils enrolled in the school:

17 (a) Notice that the board of trustees, *the Institute* or the
18 Department, as applicable, will develop a plan for restructuring the
19 school;

20 (b) An opportunity to comment before the plan to restructure is
21 developed; and

22 (c) An opportunity to participate in the development of the plan
23 to restructure.

24 **Sec. 16.** NRS 385.376 is hereby amended to read as follows:

25 385.376 1. Except as otherwise provided in subsection 3, if a
26 public school that is not a Title I school is designated as
27 demonstrating need for improvement pursuant to NRS 385.3623 for
28 4 or more consecutive years for failure to make adequate yearly
29 progress, the support team for the school shall:

30 (a) If corrective action was not taken against the school pursuant
31 to NRS 385.3744, consider whether corrective action is appropriate
32 for the school.

33 (b) If corrective action was taken against the school pursuant to
34 NRS 385.3744, consider whether further corrective action is
35 appropriate or whether consequences or sanctions, or both, are
36 appropriate for the school.

37 2. Regardless of whether a support team recommends
38 corrective action or consequences or sanctions for a school, *the*
39 *Nevada Charter School Institute may, for a charter school*
40 *sponsored by the Institute,* the Department may, for a charter school
41 sponsored by ~~[the State Board or by]~~ a college or university within
42 the Nevada System of Higher Education, and the board of trustees
43 of a school district may, for a school of the school district or a
44 charter school sponsored by the board of trustees, take corrective
45 action as set forth in NRS 385.3744 or proceed with consequences



1 or sanctions, or both, as prescribed by the State Board pursuant to
2 NRS 385.361.

3 3. The *Nevada Charter School Institute, the* Department or
4 the board of trustees of a school district, as applicable, shall grant a
5 delay from the imposition of corrective action or restructuring
6 pursuant to this section for a school for a period not to exceed 1 year
7 if the school qualifies for a delay in the manner set forth in 20
8 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly
9 progress during the period of the delay, the *Nevada Charter School*
10 *Institute, the* Department or the board of trustees, as applicable,
11 may proceed with corrective action or with consequences or
12 sanctions, or both, for the school, as appropriate, as if the delay
13 never occurred.

14 4. Before the board of trustees, *the Nevada Charter School*
15 *Institute* or the Department proceeds with consequences or
16 sanctions, the board of trustees, *the Charter School Institute* or the
17 Department, as applicable, shall provide to the administrators,
18 teachers and other educational personnel employed at that school,
19 and parents and guardians of pupils enrolled in the school:

20 (a) Notice that the board of trustees, *the Charter School*
21 *Institute* or the Department, as applicable, will proceed with
22 consequences or sanctions for the school;

23 (b) An opportunity to comment before the consequences or
24 sanctions are carried out; and

25 (c) An opportunity to participate in the development of the
26 consequences or sanctions.

27 **Sec. 17.** Chapter 386 of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 18 to 27, inclusive, of this
29 act.

30 **Sec. 18.** *As used in NRS 386.500 to 386.610, inclusive, and*
31 *sections 18 to 27, inclusive, of this act, the words and terms*
32 *defined in NRS 386.500 and sections 19 and 20 of this act have the*
33 *meanings ascribed to them in those sections.*

34 **Sec. 19.** *“Charter School Institute” means the Nevada*
35 *Charter School Institute created by section 21 of this act.*

36 **Sec. 20.** *“Director” means the Director of the Charter School*
37 *Institute.*

38 **Sec. 21. 1.** *The Nevada Charter School Institute, consisting*
39 *of seven members, is hereby created. The membership of the*
40 *Charter School Institute consists of:*

41 (a) *Two members appointed by the Governor in accordance*
42 *with subsection 2;*

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



1 (c) *Two members, who must not be Legislators, appointed by*
2 *the Speaker of the Assembly in accordance with subsection 2; and*
3 (d) *One member appointed by an association of charter*
4 *schools pursuant to subsection 3.*

5 2. *The Governor, the Majority Leader of the Senate and the*
6 *Speaker of the Assembly shall ensure that the membership of the*
7 *Charter School Institute:*

8 (a) *Includes persons with specific knowledge of:*

- 9 (1) *Issues relating to elementary and secondary education;*
10 (2) *School finance;*
11 (3) *Management practices;*
12 (4) *Assessments required in elementary and secondary*
13 *education;*
14 (5) *Educational technology; and*
15 (6) *The laws and regulations applicable to charter schools;*
16 *and*

17 (b) *Insofar as practicable, reflects the ethnic and geographical*
18 *diversity of this State.*

19 3. *The Charter School Institute shall establish a list of*
20 *associations of charter schools that operate within this State and*
21 *designate the order in which such associations may appoint a*
22 *member to the Charter School Institute. Except as otherwise*
23 *provided in subsection 5, an association may not appoint more*
24 *than one member to the Charter School Institute unless each*
25 *association designated pursuant to this subsection has had an*
26 *opportunity to make an appointment.*

27 4. *Each member of the Charter School Institute must be a*
28 *resident of this State.*

29 5. *After the initial terms, the term of each member of the*
30 *Charter School Institute is 3 years, commencing on July 1 of the*
31 *year he is appointed. A vacancy in the membership of the Charter*
32 *School Institute must be filled for the remainder of the unexpired*
33 *term in the same manner as the original appointment. A member*
34 *shall continue to serve on the Charter School Institute until his*
35 *successor is appointed.*

36 6. *The members of the Charter School Institute shall select a*
37 *Chairman and Vice Chairman from among its members. After the*
38 *initial selection of those officers, each of those officers holds the*
39 *position for a term of 2 years commencing on July 1 of each odd-*
40 *numbered year. If a vacancy occurs in the Chairmanship or Vice*
41 *Chairmanship, the vacancy must be filled in the same manner as*
42 *the original selection for the remainder of the unexpired term.*

43 7. *Each member of the Charter School Institute is entitled to*
44 *receive:*



1 (a) For each day or portion of a day during which he attends a
2 meeting of the Institute, a salary of not more than \$80, as fixed by
3 the Institute; and

4 (b) For each day or portion of a day during which he attends a
5 meeting of the Institute or is otherwise engaged in the business of
6 the Institute, the per diem allowance and travel expenses provided
7 for state officers and employees generally.

8 **Sec. 22.** 1. The members of the Charter School Institute
9 shall meet throughout the year at the times and places specified by
10 a call of the Chairman or a majority of the members.

11 2. Four members of the Charter School Institute constitute a
12 quorum, and a quorum may exercise all the power and authority
13 conferred on the Charter School Institute.

14 **Sec. 23.** 1. The Charter School Institute shall appoint a
15 Director of the Institute for a term of 3 years. The Charter School
16 Institute may remove the Director from office for inefficiency,
17 neglect of duty, malfeasance in office or for other just cause.

18 2. A vacancy must be filled by the Charter School Institute
19 for the remainder of the unexpired term.

20 3. The Director is in the unclassified service of the State.

21 **Sec. 24.** The Director shall not pursue any other business or
22 occupation or hold any other office of profit without the approval
23 of the Charter School Institute.

24 **Sec. 25.** The Director shall:

25 1. Execute, direct and supervise all administrative, technical
26 and procedural activities of the Charter School Institute in
27 accordance with the policies prescribed by the Charter School
28 Institute;

29 2. Organize the Charter School Institute in a manner which
30 will assure efficient operation and service of the Charter School
31 Institute;

32 3. Serve as the Executive Secretary of the Charter School
33 Institute; and

34 4. Perform such other duties as are prescribed by law or the
35 Charter School Institute.

36 **Sec. 26.** The Charter School Institute may employ such
37 persons as it deems necessary to carry out the provisions of NRS
38 386.500 to 386.610, inclusive, and sections 18 to 27, inclusive, of
39 this act.

40 **Sec. 27.** 1. The Account for the Nevada Charter School
41 Institute is hereby created in the State General Fund, to be
42 administered by the Director.

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



1 3. *The money in the Account may be used only for the*
2 *establishment and maintenance of the Charter School Institute.*

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

6 5. *The Director may accept gifts, grants and bequests. Any*
7 *money from gifts, grants and bequests must be deposited in the*
8 *Account and may be expended in accordance with the terms and*
9 *conditions of the gift or grant, or in accordance with this section.*

10 **Sec. 28.** NRS 386.500 is hereby amended to read as follows:

11 386.500 ~~For the purposes of NRS 386.500 to 386.610,~~
12 ~~inclusive, a]~~ A pupil is "at risk" if he has an economic or academic
13 disadvantage such that he requires special services and assistance to
14 enable him to succeed in educational programs. The term includes,
15 without limitation, pupils who are members of economically
16 disadvantaged families, pupils who are limited English proficient,
17 pupils who are at risk of dropping out of high school and pupils who
18 do not meet minimum standards of academic proficiency. The term
19 does not include a pupil with a disability.

20 **Sec. 29.** NRS 386.508 is hereby amended to read as follows:

21 386.508 There is hereby created a school district to be
22 designated as the Charter School District for ~~{State Board-~~
23 ~~Sponsored}~~ *Charter School Institute-Sponsored* Charter Schools
24 and Nevada System of Higher Education-Sponsored Charter
25 Schools. The School District comprises only those charter schools
26 that are sponsored by the ~~{State Board}~~ *Charter School Institute* or
27 sponsored by a college or university within the Nevada System of
28 Higher Education. The ~~{State Board}~~ *Charter School Institute* is
29 hereby deemed the Board of Trustees of the School District. The
30 School District is created for the sole purpose of providing local
31 educational agency status to the School District for purposes of
32 federal law governing charter schools.

33 **Sec. 30.** NRS 386.515 is hereby amended to read as follows:

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

42 2. The ~~{State Board}~~ *Charter School Institute* shall sponsor
43 charter schools whose applications have been approved by the ~~{State~~
44 ~~Board}~~ *Charter School Institute* pursuant to NRS 386.525. Except
45 as otherwise provided by specific statute, if the ~~{State Board}~~



1 *Charter School Institute* sponsors a charter school, the ~~{State Board~~
2 ~~or the Department}~~ *Charter School Institute* is responsible for the
3 evaluation, monitoring and oversight of the charter school.

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

6 **Sec. 31.** NRS 386.520 is hereby amended to read as follows:

7 386.520 1. A committee to form a charter school must
8 consist of at least three teachers, as defined in subsection 4. In
9 addition to the teachers who serve, the committee may consist of:

10 (a) Members of the general public;

11 (b) Representatives of nonprofit organizations and businesses;
12 or

13 (c) Representatives of a college or university within the Nevada
14 System of Higher Education.

15 ➔ A majority of the persons described in paragraphs (a), (b) and (c)
16 who serve on the committee must be residents of this State at the
17 time that the application to form the charter school is submitted to
18 the Department.

19 2. Before a committee to form a charter school may submit an
20 application to the board of trustees of a school district, the
21 ~~{Subcommittee on Charter Schools, the State Board}~~ *Charter*
22 *School Institute* or a college or university within the Nevada
23 System of Higher Education, it must submit the application to the
24 Department. The application must include all information prescribed
25 by the ~~{Department}~~ *Charter School Institute* by regulation and:

26 (a) A written description of how the charter school will carry out
27 the provisions of NRS 386.500 to 386.610, inclusive ~~{ }~~ , and
28 *sections 18 to 27, inclusive, of this act.*

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

32 (1) Improving the opportunities for pupils to learn;

33 (2) Encouraging the use of effective methods of teaching;

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

36 (4) Establishing accountability of public schools;

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

39 (6) Creating new professional opportunities for teachers.

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

41 (d) The proposed dates of enrollment for the charter school.

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



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

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

10 (h) The textbooks that will be used at the charter school.

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

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

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

21 (l) A statement of whether the charter school will provide for the
22 transportation of pupils to and from the charter school. If the charter
23 school will provide transportation, the application must include the
24 proposed plan for the transportation of pupils. If the charter school
25 will not provide transportation, the application must include a
26 statement that the charter school will work with the parents and
27 guardians of pupils enrolled in the charter school to develop a plan
28 for transportation to ensure that pupils have access to transportation
29 to and from the charter school.

30 (m) The procedure for the evaluation of teachers of the charter
31 school, if different from the procedure prescribed in NRS 391.3125.
32 If the procedure is different from the procedure prescribed in NRS
33 391.3125, the procedure for the evaluation of teachers of the charter
34 school must provide the same level of protection and otherwise
35 comply with the standards for evaluation set forth in NRS 391.3125.

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

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

41 3. The Department shall review an application to form a charter
42 school to determine whether it is complete. If an application
43 proposes to convert an existing public school, homeschool or other
44 program of home study into a charter school, the Department shall
45 deny the application. The Department shall provide written notice to



1 the applicant of its approval or denial of the application. If the
2 Department denies an application, the Department shall include in
3 the written notice the reason for the denial and the deficiencies in
4 the application. The applicant must be granted 30 days after receipt
5 of the written notice to correct any deficiencies identified in the
6 written notice and resubmit the application.

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

8 (a) Holds a current license to teach issued pursuant to chapter
9 391 of NRS; and

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

11 ➔ The term does not include a person who is employed as a
12 substitute teacher.

13 **Sec. 32.** NRS 386.525 is hereby amended to read as follows:

14 386.525 1. Upon approval of an application by the
15 Department, a committee to form a charter school may submit
16 the application to the board of trustees of the school district in which
17 the proposed charter school will be located, a college or university
18 within the Nevada System of Higher Education or ~~directly to the~~
19 ~~Subcommittee on Charter Schools,] the Charter School Institute.~~ If
20 the board of trustees of a school district, a college or a university, as
21 applicable, receives an application to form a charter school, the
22 board of trustees or the institution, as applicable, shall consider the
23 application at a meeting that must be held not later than 45 days
24 after the receipt of the application, or a period mutually agreed upon
25 by the committee to form the charter school and the board of
26 trustees of the school district or the institution, as applicable, and
27 ensure that notice of the meeting has been provided pursuant to
28 chapter 241 of NRS. The board of trustees, the college, the
29 university or the ~~Subcommittee on Charter Schools,] Charter~~
30 ~~School Institute,~~ as applicable, shall review an application to
31 determine whether the application:

32 (a) Complies with NRS 386.500 to 386.610, inclusive, *and*
33 *sections 18 to 27, inclusive, of this act* and the regulations
34 applicable to charter schools; and

35 (b) Is complete in accordance with the regulations of the
36 ~~Department,] Charter School Institute.~~

37 2. The Department shall assist the board of trustees of a school
38 district, *the Charter School Institute,* the college or the university,
39 as applicable, in the review of an application. The board of trustees,
40 the college or the university, as applicable, may approve an
41 application if it satisfies the requirements of paragraphs (a) and (b)
42 of subsection 1. The board of trustees, the college or the university,
43 as applicable, shall provide written notice to the applicant of its
44 approval or denial of the application.



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

7 4. If the board of trustees, the college or the university, as
8 applicable, denies an application after it has been resubmitted
9 pursuant to subsection 3, the applicant may submit a written request
10 for sponsorship by the ~~[State Board to the Subcommittee on Charter~~
11 ~~Schools created pursuant to NRS 386.507]~~ *Charter School Institute*
12 not more than 30 days after receipt of the written notice of denial.
13 Any request that is submitted pursuant to this subsection must be
14 accompanied by the application to form the charter school.

15 5. If the ~~[Subcommittee on Charter Schools]~~ *Charter School*
16 *Institute* receives an application pursuant to subsection 1 or 4, it
17 shall hold a meeting to consider the application. The meeting must
18 be held not later than 45 days after receipt of the application. Notice
19 of the meeting must be posted in accordance with chapter 241 of
20 NRS. The ~~[Subcommittee]~~ *Charter School Institute* shall review
21 the application in accordance with the factors set forth in paragraphs
22 (a) and (b) of subsection 1. The ~~[Subcommittee may approve an~~
23 ~~application if it satisfies the requirements of paragraphs (a) and (b)~~
24 ~~of subsection 1.~~

25 ~~—6. The Subcommittee on Charter Schools shall transmit the~~
26 ~~application and the recommendation of the Subcommittee for~~
27 ~~approval or denial of the application to the State Board. Not more~~
28 ~~than 14 days after the date of the meeting of the Subcommittee~~
29 ~~pursuant to subsection 5, the State Board shall hold a meeting to~~
30 ~~consider the recommendation of the Subcommittee. Notice of the~~
31 ~~meeting must be posted in accordance with chapter 241 of NRS.~~
32 ~~The State Board shall review the application in accordance with the~~
33 ~~factors set forth in paragraphs (a) and (b) of subsection 1. The State~~
34 ~~Board]~~ *Charter School Institute* may approve an application if it
35 satisfies the requirements of paragraphs (a) and (b) of subsection 1.
36 Not more than 30 days after the meeting, the ~~[State Board]~~ *Charter*
37 *School Institute* shall provide written notice of its determination to
38 the applicant.

39 ~~[7.]~~ 6. If the ~~[State Board]~~ *Charter School Institute* denies an
40 application, it shall include in the written notice the reasons for the
41 denial and the deficiencies in the application. The applicant must be
42 granted 30 days after receipt of the written notice to correct any
43 deficiencies identified in the written notice and resubmit the
44 application.



1 ~~[8.]~~ 7. If the ~~[State Board]~~ *Charter School Institute* denies an
2 application after it has been resubmitted pursuant to subsection ~~[7.]~~
3 6, the applicant may, not more than 30 days after the receipt of the
4 written notice from the ~~[State Board,]~~ *Charter School Institute*,
5 appeal the final determination to the district court of the county in
6 which the proposed charter school will be located.

7 ~~[9.]~~ 8. On or before January 1 of each odd-numbered year, the
8 Superintendent of Public Instruction shall submit a written report to
9 the Director of the Legislative Counsel Bureau for transmission to
10 the next regular session of the Legislature. The report must include:

11 (a) A list of each application to form a charter school that was
12 submitted to the board of trustees of a school district, the ~~[State~~
13 ~~Board,]~~ *Charter School Institute*, a college or a university during
14 the immediately preceding biennium;

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

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

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

19 **Sec. 33.** NRS 386.527 is hereby amended to read as follows:

20 386.527 1. If the ~~[State Board,]~~ *Charter School Institute*, the
21 board of trustees of a school district or a college or university within
22 the Nevada System of Higher Education approves an application to
23 form a charter school, it shall grant a written charter to the applicant.
24 The ~~[State Board,]~~ *Charter School Institute*, the board of trustees,
25 the college or the university, as applicable, shall, not later than 10
26 days after the approval of the application, provide written notice to
27 the Department of the approval and the date of the approval. If the
28 board of trustees approves the application, the board of trustees shall
29 be deemed the sponsor of the charter school.

30 2. If the ~~[State Board]~~ *Charter School Institute* approves the
31 application:

32 (a) The ~~[State Board]~~ *Charter School Institute* shall be deemed
33 the sponsor of the charter school.

34 (b) Neither the State of Nevada, the State Board, *the Charter*
35 *School Institute* nor the Department is an employer of the members
36 of the governing body of the charter school or any of the employees
37 of the charter school.

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

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

42 (b) Neither the State of Nevada, the State Board, *the Charter*
43 *School Institute* nor the Department is an employer of the members
44 of the governing body of the charter school or any of the employees
45 of the charter school.



1 4. The governing body of a charter school may request, at any
2 time, a change in the sponsorship of the charter school to an entity
3 that is authorized to sponsor charter schools pursuant to NRS
4 386.515. The ~~[State Board]~~ *Charter School Institute* shall adopt:

5 (a) An application process for a charter school that requests a
6 change in the sponsorship of the charter school, which must not
7 require the applicant to undergo the requirements of an initial
8 application to form a charter school; and

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

11 5. Except as otherwise provided in subsection 7, a written
12 charter must be for a term of 6 years unless the governing body of a
13 charter school renews its initial charter after 3 years of operation
14 pursuant to subsection 2 of NRS 386.530. A written charter must
15 include all conditions of operation set forth in paragraphs (a) to (o),
16 inclusive, of subsection 2 of NRS 386.520 and include the kind of
17 school, as defined in subsections 1 to 4, inclusive, of NRS 388.020
18 for which the charter school is authorized to operate. If the ~~[State
19 Board]~~ *Charter School Institute* or a college or university within
20 the Nevada System of Higher Education is the sponsor of the charter
21 school, the written charter must set forth the responsibilities of the
22 sponsor and the charter school with regard to the provision of
23 services and programs to pupils with disabilities who are enrolled in
24 the charter school in accordance with the Individuals with
25 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS
26 388.440 to 388.520, inclusive. As a condition of the issuance of a
27 written charter pursuant to this subsection, the charter school
28 must agree to comply with all conditions of operation set forth in
29 NRS 386.550.

30 6. The governing body of a charter school may submit to the
31 sponsor of the charter school a written request for an amendment of
32 the written charter of the charter school. Such an amendment may
33 include, without limitation, the expansion of instruction and other
34 educational services to pupils who are enrolled in grade levels other
35 than the grade levels of pupils currently approved for enrollment in
36 the charter school if the expansion of grade levels does not change
37 the kind of school, as defined in NRS 388.020, for which the charter
38 school is authorized to operate. If the proposed amendment
39 complies with the provisions of ~~[this section,]~~ NRS 386.500 to
40 386.610, inclusive, *and sections 18 to 27, inclusive, of this act*, and
41 any other statute or regulation applicable to charter schools, the
42 sponsor may amend the written charter in accordance with
43 the proposed amendment. If a charter school wishes to expand the
44 instruction and other educational services offered by the charter
45 school to pupils who are enrolled in grade levels other than the



1 grade levels of pupils currently approved for enrollment in the
2 charter school and the expansion of grade levels changes the kind of
3 school, as defined in NRS 388.020, for which the charter school is
4 authorized to operate, the governing body of the charter school must
5 submit a new application to form a charter school. If such an
6 application is approved, the charter school may continue to operate
7 under the same governing body and an additional governing body
8 does not need to be selected to operate the charter school with the
9 expanded grade levels.

10 7. The ~~{State Board}~~ *Charter School Institute* shall adopt
11 objective criteria for the issuance of a written charter to an applicant
12 who is not prepared to commence operation on the date of issuance
13 of the written charter. The criteria must include, without limitation,
14 the:

15 (a) Period for which such a written charter is valid; and

16 (b) Timelines by which the applicant must satisfy certain
17 requirements demonstrating its progress in preparing to commence
18 operation.

19 ➤ A holder of such a written charter may apply for grants of money
20 to prepare the charter school for operation. A written charter issued
21 pursuant to this subsection must not be designated as a conditional
22 charter or a provisional charter or otherwise contain any other
23 designation that would indicate the charter is issued for a temporary
24 period.

25 8. The holder of a written charter that is issued pursuant to
26 subsection 7 shall not commence operation of the charter school and
27 is not eligible to receive apportionments pursuant to NRS 387.124
28 until the sponsor has determined that the requirements adopted by
29 the ~~{State Board}~~ *Charter School Institute* pursuant to subsection 7
30 have been satisfied and that the facility the charter school will
31 occupy has been inspected and meets the requirements of any
32 applicable building codes, codes for the prevention of fire, and
33 codes pertaining to safety, health and sanitation. Except as otherwise
34 provided in this subsection, the sponsor shall make such a
35 determination 30 days before the first day of school for the:

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

39 (b) Charter school,

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



1 **Sec. 34.** NRS 386.530 is hereby amended to read as follows:

2 386.530 1. Except as otherwise provided in subsection 2, an
3 application for renewal of a written charter may be submitted to
4 the sponsor of the charter school not less than 90 days before the
5 expiration of the charter. The application must include the
6 information prescribed by the regulations of the ~~{Department}~~
7 *Charter School Institute*. The sponsor shall conduct an intensive
8 review and evaluation of the charter school in accordance with the
9 regulations of the ~~{Department}~~ *Charter School Institute*. The
10 sponsor shall renew the charter unless it finds the existence of any
11 ground for revocation set forth in NRS 386.535. The sponsor shall
12 provide written notice of its determination not fewer than 30 days
13 before the expiration of the charter. If the sponsor intends not to
14 renew the charter, the written notice must:

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

17 (b) Prescribe a period of not less than 30 days during which the
18 charter school may correct any such deficiencies.

19 ➤ If the charter school corrects the deficiencies to the satisfaction of
20 the sponsor within the time prescribed in paragraph (b), the sponsor
21 shall renew the charter of the charter school.

22 2. A charter school may submit an application for renewal
23 of its initial charter after 3 years of operation of the charter school.
24 The application must include the information prescribed by the
25 regulations of the ~~{Department}~~ *Charter School Institute*. The
26 sponsor shall conduct an intensive review and evaluation of
27 the charter school in accordance with the regulations of the
28 ~~{Department}~~ *Charter School Institute*. The sponsor shall renew
29 the charter unless it finds the existence of any ground for revocation
30 set forth in NRS 386.535. The sponsor shall provide written notice
31 of its determination. If the sponsor intends not to renew the charter,
32 the written notice must:

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

35 (b) Prescribe a period of not less than 30 days during which the
36 charter school may correct any such deficiencies.

37 ➤ If the charter school corrects the deficiencies to the satisfaction of
38 the sponsor within the time prescribed in paragraph (b), the sponsor
39 shall renew the charter of the charter school.

40 **Sec. 35.** NRS 386.540 is hereby amended to read as follows:

41 386.540 1. ~~{The Department}~~ *Subject to the provisions of*
42 *subsections 3 and 4, the Charter School Institute* shall adopt
43 regulations that prescribe:



1 (a) The process for submission of an application by the board of
2 trustees of a school district to the Department for authorization to
3 sponsor charter schools and the contents of the application;

4 (b) The process for submission of an application to form a
5 charter school to the Department, the board of trustees of a school
6 district, the ~~[Subcommittee on Charter Schools]~~ *Charter School*
7 *Institute* and a college or university within the Nevada System of
8 Higher Education, and the contents of the application;

9 (c) The process for submission of an application to renew a
10 written charter; and

11 (d) The criteria and type of investigation that must be applied by
12 the board of trustees, the ~~[Subcommittee on Charter Schools, the~~
13 ~~State Board]~~ *Charter School Institute* and a college or university
14 within the Nevada System of Higher Education in determining
15 whether to approve an application to form a charter school or an
16 application to renew a written charter.

17 2. *Subject to the provisions of subsections 3 and 4, the*
18 *Charter School Institute may adopt regulations as it determines*
19 *are necessary to carry out the provisions of NRS 386.500 to*
20 *386.610, inclusive, and sections 18 to 27, inclusive, of this act,*
21 *including, without limitation, regulations that prescribe the:*

22 (a) *Requirements for performance audits of charter schools on*
23 *an annual basis for charter schools that do not satisfy the*
24 *requirements of subsection 1 of NRS 386.5515; and*

25 (b) *Requirements for performance audits every 3 years for*
26 *charter schools that satisfy the requirements of subsection 1 of*
27 *NRS 386.5515.*

28 3. The Department may adopt regulations *relating to the*
29 *finances and budgets of charter schools* as it determines are
30 necessary to carry out the provisions of NRS 386.500 to 386.610,
31 inclusive, *and sections 18 to 27, inclusive, of this act*, including,
32 without limitation, regulations that prescribe the:

33 (a) Procedures for accounting and budgeting;

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

37 (c) Requirements for ~~[performance audits every 3 years and]~~
38 financial audits on an annual basis for charter schools that satisfy the
39 requirements of subsection 1 of NRS 386.5515.

40 4. *The State Board may disapprove any regulation adopted by*
41 *the Charter School Institute if the regulation:*

42 (a) *Threatens the efficient operation of the public schools in*
43 *this State; or*

44 (b) *Creates an undue financial hardship for any charter*
45 *school in this State.*



1 ↪ *A regulation shall be deemed approved if the State Board does*
2 *not disapprove the regulation within 45 days after it is adopted by*
3 *the Charter School Institute.*

4 **Sec. 36.** NRS 386.547 is hereby amended to read as follows:

5 386.547 The ~~[State Board]~~ *Charter School Institute* shall:

6 1. Review all statutes and regulations from which charter
7 schools are exempt and determine whether such exemption assisted
8 or impeded the charter schools in achieving their educational goals
9 and objectives.

10 2. Make available information concerning the formation and
11 operation of charter schools in this State to pupils, parents and legal
12 guardians of pupils, teachers and other educational personnel and
13 members of the general public.

14 **Sec. 37.** NRS 386.5515 is hereby amended to read as follows:

15 386.5515 1. To the extent money is available from legislative
16 appropriation or otherwise, a charter school may apply to the
17 Department for money for facilities if:

18 (a) The charter school has been operating in this State for at
19 least 5 consecutive years and is in good financial standing;

20 (b) Each financial audit and each performance audit of the
21 charter school required ~~[by the Department]~~ *pursuant to NRS*
22 *386.540* contains no major notations, corrections or errors
23 concerning the charter school for at least 5 consecutive years;

24 (c) The charter school has met or exceeded adequate yearly
25 progress as determined pursuant to NRS 385.3613 or has
26 demonstrated improvement in the achievement of pupils enrolled in
27 the charter school, as indicated by annual measurable objectives
28 determined by the ~~[State Board,]~~ *Charter School Institute*, for the
29 majority of the years of its operation;

30 (d) The charter school offers instruction on a daily basis during
31 the school week of the charter school on the campus of the charter
32 school; and

33 (e) At least 75 percent of the pupils enrolled in the charter
34 school who are required to take the high school proficiency
35 examination have passed that examination, if the charter school
36 enrolls pupils at a high school grade level.

37 2. A charter school that satisfies the requirements of subsection
38 1 shall submit to a performance audit as required by the
39 ~~[Department]~~ *Charter School Institute* one time every 3 years. The
40 sponsor of the charter school and the ~~[Department]~~ *Charter School*
41 *Institute* shall not request a performance audit of the charter school
42 more frequently than every 3 years without showing good cause for
43 such a request.



1 3. A charter school that does not satisfy the requirements of
2 subsection 1 shall submit a quarterly report of the financial status of
3 the charter school if requested by the sponsor of the charter school.

4 **Sec. 38.** NRS 386.570 is hereby amended to read as follows:

5 386.570 1. Each pupil who is enrolled in a charter school,
6 including, without limitation, a pupil who is enrolled in a program
7 of special education in a charter school, must be included in the
8 count of pupils in the school district for the purposes of
9 apportionments and allowances from the State Distributive School
10 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
11 pupil is exempt from compulsory attendance pursuant to NRS
12 392.070. A charter school is entitled to receive its proportionate
13 share of any other money available from federal, state or local
14 sources that the school or the pupils who are enrolled in the school
15 are eligible to receive. If a charter school receives special education
16 program units directly from this State, the amount of money for
17 special education that the school district pays to the charter school
18 may be reduced proportionately by the amount of money the charter
19 school received from this State for that purpose.

20 2. All money received by the charter school from this State or
21 from the board of trustees of a school district must be deposited in a
22 bank, credit union or other financial institution in this State. The
23 governing body of a charter school may negotiate with the board of
24 trustees of the school district and the State Board for additional
25 money to pay for services which the governing body wishes to offer.

26 3. Upon completion of a school year, the sponsor of a charter
27 school may request reimbursement from the governing body of the
28 charter school for the administrative costs associated with
29 sponsorship for that school year if the sponsor provided
30 administrative services during that school year. The request must
31 include an itemized list of those costs. Upon receipt of such a
32 request, the governing body shall pay the reimbursement to the
33 ~~board of trustees of the school district if the board of trustees~~
34 ~~sponsors the charter school, to the Department if the State Board~~
35 ~~sponsors the charter school or to the college or university within the~~
36 ~~Nevada System of Higher Education if that institution sponsors]~~
37 *sponsor of* the charter school. If a governing body fails to pay the
38 reimbursement, the charter school shall be deemed to have violated
39 its written charter and the sponsor may take such action to revoke
40 the written charter pursuant to NRS 386.535 as it deems necessary.
41 If the board of trustees of a school district is the sponsor of a charter
42 school, the amount of money that may be paid to the sponsor
43 pursuant to this subsection for administrative expenses in 1 school
44 year must not exceed:



1 (a) For the first year of operation of the charter school, 2 percent
2 of the total amount of money apportioned to the charter school
3 during the year pursuant to NRS 387.124.

4 (b) For any year after the first year of operation of the charter
5 school, 1 percent of the total amount of money apportioned to the
6 charter school during the year pursuant to NRS 387.124.

7 4. *If the Charter School Institute is the sponsor of a charter*
8 *school, the amount of money that may be paid to the Institute*
9 *pursuant to subsection 3 for administrative expenses in 1 school*
10 *year must not exceed 2 percent of the total amount of money*
11 *apportioned to the charter school during the year pursuant to*
12 *NRS 387.124.*

13 5. If ~~the State Board or~~ a college or university within the
14 Nevada System of Higher Education is the sponsor of a charter
15 school, the amount of money that may be paid to the ~~Department or~~
16 ~~to the~~ institution ~~[, as applicable,]~~ pursuant to subsection 3 for
17 administrative expenses in 1 school year must not exceed:

18 (a) For the first year of operation of the charter school, 2 percent
19 of the total amount of money apportioned to the charter school
20 during the year pursuant to NRS 387.124.

21 (b) For any year after the first year of operation of the charter
22 school, 1.5 percent of the total amount of money apportioned to the
23 charter school during the year pursuant to NRS 387.124.

24 ~~[5-]~~ 6. To determine the amount of money for distribution to a
25 charter school in its first year of operation, the count of pupils who
26 are enrolled in the charter school must initially be determined 30
27 days before the beginning of the school year of the school district,
28 based on the number of pupils whose applications for enrollment
29 have been approved by the charter school. The count of pupils who
30 are enrolled in the charter school must be revised on the last day of
31 the first school month of the school district in which the charter
32 school is located for the school year, based on the actual number of
33 pupils who are enrolled in the charter school. Pursuant to subsection
34 5 of NRS 387.124, the governing body of a charter school may
35 request that the apportionments made to the charter school in its first
36 year of operation be paid to the charter school 30 days before the
37 apportionments are otherwise required to be made.

38 ~~[6-]~~ 7. If a charter school ceases to operate as a charter school
39 during a school year, the remaining apportionments that would have
40 been made to the charter school pursuant to NRS 387.124 for that
41 year must be paid on a proportionate basis to the school districts
42 where the pupils who were enrolled in the charter school reside.

43 ~~[7-]~~ 8. The governing body of a charter school may solicit and
44 accept donations, money, grants, property, loans, personal services
45 or other assistance for purposes relating to education from members



1 of the general public, corporations or agencies. The governing body
2 may comply with applicable federal laws and regulations governing
3 the provision of federal grants for charter schools. The ~~{State Board}~~
4 *Charter School Institute* may assist a charter school that operates
5 exclusively for the enrollment of pupils who receive special
6 education in identifying sources of money that may be available
7 from the Federal Government or this State for the provision of
8 educational programs and services to such pupils.

9 ~~{§.}~~ 9. If a charter school uses money received from this State
10 to purchase real property, buildings, equipment or facilities, the
11 governing body of the charter school shall assign a security interest
12 in the property, buildings, equipment and facilities to the State of
13 Nevada.

14 **Sec. 39.** NRS 386.576 is hereby amended to read as follows:

15 386.576 1. The Fund for Charter Schools is hereby created in
16 the State Treasury as a revolving loan fund, to be administered by
17 the ~~{Department.}~~ *Charter School Institute*.

18 2. The money in the revolving fund must be invested as other
19 state funds are invested. All interest and income earned on the
20 money in the revolving fund must be credited to the revolving fund.
21 Any money remaining in the revolving fund at the end of a fiscal
22 year does not revert to the State General Fund, and the balance in
23 the Fund must be carried forward.

24 3. All payments of principal and interest on all the loans made
25 to a charter school from the revolving fund must be deposited in the
26 State Treasury for credit to the revolving fund.

27 4. Claims against the revolving fund must be paid as other
28 claims against the State are paid.

29 5. The ~~{Department}~~ *Charter School Institute* may accept
30 gifts, grants, bequests and donations from any source for deposit in
31 the revolving fund.

32 **Sec. 40.** NRS 386.577 is hereby amended to read as follows:

33 386.577 1. After deducting the costs directly related to
34 administering the Fund for Charter Schools, the ~~{Department}~~
35 *Charter School Institute* may use the money in the Fund for Charter
36 Schools, including repayments of principal and interest on loans
37 made from the Fund, and interest and income earned on money in
38 the Fund, only to make loans at or below market rate to charter
39 schools for the costs incurred:

40 (a) In preparing a charter school to commence its first year of
41 operation; and

42 (b) To improve a charter school that has been in operation.

43 2. The total amount of a loan that may be made to a charter
44 school in 1 year must not exceed \$25,000.



1 **Sec. 41.** NRS 386.578 is hereby amended to read as follows:

2 386.578 1. If the governing body of a charter school has a
3 written charter issued pursuant to NRS 386.527, the governing body
4 may submit an application to the ~~{Department}~~ *Charter School*
5 *Institute* for a loan from the Fund for Charter Schools. An
6 application must include a written description of the manner in
7 which the loan will be used to prepare the charter school for its first
8 year of operation or to improve a charter school that has been in
9 operation.

10 2. The ~~{Department}~~ *Charter School Institute* shall, within the
11 limits of money available for use in the Fund, make loans to charter
12 schools whose applications have been approved. If the ~~{Department}~~
13 *Charter School Institute* makes a loan from the Fund, the
14 ~~{Department}~~ *Charter School Institute* shall ensure that the contract
15 for the loan includes all terms and conditions for repayment of the
16 loan.

17 3. ~~{The State Board:}~~ *Subject to the provisions of subsection 3*
18 *of NRS 386.540, the Charter School Institute:*

19 (a) Shall adopt regulations that prescribe the:

20 (1) Annual deadline for submission of an application to the
21 ~~{Department}~~ *Charter School Institute* by a charter school that
22 desires to receive a loan from the Fund; and

23 (2) Period for repayment and the rate of interest for loans
24 made from the Fund.

25 (b) May adopt such other regulations as it deems necessary to
26 carry out the provisions of this section and NRS 386.576 and
27 386.577.

28 **Sec. 42.** NRS 386.610 is hereby amended to read as follows:

29 386.610 1. On or before August 15 of each year, if the board
30 of trustees of a school district or a college or university within the
31 Nevada System of Higher Education sponsors a charter school, the
32 board of trustees or the institution, as applicable, shall submit a
33 written report to the ~~{State Board:}~~ *Charter School Institute*. The
34 written report must include:

35 (a) An evaluation of the progress of each charter school
36 sponsored by the board of trustees or institution, as applicable, in
37 achieving its educational goals and objectives.

38 (b) A description of all administrative support and services
39 provided by the school district or institution, as applicable, to the
40 charter school.

41 2. The governing body of a charter school shall, after 3 years of
42 operation under its initial charter, submit a written report to the
43 sponsor of the charter school. The written report must include a
44 description of the progress of the charter school in achieving its
45 educational goals and objectives. If the charter school submits an



1 application for renewal in accordance with the regulations of the
2 ~~[Department,]~~ *Charter School Institute*, the sponsor may renew the
3 written charter of the school pursuant to subsection 2 of
4 NRS 386.530.

5 **Sec. 43.** NRS 386.745 is hereby amended to read as follows:

6 386.745 1. Except as otherwise provided in subsection 10,
7 the empowerment team of a public school, other than a charter
8 school that is sponsored by the ~~[State Board]~~ *Nevada Charter*
9 *School Institute* or by a college or university within the Nevada
10 System of Higher Education, that develops an empowerment plan
11 pursuant to NRS 386.740 shall submit the proposed empowerment
12 plan to the designee of the board of trustees appointed pursuant to
13 this subsection for review and approval pursuant to this section. The
14 board of trustees shall designate a person to review each proposed
15 empowerment plan and recommend the approval or denial of the
16 plan to the board of trustees.

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

24 3. Except as otherwise provided in subsection 10, if the board
25 of trustees approves an empowerment plan, the president of the
26 board of trustees, the principal of the public school and the chairman
27 of the empowerment team, if the principal is not the chairman, shall
28 each sign the plan. The empowerment plan is effective for 3 years
29 unless the empowerment team determines that the school will no
30 longer operate under the plan or the board of trustees of the school
31 district revokes the plan.

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

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

36 (b) Provide the empowerment team with a reasonable
37 opportunity to correct any deficiencies identified in the written
38 statement and resubmit it for approval. An empowerment plan may
39 be resubmitted not more than once in a school year.

40 5. Except as otherwise provided in subsection 10, an
41 empowerment plan for a public school is not effective and a public
42 school shall not operate as an empowerment school unless the plan
43 is signed by the president of the board of trustees of the school
44 district, the principal of the public school and the chairman of the
45 empowerment team, if the principal is not the chairman. If an



1 empowerment plan includes a request for a waiver from a statute
2 contained in this title or a regulation of the State Board, *the Nevada*
3 *Charter School Institute* or the Department, a public school may
4 operate under the approved plan but the requested waivers from
5 state law are not effective unless approved by the State Board
6 pursuant to subsection 7.

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

13 7. If the empowerment plan includes a request for a waiver
14 from a statute or regulation, the board of trustees shall forward the
15 approved empowerment plan to the State Board for review of the
16 request for a waiver. The State Board shall review the empowerment
17 plan and may approve or deny the request for a waiver from a
18 statute or regulation unless the statute or regulation is required by
19 federal law or is required to carry out federal law. *If the statute or*
20 *regulation for which the request is submitted is within the*
21 *jurisdiction of the Nevada Charter School Institute, the State*
22 *Board shall work in consultation with the Institute in reviewing*
23 *the request and in making a determination on the request.*

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

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

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

32 (b) Except as otherwise provided in subsection 10, provide the
33 empowerment team with a reasonable opportunity to correct any
34 deficiencies identified in the written statement and resubmit it for
35 approval. A request for a waiver may be resubmitted by the school
36 district, after the empowerment team corrects any deficiencies, not
37 more than once in a school year.

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

42 **Sec. 44.** NRS 386.750 is hereby amended to read as follows:

43 386.750 1. Except as otherwise provided in subsection 7, the
44 empowerment team of a charter school that is sponsored by the
45 ~~[State Board]~~ *Nevada Charter School Institute* or by a college or



1 university within the Nevada System of Higher Education which
2 develops an empowerment plan pursuant to NRS 386.740 shall
3 submit the proposed plan to the Department for transmission to the
4 State Board for review and approval pursuant to this section.

5 2. The State Board shall review each proposed empowerment
6 plan and approve or deny the plan, including a request for a waiver
7 from a statute contained in this title or a regulation of the State
8 Board, *the Nevada Charter School Institute* or the Department, if
9 applicable. The approval or denial of an empowerment plan must be
10 based solely upon the contents of the plan and may not consider the
11 amount of money required to carry out the empowerment plan if the
12 plan is within the limits of the total apportionment to the charter
13 school pursuant to subsection 4 of NRS 386.740. *If the charter
14 school is sponsored by the Nevada Charter School Institute, the
15 State Board shall work in consultation with the Institute in
16 reviewing the plan and making a determination on the plan.*

17 3. Except as otherwise provided in subsection 7, if the State
18 Board approves an empowerment plan, the President of the State
19 Board, the principal of the charter school and the chairman of the
20 empowerment team, if the principal is not the chairman, shall each
21 sign the plan. The empowerment plan is effective for 3 years unless
22 the empowerment team determines that the school will no longer
23 operate under the plan or the State Board revokes the plan.

24 4. Except as otherwise provided in subsection 7, if the State
25 Board denies an empowerment plan, the State Board shall:

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

28 (b) Provide the empowerment team with a reasonable
29 opportunity to correct any deficiencies identified in the written
30 statement and resubmit it for approval. An empowerment plan may
31 be resubmitted not more than once in a school year.

32 5. Except as otherwise provided in subsection 7, an
33 empowerment plan for a charter school that is sponsored by the
34 ~~[State Board]~~ *Nevada Charter School Institute* or by a college or
35 university within the Nevada System of Higher Education is not
36 effective and a charter school shall not operate as an empowerment
37 school unless the plan is signed by the President of the State Board,
38 the principal of the charter school and the chairman of the
39 empowerment team, if the principal is not the chairman.

40 6. Except as otherwise provided in subsection 7, the
41 empowerment team may submit a written request to the Department
42 for an amendment to the empowerment plan approved pursuant to
43 this section, including an explanation of the reason for the
44 amendment. An amendment must be approved in the same manner
45 as the empowerment plan was approved.



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

5 **Sec. 45.** NRS 386.760 is hereby amended to read as follows:

6 386.760 1. Each empowerment school, other than a charter
7 school that is sponsored by the ~~{State Board}~~ *Nevada Charter*
8 *School Institute* or by a college or university within the Nevada
9 System of Higher Education, shall, on a quarterly basis, submit to
10 the board of trustees of the school district in which the school is
11 located a report that includes:

12 (a) The financial status of the school; and

13 (b) A description of the school's compliance with each
14 component of the empowerment plan for the school.

15 2. Each charter school that is sponsored by the ~~{State Board}~~
16 *Nevada Charter School Institute* or by a college or university
17 within the Nevada System of Higher Education which is approved
18 to operate as an empowerment school shall, on a quarterly basis,
19 submit to the Department a report that includes:

20 (a) The financial status of the school; and

21 (b) A description of the school's compliance with each
22 component of the empowerment plan for the school.

23 3. The board of trustees of a school district shall conduct a
24 financial audit of each empowerment school within the school
25 district, other than a charter school that is sponsored by the ~~{State~~
26 ~~Board}~~ *Nevada Charter School Institute* or by a college or
27 university within the Nevada System of Higher Education. Each
28 financial audit must be conducted on an annual basis and more
29 frequently if determined necessary by the board of trustees.

30 4. The Department shall conduct a financial audit of each
31 charter school that is sponsored by the ~~{State Board}~~ *Nevada*
32 *Charter School Institute* or by a college or university within the
33 Nevada System of Higher Education which operates as an
34 empowerment school on an annual basis and more frequently if
35 determined necessary by the Department.

36 5. On or before July 1 of each year, the board of trustees of
37 each school district shall compile the reports and audits required
38 pursuant to subsections 1 and 3, if any, and forward the compilation
39 to the:

40 (a) Governor;

41 (b) Department; and

42 (c) Legislative Committee on Education.

43 6. On or before July 1 of each year, the Department shall
44 compile the reports and audits required pursuant to subsections 2
45 and 4, if any, and forward the compilation to the:



- 1 (a) Governor; and
- 2 (b) Legislative Committee on Education.

3 **Sec. 46.** NRS 387.124 is hereby amended to read as follows:

4 387.124 Except as otherwise provided in this section and
5 NRS 387.528:

6 1. On or before August 1, November 1, February 1 and May 1
7 of each year, the Superintendent of Public Instruction shall
8 apportion the State Distributive School Account in the State General
9 Fund among the several county school districts, charter schools and
10 university schools for profoundly gifted pupils in amounts
11 approximating one-fourth of their respective yearly apportionments
12 less any amount set aside as a reserve. The apportionment to a
13 school district, computed on a yearly basis, equals the difference
14 between the basic support and the local funds available pursuant to
15 NRS 387.1235, minus all the funds attributable to pupils who reside
16 in the county but attend a charter school, all the funds attributable to
17 pupils who reside in the county and are enrolled full-time or part-
18 time in a program of distance education provided by another school
19 district or a charter school and all the funds attributable to pupils
20 who are enrolled in a university school for profoundly gifted pupils
21 located in the county. No apportionment may be made to a school
22 district if the amount of the local funds exceeds the amount of basic
23 support.

24 2. Except as otherwise provided in subsection 3, the
25 apportionment to a charter school, computed on a yearly basis, is
26 equal to the sum of the basic support per pupil in the county in
27 which the pupil resides plus the amount of local funds available per
28 pupil pursuant to NRS 387.1235 and all other funds available for
29 public schools in the county in which the pupil resides minus all the
30 funds attributable to pupils who are enrolled in the charter school
31 but are concurrently enrolled part-time in a program of distance
32 education provided by a school district or another charter school. If
33 the apportionment per pupil to a charter school is more than the
34 amount to be apportioned to the school district in which a pupil who
35 is enrolled in the charter school resides, the school district in which
36 the pupil resides shall pay the difference directly to the charter
37 school.

38 3. The apportionment to a charter school that is sponsored by
39 the ~~[State Board]~~ *Nevada Charter School Institute* or by a college
40 or university within the Nevada System of Higher Education,
41 computed on a yearly basis, is equal to the sum of the basic support
42 per pupil in the county in which the pupil resides plus the amount of
43 local funds available per pupil pursuant to NRS 387.1235 and all
44 other funds available for public schools in the county in which the
45 pupil resides, minus all funds attributable to pupils who are enrolled



1 in the charter school but are concurrently enrolled part-time in a
2 program of distance education provided by a school district or
3 another charter school.

4 4. In addition to the apportionments made pursuant to this
5 section, an apportionment must be made to a school district or
6 charter school that provides a program of distance education for
7 each pupil who is enrolled part-time in the program. The amount of
8 the apportionment must be equal to the percentage of the total time
9 services are provided to the pupil through the program of distance
10 education per school day in proportion to the total time services are
11 provided during a school day to pupils who are counted pursuant to
12 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
13 for the school district in which the pupil resides.

14 5. The governing body of a charter school may submit a
15 written request to the Superintendent of Public Instruction to
16 receive, in the first year of operation of the charter school, an
17 apportionment 30 days before the apportionment is required to be
18 made pursuant to subsection 1. Upon receipt of such a request, the
19 Superintendent of Public Instruction may make the apportionment
20 30 days before the apportionment is required to be made. A charter
21 school may receive all four apportionments in advance in its first
22 year of operation.

23 6. The apportionment to a university school for profoundly
24 gifted pupils, computed on a yearly basis, is equal to the sum of the
25 basic support per pupil in the county in which the university school
26 is located plus the amount of local funds available per pupil
27 pursuant to NRS 387.1235 and all other funds available for public
28 schools in the county in which the university school is located. If the
29 apportionment per pupil to a university school for profoundly gifted
30 pupils is more than the amount to be apportioned to the school
31 district in which the university school is located, the school district
32 shall pay the difference directly to the university school. The
33 governing body of a university school for profoundly gifted pupils
34 may submit a written request to the Superintendent of Public
35 Instruction to receive, in the first year of operation of the university
36 school, an apportionment 30 days before the apportionment is
37 required to be made pursuant to subsection 1. Upon receipt of such a
38 request, the Superintendent of Public Instruction may make the
39 apportionment 30 days before the apportionment is required to be
40 made. A university school for profoundly gifted pupils may receive
41 all four apportionments in advance in its first year of operation.

42 7. The Superintendent of Public Instruction shall apportion, on
43 or before August 1 of each year, the money designated as the
44 "Nutrition State Match" pursuant to NRS 387.105 to those school
45 districts that participate in the National School Lunch Program,



1 42 U.S.C. §§ 1751 et seq. The apportionment to a school district
2 must be directly related to the district's reimbursements for the
3 Program as compared with the total amount of reimbursements for
4 all school districts in this State that participate in the Program.

5 8. If the State Controller finds that such an action is needed to
6 maintain the balance in the State General Fund at a level sufficient
7 to pay the other appropriations from it, he may pay out the
8 apportionments monthly, each approximately one-twelfth of the
9 yearly apportionment less any amount set aside as a reserve. If such
10 action is needed, the State Controller shall submit a report to the
11 Department of Administration and the Fiscal Analysis Division of
12 the Legislative Counsel Bureau documenting reasons for the action.

13 **Sec. 47.** NRS 386.507 is hereby repealed.

14 **Sec. 48.** 1. There is hereby appropriated from the State
15 General Fund to the Account for the Nevada Charter School
16 Institute created by section 27 of this act the sum of:

17 For the 2009-2010 Fiscal Year..... \$326,253

18 For the 2010-2011 Fiscal Year..... \$390,063

19 2. The sums appropriated by subsection 1 must be used to
20 establish and operate the Nevada Charter School Institute, including
21 appointing and hiring persons pursuant to sections 50 and 51 of this
22 act, obtaining office space and equipment, reimbursing members of
23 the Institute pursuant to section 21 of this act and for other operating
24 expenses as necessary to carry out the duties and responsibilities of
25 the Institute.

26 3. Notwithstanding the provisions of section 27 of this act to
27 the contrary, any remaining balance of the appropriation made by
28 subsection 1 must not be committed for expenditure after June 30,
29 2011, by the entity to which the appropriation is made or any entity
30 to which money from the appropriation is granted or otherwise
31 transferred in any manner, and any portion of the appropriated
32 money remaining must not be spent for any purpose after
33 September 16, 2011, by either the entity to which the money was
34 appropriated or the entity to which the money was subsequently
35 granted or transferred, and must be reverted to the State General
36 Fund on or before September 16, 2011.

37 **Sec. 49.** On or before September 1, 2010, the Department of
38 Education shall transfer to the Account for the Nevada Charter
39 School Institute created by section 27 of this act any unexpended
40 money collected by the Department pursuant to NRS 386.570
41 during the 2009-2010 school year for reimbursement of the
42 administrative costs associated with sponsorship of charter schools
43 sponsored by the State Board of Education.

44 **Sec. 50.** Notwithstanding the provisions of section 23 of this
45 act to the contrary, on July 1, 2009, or immediately thereafter, the



1 Governor shall appoint a Director of the Nevada Charter School
2 Institute created by section 21 of this act to a term of 3 years. Upon
3 the expiration of the term of the Director or if a vacancy occurs
4 before the expiration of the term, the Nevada Charter School
5 Institute shall appoint the Director in accordance with section 23 of
6 this act.

7 **Sec. 51.** 1. To assist the Nevada Charter School Institute
8 created by section 21 of this act in carrying out its duties and
9 responsibilities, the Director of the Nevada Charter School Institute
10 shall:

11 (a) On October 1, 2009, or immediately thereafter, hire an
12 administrative assistant and an accounting assistant; and

13 (b) On January 1, 2010, or immediately thereafter, hire an
14 educational consultant.

15 2. On July 1, 2010, one management analyst position in the
16 Department of Education with job duties and responsibilities that
17 relate to charter schools must be transferred to the Nevada Charter
18 School Institute.

19 **Sec. 52.** On or before January 1, 2010, the members of the
20 Nevada Charter School Institute created by section 21 of this act
21 shall be appointed to terms commencing on January 1, 2010, as
22 follows:

23 1. One member appointed by the Governor to a term that
24 expires on June 30, 2011.

25 2. One member appointed by the Governor to a term that
26 expires on June 30, 2013.

27 3. One member appointed by the Majority Leader of the Senate
28 to a term that expires on June 30, 2011.

29 4. One member appointed by the Majority Leader of the Senate
30 to a term that expires on June 30, 2013.

31 5. One member appointed by the Speaker of the Assembly to a
32 term that expires on June 30, 2011.

33 6. One member appointed by the Speaker of the Assembly to a
34 term that expires on June 30, 2013.

35 7. One member must be appointed by an association of charter
36 schools to a term that expires on June 30, 2013. For the initial
37 selection pursuant to this subsection, the Superintendent of Public
38 Instruction shall designate the association of charter schools that is
39 authorized to appoint a member of the Nevada Charter School
40 Institute.

41 **Sec. 53.** The Legislative Counsel shall, in preparing the reprint
42 and supplement to the Nevada Revised Statutes with respect to any
43 section which is not amended by this act or is adopted or amended
44 by another act, appropriately change any reference to an officer or
45 agency whose responsibilities have been transferred pursuant to the



1 provisions of this act to refer to the appropriate officer or agency. If
2 any internal reference is made to a section repealed by this act, the
3 Legislative Counsel shall delete the reference and replace it by
4 reference to the superseding section, if any.

5 **Sec. 54.** Any regulations adopted by the Department of
6 Education or the State Board of Education before January 1, 2010,
7 pursuant to NRS 386.500 to 386.610, inclusive, remain in effect and
8 may be enforced by the Nevada Charter School Institute created by
9 section 21 of this act until the Institute adopts regulations to repeal
10 or replace those regulations.

11 **Sec. 55.** A charter school that is approved to operate as a State
12 Board of Education-sponsored charter school on or before June 30,
13 2010, shall be deemed to be sponsored by the Nevada Charter
14 School Institute commencing on July 1, 2010, and the current
15 written charter of the charter school shall remain in effect until the
16 expiration of that charter, unless the written charter is revoked by
17 the Nevada Charter School Institute pursuant to NRS 386.535.
18 Before expiration of the written charter, such a charter school may
19 apply to the Nevada Charter School Institute for renewal of its
20 written charter pursuant to NRS 386.530, as amended by section 34
21 of this act.

22 **Sec. 56.** 1. The Department of Personnel shall, upon the
23 request of an employee of the Department of Education or the State
24 Board of Education whose employment is terminated as a result of
25 this act, place the employee on an appropriate reemployment list
26 maintained by the Department of Personnel and allow a preference
27 for each of those employees on that list. The Department of
28 Personnel shall maintain each such employee on the reemployment
29 list until October 1, 2011, or until the employee is reemployed by
30 the Executive Branch of State Government, whichever occurs
31 earlier.

32 2. The provisions of this section apply regardless of whether
33 the employee was in the classified, unclassified or nonclassified
34 service of the State of Nevada.

35 **Sec. 57.** 1. This section and sections 48, 50 to 53, inclusive,
36 and 56 of this act become effective on July 1, 2009.

37 2. Sections 17 to 27, inclusive, 35, 41 and 54 of this act
38 become effective on January 1, 2010, for purposes of adopting
39 regulations and on July 1, 2010, for all other purposes.

40 3. Sections 1 to 16, inclusive, 28, 29, 30 to 34, inclusive, 36 to
41 40, inclusive, 42 to 47, inclusive, 49 and 55 of this act become
42 effective on July 1, 2010.

43 4. Sections 43, 44 and 45 of this act expire by limitation on
44 June 30, 2011.



TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his service on the Subcommittee, his term on the Subcommittee expires when his membership on the State Board expires. Members of the Subcommittee may be reappointed.

⑩



* A B 4 8 9 *

