

SENATE BILL NO. 384—SENATOR HAMMOND

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools. (BDR 34-687)

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

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

AN ACT relating to charter schools; authorizing the Director of the Department of Business and Industry to issue bonds, notes and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools; establishing the procedure for the issuance of such obligations; providing for the payment of the obligations; revising provisions relating to the closure of a charter school and the payment of its debts; authorizing a charter school to incorporate as a nonprofit corporation, borrow money and encumber its assets; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill authorizes the Director of the Department of Business and Industry to
2 issue bonds and other obligations to finance the acquisition, construction,
3 improvement, restoration or rehabilitation of property, buildings and facilities for
4 charter schools. **Sections 1-22** of this bill enact the Charter School Financing Law
5 and provide for the issuance of such obligations by the Director.

6 **Section 29** of this bill revises provisions governing the closure of a charter
7 school to provide, among other things, for notice of the closure, the development of
8 a plan for closure, an audit and the winding up of the financial affairs of the charter
9 school. **Section 30** of this bill authorizes a charter school to incorporate as a
10 nonprofit corporation. **Section 31** of this bill authorizes a charter school to borrow
11 money and encumber its property and other assets, and to use public money to
12 purchase property with the approval of the charter school’s sponsor.



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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 22, inclusive, of this
3 act.

4 **Sec. 2.** *Sections 2 to 22, inclusive, of this act may be cited as*
5 *the Charter School Financing Law.*

6 **Sec. 3.** *As used in sections 2 to 22, inclusive, of this act,*
7 *unless the context otherwise requires, the words and terms defined*
8 *in sections 4 to 8, inclusive, of this act have the meanings ascribed*
9 *to them in those sections.*

10 **Sec. 4.** *“Bond” or “revenue bond” means any bond, note,*
11 *security or other evidence of indebtedness issued pursuant to*
12 *sections 2 to 22, inclusive, of this act.*

13 **Sec. 4.3.** *“Cost of the project” means all or a designated part*
14 *of the cost of any project, including any incidental cost pertaining*
15 *to the project. The cost of a project may include, without*
16 *limitation, the costs of:*

17 1. *Surveys, audits, preliminary plans, other plans,*
18 *specifications, estimates and other costs of preparations;*

19 2. *Appraising, printing, estimating, advice and services of*
20 *engineers, architects, financial consultants, attorneys, clerical*
21 *personnel and other agents and employees;*

22 3. *Publishing, posting, mailing and otherwise giving notice,*
23 *filing or recording instruments, taking options and fees to banks;*

24 4. *Establishment of a reserve for contingencies;*

25 5. *Interest on bonds for any time which does not exceed the*
26 *estimated period of construction plus 1 year, discounts on bonds,*
27 *reserves for the payment of the principal of and interest on bonds,*
28 *replacement expenses and other costs of issuing bonds;*

29 6. *Amending any resolution or other instrument authorizing*
30 *the issuance of, or otherwise relating to, bonds for the project; and*

31 7. *Short-term financing and the expense of operation and*
32 *maintenance of the project.*

33 **Sec. 4.5.** *“Director of the Department of Business and*
34 *Industry” means the Director of the Department of Business and*
35 *Industry or any person within the Department of Business*
36 *and Industry designated by the Director to perform duties in*
37 *connection with a project or the issuance of bonds pursuant to*
38 *sections 2 to 22, inclusive, of this act.*

39 **Sec. 4.7.** *“Expense of operation and maintenance” means*
40 *any reasonable and necessary expense of the State for the*
41 *operation, maintenance and administration of a project or of the*



1 *collection and administration of revenues from a project and*
2 *includes, without limitation:*

3 *1. Expenses for engineering, auditing, reporting, legal*
4 *services and other expenses of the Director of the Department of*
5 *Business and Industry which are directly related to the*
6 *administration of projects.*

7 *2. Premiums for fidelity bonds and policies of property and*
8 *liability insurance pertaining to projects, and shares of the*
9 *premiums of blanket bonds and policies which may be reasonably*
10 *allocated to the State.*

11 *3. Payments to pension, retirement, health insurance and*
12 *other insurance funds.*

13 *4. Reasonable charges made by any paying agent,*
14 *commercial bank, credit union, trust company or other depository*
15 *bank pertaining to bonds issued pursuant to sections 2 to 22,*
16 *inclusive, of this act.*

17 *5. Services rendered under the terms of a contract, services of*
18 *professionally qualified persons, salaries, administrative expenses*
19 *and the cost of materials, supplies and labor pertaining to the*
20 *issuance of any bonds pursuant to sections 2 to 22, inclusive, of*
21 *this act, including the expenses of any trustee, receiver or other*
22 *fiduciary.*

23 *6. Costs incurred in the collection and any refund of*
24 *revenues from a project, including the amount of the refund.*

25 *7. Fees and costs incurred by the Director of the Department*
26 *of Business and Industry for ensuring compliance with the*
27 *provisions of sections 2 to 22, inclusive, of this act.*

28 **Sec. 5.** *“Finance” or “financing” includes, without*
29 *limitation, the issuance of bonds by the Director of the*
30 *Department of Business and Industry for the purpose of using all*
31 *or any part of the proceeds to pay for or to reimburse a user or the*
32 *designee of a user for the cost of acquiring, improving or*
33 *equipping the facilities of a project, or to provide money for the*
34 *project itself, where appropriate, whether these costs are incurred*
35 *by the obligor or a designee of the obligor.*

36 **Sec. 5.5.** *“Financing agreement” means an agreement by*
37 *which the Director of the Department of Business and Industry*
38 *agrees to issue bonds pursuant to sections 2 to 22, inclusive, of this*
39 *act to finance one or more projects and the obligor agrees to:*

40 *1. Make payments directly or through notes, debentures,*
41 *bonds or other secured or unsecured debt obligations of the*
42 *obligor executed and delivered by the obligor to the Director or his*
43 *or her designee or assignee, including a trustee, sufficient to pay*
44 *the principal of, premium, if any, and interest on the bonds;*



1 2. *Pay other amounts required by sections 2 to 22, inclusive,*
2 *of this act; and*

3 3. *Comply with all the applicable provisions of sections 2 to*
4 *22, inclusive, of this act.*

5 **Sec. 6.** *“Mortgage” means a mortgage, trust deed or other*
6 *security device.*

7 **Sec. 6.5.** *“Obligor” means a charter school, natural person,*
8 *partnership, firm, company, corporation, association, trust, estate,*
9 *political subdivision, state agency or any other legal entity, or its*
10 *legal representative, agent or assigns, who agrees to make the*
11 *payments required by a financing agreement.*

12 **Sec. 7.** *“Project” means:*

13 1. *Any building, structure or real property owned, to be*
14 *acquired or used by a charter school for any of its educational*
15 *purposes and all related appurtenances, easements, rights-of-way,*
16 *improvements, paving, utilities, landscaping and parking facilities,*
17 *together with all the personal property necessary, convenient or*
18 *appurtenant thereto; or*

19 2. *Any capital equipment owned, to be acquired or used by a*
20 *charter school for any of its educational purposes.*

21 **Sec. 7.5.** *“Revenues” includes, with respect to a project,*
22 *payments under a lease, agreement of sale or financing*
23 *agreement, or under notes, debentures, bonds and other secured*
24 *or unsecured debt obligations of an obligor executed and delivered*
25 *by the obligor to the Director of the Department of Business and*
26 *Industry or his or her designee or assignee, including a trustee,*
27 *pursuant to a lease, agreement of sale or financing agreement, or*
28 *under any guarantee of or insurance with respect to any such*
29 *lease, agreement of sale or financing agreement.*

30 **Sec. 8.** (Deleted by amendment.)

31 **Sec. 8.1.** 1. *It is the intent of the Legislature to authorize*
32 *the Director of the Department of Business and Industry to*
33 *finance facilities or other improvements to be owned, acquired and*
34 *used by a charter school for any of its educational purposes.*

35 2. *The Director of the Department of Business and Industry*
36 *has all the powers necessary to accomplish the purposes set forth*
37 *in sections 2 to 22, inclusive, of this act, but these powers must be*
38 *exercised for the health, safety, convenience, prosperity and*
39 *welfare of the inhabitants of this State.*

40 3. *Sections 2 to 22, inclusive, of this act must be liberally*
41 *construed in conformity with the purposes set forth in this section.*

42 **Sec. 8.3.** *When the Director of the Department of Business*
43 *and Industry has received requests from one or more charter*
44 *schools, lessees, purchasers or other obligors, the Director may*
45 *issue revenue bonds to obtain money to fulfill the requests. Title to*



1 or in a project may at all times remain in the obligor or the
2 obligor's designee or assignee and, in that case, the bonds must be
3 secured by a pledge of one or more notes, debentures, bonds or
4 other secured or unsecured debt obligations of the obligor.

5 **Sec. 8.5.** *Except as otherwise provided in section 9.9 of this*
6 *act, the Director of the Department of Business and Industry shall*
7 *not finance a project unless, before financing the project, the*
8 *Director finds and the State Board of Finance approves the*
9 *findings of the Director that:*

10 1. *The project consists of any land, building or other*
11 *improvement, and all real and personal properties necessary in*
12 *connection therewith, which is suitable for new construction,*
13 *improvement, restoration or rehabilitation of charter school*
14 *facilities;*

15 2. *The charter school for whose benefit the project is being*
16 *financed is not in default under the written charter granted by its*
17 *sponsor, as determined by the sponsor;*

18 3. *The charter school for whose benefit the project is being*
19 *financed has received, within the immediately preceding 3*
20 *consecutive school years, one of the two highest ratings of*
21 *performance pursuant to the statewide system of accountability for*
22 *public schools, or has received equivalent ratings in another state,*
23 *as determined by the Department of Education;*

24 4. *There are sufficient safeguards to ensure that all money*
25 *provided by the Director of the Department of Business and*
26 *Industry will be expended solely for the purposes of the project;*

27 5. *There are sufficient safeguards to ensure that the Director*
28 *of the Department of Business and Industry will have the ability to*
29 *monitor compliance with the provisions of sections 2 to 22,*
30 *inclusive, of this act on an ongoing basis with respect to the*
31 *project;*

32 6. *Through the advice of counsel or other reliable source, the*
33 *project has received all approvals by the local, state and federal*
34 *governments which may be necessary to proceed with*
35 *construction, improvement, rehabilitation or redevelopment of the*
36 *project; and*

37 7. *There has been a request by a charter school, lessee,*
38 *purchaser or other obligor to have the Director of the Department*
39 *of Business and Industry issue bonds to finance the project.*

40 **Sec. 8.7.** 1. *Except as otherwise provided in section 9.9 of*
41 *this act, before financing a project pursuant to section 8.5 of this*
42 *act, the Director of the Department of Business and Industry and*
43 *the State Board of Finance must:*



1 (a) Determine the total amount of money necessary to be
2 provided by the Director of the Department of Business and
3 Industry for financing the project.

4 (b) Except as otherwise provided in this subsection, receive a
5 5-year operating history from the contemplated charter school,
6 lessee, purchaser or other obligor that will make or guarantee the
7 payment of the principal, premium, if any, and interest on any
8 bond issued. An operating history is not required if the bonds:

9 (1) Are to be sold only to qualified institutional buyers, as
10 defined in Rule 144A of the Securities and Exchange Commission,
11 17 C.F.R. § 230.144A, in minimum denominations of at least
12 \$100,000; or

13 (2) Will receive a rating within one of the top four rating
14 categories of Moody's Investors Service, Inc., Standard and
15 Poor's Rating Services or Fitch IBCA, Inc.

16 (c) Consider whether the contemplated charter school, lessee,
17 purchaser or other obligor that will make or guarantee the
18 payment of the principal, premium, if any, and interest on any
19 bonds issued has received within the 12 months immediately
20 preceding the date of the findings of the Director of the
21 Department of Business and Industry, or then has or has not in
22 effect, a rating within one of the top four rating categories of
23 Moody's Investors Service, Inc., Standard and Poor's Rating
24 Services or Fitch IBCA, Inc.

25 (d) Consider the extent to which the project is affected by any
26 federal, state or local governmental action, activity, program or
27 development.

28 (e) Consider the length of time the charter school, lessee,
29 purchaser or other obligor of the project has maintained facilities
30 appropriate to the community in this State.

31 2. The Director of the Department of Business and Industry
32 may adopt regulations to set forth additional factors to be
33 considered by the Director and the State Board of Finance before
34 financing a project pursuant to section 8.5 of this act.

35 **Sec. 8.9.** 1. The Director of the Department of Business
36 and Industry may provide financing for a project pursuant to
37 sections 2 to 22, inclusive, of this act if:

38 (a) The financing is limited in amount and purpose to the
39 payment of the costs associated with:

40 (1) The acquisition, construction, improvement, restoration
41 or rehabilitation of the project; and

42 (2) The cost of the project;

43 (b) The Director makes the findings required by section 8.5 of
44 this act; and



1 (c) *The Director complies with the guidelines established by*
2 *the Director pursuant to subsection 2.*

3 2. *The Director of the Department of Business and Industry*
4 *shall establish guidelines for the provision of financing for a*
5 *project pursuant to sections 2 to 22, inclusive, of this act.*

6 **Sec. 9.** (Deleted by amendment.)

7 **Sec. 9.1.** 1. *All bonds issued by the Director of the*
8 *Department of Business and Industry pursuant to sections 2 to 22,*
9 *inclusive, of this act are special, limited obligations of the State.*
10 *The principal of and interest on such bonds are payable, subject to*
11 *the security provisions of sections 2 to 22, inclusive, of this act,*
12 *solely out of the revenues derived from the financing, leasing or*
13 *sale of the project or projects to be financed by the bonds.*

14 2. *The bonds and interest coupons, if any, which are part of*
15 *those bonds do not constitute the debt or indebtedness of the State*
16 *or any city or county within the meaning of any provision or*
17 *limitation of the Constitution of the State of Nevada or statutes,*
18 *and do not constitute or give rise to a pecuniary liability of the*
19 *State or a charge against its general credit or taxing powers. This*
20 *limitation must be plainly stated on the face of each bond.*

21 **Sec. 9.3.** 1. *Any bonds issued pursuant to sections 2 to 22,*
22 *inclusive, of this act must be authorized by an order of the*
23 *Director of the Department of Business and Industry and must:*

24 (a) *Be in denominations;*

25 (b) *Bear the date or dates;*

26 (c) *Mature at the time or times, not exceeding 40 years after*
27 *their respective dates;*

28 (d) *Bear interest at a rate or rates;*

29 (e) *Be in the form;*

30 (f) *Carry the registration privileges;*

31 (g) *Be executed in the manner;*

32 (h) *Be payable at the place or places within or without the*
33 *State; and*

34 (i) *Be subject to the terms of redemption,*

35 *↳ as provided by the order authorizing their issuance.*

36 2. *Any bonds issued pursuant to sections 2 to 22, inclusive, of*
37 *this act may be sold in one or more series at par, or below or above*
38 *par, in the manner and for the price or prices which the Director*
39 *of the Department of Business and Industry determines in his or*
40 *her discretion, and are not required to obtain a credit rating. As an*
41 *incidental expense to any project to be financed by the bonds, the*
42 *Director may employ financial and legal consultants in regard to*
43 *the financing of the project on an ongoing basis.*



1 3. *Any bonds issued pursuant to sections 2 to 22, inclusive, of*
2 *this act are fully negotiable under the terms of the Uniform*
3 *Commercial Code—Investment Securities.*

4 **Sec. 9.5.** *The principal of, the interest on and any prior*
5 *redemption premiums due in connection with the bonds issued*
6 *pursuant to sections 2 to 22, inclusive, of this act are payable*
7 *from, secured by a pledge of, and constitute a lien on the revenues*
8 *out of which the bonds have been made payable. In addition, they*
9 *may, in the discretion of the Director of the Department of*
10 *Business and Industry, be secured by:*

11 1. *A mortgage or mortgages covering all or part of any*
12 *project financed with the proceeds of the bonds, or upon any other*
13 *property of the lessees, purchasers or obligors of those projects, or*
14 *by a pledge of the lease, the agreement of sale or the financing*
15 *agreement with respect to one or more of the projects, or both.*

16 2. *A pledge of one or more notes, debentures, bonds or other*
17 *secured or unsecured debt obligations of the obligor of one or*
18 *more of the projects.*

19 3. *The proceeds of the bonds and income from investment of*
20 *the proceeds and of revenues.*

21 **Sec. 9.7.** *The Director of the Department of Business and*
22 *Industry shall adopt regulations to carry out the provisions of*
23 *sections 2 to 22, inclusive, of this act, including, without*
24 *limitation, regulations for:*

25 1. *Investment and reinvestment of the proceeds from the sale*
26 *of the bonds, including, without limitation:*

27 (a) *Bonds or other obligations of the United States of America.*

28 (b) *Bonds or other obligations, the payment of the principal*
29 *and interest of which is unconditionally guaranteed by the United*
30 *States of America.*

31 (c) *Obligations issued or guaranteed as to principal and*
32 *interest by any agency or person controlled or supervised by and*
33 *acting as an instrumentality of the United States of America*
34 *pursuant to authority granted by the Congress of the United States*
35 *of America.*

36 (d) *Obligations issued or guaranteed by any state of the United*
37 *States of America, or any political subdivision of any state.*

38 (e) *Prime commercial paper.*

39 (f) *Prime finance company paper.*

40 (g) *Bankers' acceptances drawn on and accepted by*
41 *commercial banks.*

42 (h) *Repurchase agreements fully secured by obligations issued*
43 *or guaranteed as to principal and interest by the United States of*
44 *America or by any person controlled or supervised by and acting*



1 *as an instrumentality of the United States of America pursuant to*
2 *authority granted by the Congress of the United States of America.*

3 *(i) Certificates of deposit issued by credit unions or*
4 *commercial banks, including banks domiciled outside of the*
5 *United States of America.*

6 *(j) Money market mutual funds that:*

7 *(1) Are registered with the Securities and Exchange*
8 *Commission;*

9 *(2) Are rated by a nationally recognized rating service as*
10 *“AAA” or its equivalent; and*

11 *(3) Invest only in securities issued or guaranteed as to*
12 *payment of principal and interest by the Federal Government, or*
13 *its agencies or instrumentalities, or in repurchase agreements that*
14 *are fully collateralized by such securities.*

15 *2. Receiving, holding and disbursing of proceeds of the sale*
16 *of bonds by one or more banks, credit unions or trust companies*
17 *located within or without this State.*

18 **Sec. 9.9. 1.** *Any bonds issued pursuant to sections 2 to 22,*
19 *inclusive, of this act may be refunded by the Director of the*
20 *Department of Business and Industry by the issuance of refunding*
21 *bonds in an amount which the Director determines necessary to*
22 *refund the principal of the bonds to be so refunded, any unpaid*
23 *interest thereon and any premiums and incidental expenses*
24 *necessary to be paid in connection with refunding.*

25 *2. Refunding may be carried out whether the bonds to be*
26 *refunded have matured or thereafter mature, either by sale of the*
27 *refunding bonds and the application of the proceeds to*
28 *the payment of the bonds to be refunded, or by exchange of the*
29 *refunding bonds for the bonds to be refunded. The holders of the*
30 *bonds to be refunded must not be compelled, without their*
31 *consent, to surrender their bonds for payment or exchange before*
32 *the date on which they are payable by maturity, option to redeem*
33 *or otherwise, or if they are called for redemption before the date*
34 *on which they are by their terms subject to redemption by option*
35 *or otherwise.*

36 *3. All refunding bonds issued pursuant to this section must be*
37 *payable solely from revenues and other money out of which the*
38 *bonds to be refunded thereby are payable or from revenues out of*
39 *which bonds of the same character may be made payable under*
40 *this or any other law then in effect at the time of the refunding.*

41 *4. The Director of the Department of Business and Industry*
42 *shall not issue refunding bonds unless, before the refinancing, the*
43 *Director finds that issuance of refunding bonds will provide a*
44 *lower cost of financing for the obligor or provide some other*
45 *public benefit, but the findings, determinations and approval*



1 *required by section 8.5 of this act are not required with respect to*
2 *refunding bonds issued pursuant to this section.*

3 **Sec. 10.** (Deleted by amendment.)

4 **Sec. 10.1.** 1. *Except as otherwise provided in subsection 2,*
5 *bonds and other securities issued pursuant to sections 2 to 22,*
6 *inclusive, of this act, their transfer and the income produced by*
7 *the bonds and other securities is and must forever be and remain*
8 *free and exempt from taxation by this State or any political*
9 *subdivision of this State.*

10 2. *The provisions of subsection 1 do not apply to the tax on*
11 *the transfers of taxable estates imposed by chapter 375A of NRS*
12 *or the tax on generation-skipping transfers imposed by chapter*
13 *375B of NRS.*

14 **Sec. 10.3.** *No action may be brought questioning the legality*
15 *of any contract, lease, agreement, indenture, mortgage, order or*
16 *bonds executed, adopted or taken in connection with any project*
17 *or improvements authorized by sections 2 to 22, inclusive, of this*
18 *act more than 30 days after the effective date of the order of the*
19 *Director of the Department of Business and Industry authorizing*
20 *the issuance of those bonds.*

21 **Sec. 10.5.** *The faith of the State is hereby pledged that*
22 *sections 2 to 22, inclusive, of this act will not be repealed,*
23 *amended or modified to impair any outstanding bonds or any*
24 *revenues pledged to their payment, or to impair, limit or alter the*
25 *rights or powers vested in a charter school to acquire, finance,*
26 *improve and equip a project in any way that would jeopardize the*
27 *interest of any lessee, purchaser or other obligor, or to limit or*
28 *alter the rights or powers vested in the Director of the Department*
29 *of Business and Industry to perform any agreement made with any*
30 *lessee, purchaser or other obligor, until all bonds have been*
31 *discharged in full or provisions for their payment and redemption*
32 *have been fully made.*

33 **Sec. 10.7.** 1. *Sections 2 to 22, inclusive, of this act, without*
34 *reference to other statutes of this State, constitute full authority*
35 *for the exercise of powers granted in those sections, including,*
36 *without limitation, the authorization and issuance of bonds.*

37 2. *No other act or law with regard to the authorization or*
38 *issuance of bonds that provides for an election, requires an*
39 *approval, or in any way impedes or restricts the carrying out of the*
40 *acts authorized by sections 2 to 22, inclusive, of this act, to be*
41 *done, applies to any proceedings taken or acts done pursuant to*
42 *those sections, except for laws to which reference is expressly*
43 *made in those sections or by necessary implication of those*
44 *sections.*



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1 3. *The provisions of no other law, either general or local,*
2 *except as provided in sections 2 to 22, inclusive, of this act, apply*
3 *to the doing of the things authorized in those sections to be done,*
4 *and no board, agency, bureau, commission or official not*
5 *designated in those sections has any authority or jurisdiction over*
6 *the doing of any of the acts authorized in those sections to be*
7 *done, except as otherwise provided in those sections.*

8 4. *A project is not subject to any requirements relating to*
9 *public buildings, structures, ground works or improvements*
10 *imposed by the statutes of this State or any other similar*
11 *requirements which may be lawfully waived by this section, and*
12 *any requirement of competitive bidding or other restriction*
13 *imposed on the procedure for award of contracts for such purpose*
14 *or the lease, sale or other disposition of property is not applicable*
15 *to any action taken pursuant to sections 2 to 22, inclusive, of this*
16 *act, except that the provisions of NRS 338.013 to 338.090,*
17 *inclusive, apply to any contract for new construction, repair or*
18 *reconstruction for which tentative approval for financing is*
19 *granted on or after July 1, 2013, by the Director of the Department*
20 *of Business and Industry for work to be done on a project.*

21 5. *Any bank or trust company located within or without this*
22 *State may be appointed and act as a trustee with respect to bonds*
23 *issued and projects financed pursuant to sections 2 to 22,*
24 *inclusive, of this act without the necessity of associating with any*
25 *other person or entity as cofiduciary, but such an association is*
26 *not prohibited.*

27 6. *The powers conferred by sections 2 to 22, inclusive, of this*
28 *act are in addition and supplemental to, and not in substitution*
29 *for, and the limitations imposed by those sections do not affect, the*
30 *powers conferred by any other law.*

31 7. *No part of sections 2 to 22, inclusive, of this act repeals or*
32 *affects any other law or part thereof, except to the extent that*
33 *those sections are inconsistent with any other law, it being*
34 *intended that those sections provide a separate method of*
35 *accomplishing its objectives, and not an exclusive one.*

36 8. *The Director of the Department of Business and Industry*
37 *or a person designated by the Director may take any actions and*
38 *execute and deliver any instruments, contracts, certificates and*
39 *other documents, including the bonds, necessary or appropriate*
40 *for the sale and issuance of the bonds or accomplishing the*
41 *purposes of sections 2 to 22, inclusive, of this act without the*
42 *assistance or intervention of any other officer.*

43 **Sec. 11.** (Deleted by amendment.)

44 **Sec. 12.** (Deleted by amendment.)

45 **Sec. 13.** (Deleted by amendment.)



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- 1 **Sec. 14.** (Deleted by amendment.)
- 2 **Sec. 15.** (Deleted by amendment.)
- 3 **Sec. 16.** (Deleted by amendment.)
- 4 **Sec. 17.** (Deleted by amendment.)
- 5 **Sec. 18.** (Deleted by amendment.)
- 6 **Sec. 19.** (Deleted by amendment.)
- 7 **Sec. 20.** (Deleted by amendment.)
- 8 **Sec. 21.** (Deleted by amendment.)
- 9 **Sec. 22.** (Deleted by amendment.)

10 **Sec. 23.** NRS 386.490 is hereby amended to read as follows:
11 386.490 As used in NRS 386.490 to 386.610, inclusive, *and*
12 *sections 2 to 22, inclusive, of this act*, the words and terms defined
13 in NRS 386.495, 386.500 and 386.503 have the meanings ascribed
14 to them in those sections.

- 15 **Sec. 24.** (Deleted by amendment.)
- 16 **Sec. 25.** (Deleted by amendment.)
- 17 **Sec. 26.** (Deleted by amendment.)
- 18 **Sec. 27.** (Deleted by amendment.)

19 **Sec. 28.** NRS 386.5125 is hereby amended to read as follows:
20 386.5125 The State Public Charter School Authority may
21 employ such persons as it deems necessary to carry out the
22 provisions of NRS 386.490 to 386.610, inclusive ~~H~~, *and sections 2*
23 *to 22, inclusive, of this act*. The staff employed by the State Public
24 Charter School Authority must be qualified to carry out the daily
25 responsibilities of sponsoring charter schools in accordance with the
26 provisions of NRS 386.490 to 386.610, inclusive ~~H~~, *and sections 2*
27 *to 22, inclusive, of this act*.

28 **Sec. 29.** NRS 386.536 is hereby amended to read as follows:
29 386.536 1. ~~If except as otherwise provided in subsections 2~~
30 ~~and 3, if~~ *If* a charter school ceases to operate voluntarily or upon
31 revocation of its written charter, the governing body of the charter
32 school shall ~~appoint~~ :

- 33 (a) *Give written notice of the closure to:*
 - 34 (1) *The sponsor of the charter school, unless the closure*
 - 35 *results from the revocation of the written charter;*
 - 36 (2) *The Director of the Department of Business and*
 - 37 *Industry;*
 - 38 (3) *The board of trustees of the school district in which the*
 - 39 *charter school is located, unless the board of trustees is*
 - 40 *the sponsor of the charter school and the closure results from the*
 - 41 *revocation of the written charter;*
 - 42 (4) *The Department;*
 - 43 (5) *The parents or legal guardians of the pupils enrolled in*
 - 44 *the charter school; and*
 - 45 (6) *The creditors of the charter school;*



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

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

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

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

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

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

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

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

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

27 ***(a) The date of closure;***

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

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

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

38 ***(a) Charter school;***

39 ***(b) Employees of the charter school; and***

40 ***(c) Pupils enrolled in the charter school.***

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



1 ~~13-1~~ 5. If the governing body of the charter school ceases to
2 exist or is otherwise unable to appoint an administrator pursuant to
3 subsection 1 or a qualified person pursuant to subsection ~~12-1~~ 4, the
4 sponsor of the charter school shall appoint an administrator or a
5 qualified person to carry out the duties set forth in subsection ~~11-1~~ 3.

6 ~~14-1~~ 6. *In addition to performing the duties set forth in*
7 *subsection 3, the administrator appointed by the governing body of*
8 *the charter school or the sponsor, or the qualified person*
9 *appointed to carry out the duties of the administrator, shall:*

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

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

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

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

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

32 **Sec. 30.** NRS 386.553 is hereby amended to read as follows:

33 386.553 A charter school ~~shall~~:

34 1. *Shall* not operate for profit.

35 2. *May be incorporated as a nonprofit corporation pursuant*
36 *to the provisions of chapter 82 of NRS.*

37 **Sec. 31.** NRS 386.560 is hereby amended to read as follows:

38 386.560 1. The governing body of a charter school may
39 contract with the board of trustees of the school district in which the
40 charter school is located or in which a pupil enrolled in the charter
41 school resides or with the Nevada System of Higher Education for
42 the provision of facilities to operate the charter school or to perform
43 any service relating to the operation of the charter school, including,
44 without limitation, transportation, the provision of health services
45 for the pupils who are enrolled in the charter school and the



1 provision of school police officers. If the board of trustees of a
2 school district or a college or university within the Nevada System
3 of Higher Education is the sponsor of the charter school, the
4 governing body and the sponsor must enter into a service agreement
5 pursuant to NRS 386.561 before the provision of such services.

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

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

14 4. *A charter school may:*

15 *(a) Acquire by construction, purchase, devise, gift, exchange*
16 *or lease, or any combination of those methods, and construct,*
17 *reconstruct, improve, maintain, equip and furnish any building,*
18 *structure or property to be used for any of its educational purposes*
19 *and the related appurtenances, easements, rights-of-way,*
20 *improvements, paving, utilities, landscaping, parking facilities and*
21 *lands;*

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

24 *(c) Borrow money and otherwise incur indebtedness; and*

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

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

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

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

39 ↪ If the board of trustees of a school district authorizes a pupil to
40 participate in a class or extracurricular activity, excluding sports,
41 pursuant to this subsection, the board of trustees is not required to
42 provide transportation for the pupil to attend the class or activity.
43 The provisions of this subsection do not apply to a pupil who is
44 enrolled in a charter school and who desires to participate on a part-
45 time basis in a program of distance education provided by the board



1 of trustees of a school district pursuant to NRS 388.820 to 388.874,
2 inclusive. Such a pupil must comply with NRS 388.858.

3 ~~15.1~~ 6. Upon the request of a parent or legal guardian of a pupil
4 who is enrolled in a charter school, the board of trustees of the
5 school district in which the pupil resides shall authorize the pupil to
6 participate in sports at the public school that he or she would
7 otherwise be required to attend within the school district, or upon
8 approval of the board of trustees, any public school within the same
9 zone of attendance as the charter school if:

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

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

13 ↪ If the board of trustees of a school district authorizes a pupil to
14 participate in sports pursuant to this subsection, the board of trustees
15 is not required to provide transportation for the pupil to participate.

16 ~~16.1~~ 7. The board of trustees of a school district may revoke its
17 approval for a pupil to participate in a class, extracurricular activity
18 or sports at a public school pursuant to subsections ~~4 and~~ 5 and 6
19 if the board of trustees or the public school determines that the pupil
20 has failed to comply with applicable statutes, or applicable rules and
21 regulations of the board of trustees, the public school or the Nevada
22 Interscholastic Activities Association. If the board of trustees so
23 revokes its approval, neither the board of trustees nor the public
24 school is liable for any damages relating to the denial of services to
25 the pupil.

26 **Sec. 32.** NRS 386.562 is hereby amended to read as follows:

27 386.562 1. A contract or a proposed contract between a
28 charter school or a proposed charter school and a contractor or an
29 educational management organization must not:

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

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

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

43 (d) Require the charter school or proposed charter school to pay
44 the contractor or educational management organization before the



1 payment of other obligations of the charter school or proposed
2 charter school during a period of financial distress;

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

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

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

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

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

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

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

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

41 2. As used in this section, **“contractor”** or **“educational**
42 **management organization”** means a corporation, business,
43 organization or other entity, whether or not conducted for profit,
44 with whom a committee to form a charter school or the governing
45 body of a charter school, as applicable, contracts to assist with the



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1 operation, management or provision and implementation of
2 educational services and programs of the charter school or proposed
3 charter school. The term includes a corporation, business,
4 organization or other entity that directly employs and provides
5 personnel to a charter school or proposed charter school.

6 **Sec. 33.** NRS 386.570 is hereby amended to read as follows:

7 386.570 1. Each pupil who is enrolled in a charter school,
8 including, without limitation, a pupil who is enrolled in a program
9 of special education in a charter school, must be included in the
10 count of pupils in the school district for the purposes of
11 apportionments and allowances from the State Distributive School
12 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
13 pupil is exempt from compulsory attendance pursuant to NRS
14 392.070. A charter school is entitled to receive its proportionate
15 share of any other money available from federal, state or local
16 sources that the school or the pupils who are enrolled in the school
17 are eligible to receive. If a charter school receives special education
18 program units directly from this State, the amount of money for
19 special education that the school district pays to the charter school
20 may be reduced proportionately by the amount of money the charter
21 school received from this State for that purpose. The State Board
22 shall prescribe a process which ensures that all charter schools,
23 regardless of the sponsor, have information about all sources of
24 funding for the public schools provided through the Department,
25 including local funds pursuant to NRS 387.1235.

26 2. All money received by the charter school from this State or
27 from the board of trustees of a school district must be deposited in
28 an account with a bank, credit union or other financial institution in
29 this State. The governing body of a charter school may negotiate
30 with the board of trustees of the school district and the State Board
31 for additional money to pay for services which the governing body
32 wishes to offer.

33 3. Upon completion of each school quarter, the Superintendent
34 of Public Instruction shall pay to the sponsor of a charter school
35 one-quarter of the yearly sponsorship fee for the administrative costs
36 associated with sponsorship for that school quarter, which must be
37 deducted from the quarterly apportionment to the charter school
38 made pursuant to NRS 387.124. Except as otherwise provided in
39 subsection 4, the yearly sponsorship fee for the sponsor of a charter
40 school must be in an amount of money not to exceed 2 percent of
41 the total amount of money apportioned to the charter school during
42 the school year pursuant to NRS 387.124.

43 4. If the governing body of a charter school satisfies the
44 requirements of this subsection, the governing body may submit a
45 request to the sponsor of the charter school for approval of a



1 sponsorship fee in an amount that is less than 2 percent but at least 1
2 percent of the total amount of money apportioned to the charter
3 school during the school year pursuant to NRS 387.124. The
4 sponsor of the charter school shall approve such a request if the
5 sponsor of the charter school determines that the charter school
6 satisfies the requirements of this subsection. If the sponsor of the
7 charter school approves such a request, the sponsor shall provide
8 notice of the decision to the governing body of the charter school
9 and the Superintendent of Public Instruction. If the sponsor of the
10 charter school denies such a request, the governing body of the
11 charter school may appeal the decision of the sponsor to the
12 Superintendent of Public Instruction. Upon appeal, the sponsor of
13 the charter school and the governing body of the charter school are
14 entitled to present evidence. The decision of the Superintendent of
15 Public Instruction on the appeal is final and is not subject to judicial
16 review. The governing body of a charter school may submit a
17 request for a reduction of the sponsorship fee pursuant to this
18 subsection if:

19 (a) The charter school satisfies the requirements of subsection 1
20 of NRS 386.5515; and

21 (b) There has been a decrease in the duties of the sponsor of the
22 charter school that justifies a decrease in the sponsorship fee.

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

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

42 7. The governing body of a charter school may solicit and
43 accept donations, money, grants, property, loans, personal services
44 or other assistance for purposes relating to education from members
45 of the general public, corporations or agencies. The governing body



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1 may comply with applicable federal laws and regulations governing
2 the provision of federal grants for charter schools. The State Public
3 Charter School Authority may assist a charter school that operates
4 exclusively for the enrollment of pupils who receive special
5 education in identifying sources of money that may be available
6 from the Federal Government or this State for the provision of
7 educational programs and services to such pupils.

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

13 **Sec. 34.** NRS 386.575 is hereby amended to read as follows:

14 386.575 1. If a charter school files a voluntary petition of
15 bankruptcy or is declared bankrupt during a school year, ~~{the
16 governing body of the charter school shall make an assignment of
17 all} any real property {and} or other property {of the charter school
18 to the State of Nevada for the repayment of all money received}
19 held by the charter school {from this state for the operation of the
20 charter school during that year. The governing body shall make full
21 settlement with this state for such repayment, and the State may take
22 any lawful action necessary to recover the money.} *must be
23 disposed of as provided in NRS 386.536.*~~

24 2. If a charter school files a voluntary petition of bankruptcy or
25 is declared bankrupt during a school year, neither the State of
26 Nevada nor the sponsor of the charter school may be held liable for
27 any claims resulting from the bankruptcy.

28 **Sec. 35.** NRS 387.123 is hereby amended to read as follows:

29 387.123 1. The count of pupils for apportionment purposes
30 includes all pupils who are enrolled in programs of instruction of the
31 school district, including, without limitation, a program of distance
32 education provided by the school district, pupils who reside in the
33 county in which the school district is located and are enrolled in any
34 charter school, including, without limitation, a program of distance
35 education provided by a charter school, and pupils who are enrolled
36 in a university school for profoundly gifted pupils located in the
37 county, for:

38 (a) Pupils in the kindergarten department.

39 (b) Pupils in grades 1 to 12, inclusive.

40 (c) Pupils not included under paragraph (a) or (b) who are
41 receiving special education pursuant to the provisions of NRS
42 388.440 to 388.520, inclusive.

43 (d) Pupils who reside in the county and are enrolled part-time in
44 a program of distance education provided pursuant to NRS 388.820
45 to 388.874, inclusive.



1 (e) Children detained in facilities for the detention of children,
2 alternative programs and juvenile forestry camps receiving
3 instruction pursuant to the provisions of NRS 388.550, 388.560 and
4 388.570.

5 (f) Pupils who are enrolled in classes pursuant to subsection ~~4~~
6 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to
7 subsection 5 of NRS 386.580.

8 (g) Pupils who are enrolled in classes pursuant to subsection 3
9 of NRS 392.070.

10 (h) Pupils who are enrolled in classes and taking courses
11 necessary to receive a high school diploma, excluding those pupils
12 who are included in paragraphs (d), (f) and (g).

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

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

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

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

26 3. Except as otherwise provided in subsection 4 and NRS
27 388.700, the State Board shall establish by regulation the maximum
28 pupil-teacher ratio in each grade, and for each subject matter
29 wherever different subjects are taught in separate classes, for each
30 school district of this State which is consistent with:

31 (a) The maintenance of an acceptable standard of instruction;

32 (b) The conditions prevailing in the school district with respect
33 to the number and distribution of pupils in each grade; and

34 (c) Methods of instruction used, which may include educational
35 television, team teaching or new teaching systems or techniques.

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



1 direct the Superintendent to withhold the quarterly apportionment
2 entirely.

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

7 **Sec. 36.** NRS 387.1233 is hereby amended to read as follows:

8 387.1233 1. Except as otherwise provided in subsection 2,
9 basic support of each school district must be computed by:

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

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

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

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

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

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

40 (II) In a charter school and are concurrently enrolled part-
41 time in a program of distance education provided by a school district
42 or another charter school on the last day of the first school month of
43 the school district for the school year, expressed as a percentage of
44 the total time services are provided to those pupils per school day in



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

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

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

14 (7) The count of children detained in facilities for the
15 detention of children, alternative programs and juvenile forestry
16 camps receiving instruction pursuant to the provisions of NRS
17 388.550, 388.560 and 388.570 on the last day of the first school
18 month of the school district for the school year.

19 (8) The count of pupils who are enrolled in classes for at
20 least one semester pursuant to subsection ~~4~~ 5 of NRS 386.560,
21 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
22 expressed as a percentage of the total time services are provided to
23 those pupils per school day in proportion to the total time services
24 are provided during a school day to pupils who are counted pursuant
25 to subparagraph (2).

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

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

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

41 3. Except as otherwise provided in subsection 4, if the
42 enrollment of pupils in a school district or a charter school that is
43 located within the school district on the last day of the first school
44 month of the school district for the school year is more than 95
45 percent of the enrollment of pupils in the same school district or



1 charter school on the last day of the first school month of the school
2 district for the immediately preceding school year, the larger
3 enrollment number from the current year or the immediately
4 preceding school year must be used for purposes of apportioning
5 money from the State Distributive School Account to that school
6 district or charter school pursuant to NRS 387.124.

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

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

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

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

28 **Sec. 37.** (Deleted by amendment.)

29 **Sec. 38.** This act becomes effective on July 1, 2013.

