

SENATE BILL NO. 509—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

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

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

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

AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; authorizing a charter management organization to apply for a waiver of requirements concerning the composition of the governing body of a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in certain circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; exempting certain high-performing charter schools from the requirement that certain teachers be licensed; establishing alternative qualifications for such teachers; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; revising provisions governing the continuation of certain achievement charter schools; and providing other matters properly relating thereto.



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Legislative Counsel’s Digest:

1 Existing law establishes the State Public Charter School Authority, requires the
2 Authority to appoint a Director and authorizes the Authority to sponsor charter
3 schools. (NRS 386.490-386.515) **Sections 10, 12-14 and 18** of this bill change the
4 title of the Director of the Authority to “Executive Director,” and **section 13**
5 authorizes the Executive Director to pursue other businesses and hold other offices
6 with the approval of the Authority. **Section 11** of this bill requires the Authority to
7 consist of persons who are experts on authorizing, developing and operating charter
8 schools. **Sections 15 and 16** of this bill revise provisions governing the staff of the
9 Authority. **Section 18** of this bill prohibits the Executive Director and the Authority
10 from accepting any gift or donation from a charter management organization, a
11 committee to form a charter school or the governing body of a charter school.
12 **Sections 32 and 33** of this bill require the Authority to adopt regulations that
13 prescribe: (1) the process to apply to the Authority to form a charter school, renew
14 a charter contract or amend a written charter or charter contract; (2) the contents of
15 such applications; and (3) the procedure by which such applications will be
16 evaluated. **Sections 35, 45 and 46** of this bill revise certain other duties of the
17 Authority.

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

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

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

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



55 replacement of a written charter with a charter contract for the period during which
56 written charters may still be effective.

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

65 Existing law authorizes a sponsor to revoke a written charter or terminate a
66 charter contract under certain conditions and requires a sponsor to take such action
67 if the charter school demonstrates persistent underachievement. (NRS 386.535,
68 386.5351) **Sections 5 and 27-29** of this bill: (1) authorize a sponsor to reconstitute,
69 under certain circumstances, the governing body of a charter school in such
70 situations; and (2) revise the conditions under which such action is authorized or
71 required. **Sections 6, 30 and 31** of this bill authorize the sponsor of a charter school
72 whose written charter has been revoked or whose charter contract has been
73 terminated to recruit a governing body of another charter school to replace the
74 closed charter school with another campus of the other charter school. **Sections 6**
75 **and 55** of this bill require a pupil who attended a charter school whose written
76 charter has been revoked or whose charter contract has been terminated to be given
77 priority in admission to the replacement charter school under such circumstances.
78 **Sections 6 and 57** provide that: (1) if the governing body of a charter school is
79 reconstituted, the new governing body may terminate the employment of any
80 employees of the charter school; and (2) if a written charter is revoked or a charter
81 contract is terminated and a charter school is replaced, the governing body of the
82 replacement charter school is not required to employ any employee of the previous
83 charter school. **Sections 52 and 57** of this bill exclude the rights of a governing
84 body to terminate the employment of or refuse to reemploy employees at such
85 schools from the scope of collective bargaining.

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

89 Existing law: (1) prohibits a person who has been convicted of a felony relating
90 to serving on the governing body of a charter school or any offense involving moral
91 turpitude from serving on the governing body of a charter school; and (2) requires a
92 member of a governing body to read and understand certain materials. (NRS
93 386.549) **Section 7** of this bill requires a newly appointed member of a governing
94 body to undergo a criminal background check and prohibits a person who has been
95 convicted of a felony or an offense involving moral turpitude from serving as a
96 member of a governing body. **Sections 36 and 37** of this bill require a member of a
97 governing body to receive training under certain circumstances.

98 **Sections 40 and 41** of this bill prohibit a contract between a governing body
99 and a person who assists with the operation, management and provision of
100 educational services at a charter school from containing certain provisions. **Section**
101 **45** of this bill authorizes a charter school to use higher standards for graduation
102 than those required by the State or a school district in which the charter school is
103 located. **Section 46** of this bill requires a charter school to notify the parent of a
104 pupil who is under the age of 18 years before the pupil is suspended or expelled.
105 Existing law requires: (1) a certain percentage of teachers at a charter school to be
106 licensed; and (2) teachers who teach certain subjects at a charter school to be
107 licensed. (NRS 386.580) **Section 47** of this bill instead requires a certain
108 percentage of teachers at a charter school and teachers who teach such subjects at a
109 charter school to be highly qualified. **Section 47** provides that: (1) a teacher at a



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110 high performing charter school is highly qualified if he or she meets certain
111 requirements specified in federal law; and (2) a teacher at any other charter school
112 is highly qualified if the teacher meets those federal requirements and is licensed.
113 **Section 47** also requires a teacher who is employed by a charter school to teach
114 special education or English as a second language to be licensed to teach that
115 subject. Finally, **section 47** requires a high achieving charter school that employs
116 unlicensed teachers to offer an alternative route to licensure for those teachers.
117 **Section 51** of this bill makes a conforming change.

118 **Section 48** of this bill requires the Commission on Educational Technology to
119 consider plans adopted by charter schools for the use of educational technology
120 when establishing the plan for the use of educational technology in the public
121 schools of this State. **Sections 49 and 50** of this bill authorize a charter school to
122 receive money from the Trust Fund for Educational Technology.

123 Assembly Bill No. 448 of this session establishes the Achievement School
124 District within the Department of Education and requires the Executive Director of
125 the Achievement School District to evaluate pupil achievement and school
126 performance of an achievement charter school during the sixth year that a school
127 operates as an achievement charter school. Assembly Bill No. 448 of this session
128 also provides that if this evaluation indicates that an achievement charter school has
129 not made adequate improvement in pupil achievement and school performance, the
130 achievement charter school is required to continue to operate as an achievement
131 charter school for at least 6 more years. (Section 33 of Assembly Bill No. 448 of
132 this session) **Section 56** of this bill requires the Department of Education, rather
133 than the Executive Director of the Achievement School District, to conduct such an
134 evaluation and, if the evaluation indicates that an achievement charter school has
135 not made adequate improvement in pupil achievement and school performance,
136 determine whether to continue to keep the school as an achievement charter school
137 or return the school to become a public school within the school district. If such a
138 school continues as an achievement charter school, the Executive Director is
139 required to: (1) terminate the contract with the charter management organization,
140 educational management organization or other person that operated the
141 achievement charter school; (2) enter into a contract with a different charter
142 management organization, educational management organization or other person to
143 operate the achievement charter school; (3) require the charter management
144 organization, educational management organization or other person with whom the
145 Executive Director enters into a contract to operate an achievement charter school
146 to appoint a new governing body of the achievement charter school; and (4)
147 evaluate the pupil achievement and school performance of the school every 3 years.
148 **Section 56** also requires the Executive Director to provide certain notice to the
149 parent or legal guardian of each pupil enrolled in an achievement charter school
150 that has not made adequate improvement in pupil achievement and school
151 performance regarding other educational choices that are available to the pupil.

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

- 1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.
4 **Sec. 2.** *“Charter management organization” means:*



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

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

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

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

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

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

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

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

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

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

43 3. *The State Public Charter School Authority, the board of*
44 *trustees of the school district or a college or university within the*
45 *Nevada System of Higher Education, as applicable, must deny a*



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

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

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

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

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

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

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

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

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



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

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

8 2. *If the sponsor of a charter school revokes a written charter*
9 *or terminates a charter contract pursuant to NRS 386.535 or*
10 *386.5351, the sponsor may:*

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

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

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

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

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



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

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

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

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

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

22 5. *If a governing body is selected pursuant to this section to*
23 *operate another campus of an existing charter school to replace a*
24 *charter school whose written charter has been revoked or whose*
25 *charter contract has been terminated and any necessary*
26 *amendments or applications are approved, the charter school must*
27 *enroll pupils who were enrolled in the charter school whose*
28 *written charter was revoked or whose charter contract was*
29 *terminated before enrolling other pupils.*

30 6. *If the sponsor of a charter school reconstitutes the*
31 *governing body of a charter school pursuant to NRS 386.535,*
32 *the principal of the charter school or another administrator of the*
33 *charter school appointed by the reconstituted governing body*
34 *shall:*

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

42 (b) *Collaborate with the new governing body in making hiring*
43 *determinations for the charter school.*

44 7. *If the sponsor of a charter school selects a governing body*
45 *to operate another campus of an existing charter school to replace*



1 *a charter school whose written charter has been revoked or whose*
2 *charter contract has been terminated, the new governing body is*
3 *not required to offer employment to any teacher or other employee*
4 *of the charter school whose written charter has been revoked or*
5 *whose charter contract has been terminated.*

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

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

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

25 **Sec. 8. 1.** *In a county in which more than five charter*
26 *schools are located and the total number of pupils enrolled in the*
27 *charter schools exceeds 25 percent of the combined enrollment of*
28 *all public schools, including, without limitation, charter schools,*
29 *the Department shall, in consultation with all sponsors of charter*
30 *schools in the county, determine whether holding a weighted*
31 *lottery for admission to charter schools would improve diversity in*
32 *charter schools that do not have a preference for at-risk pupils. If*
33 *the Department determines that a weighted lottery for admission to*
34 *charter schools would improve diversity in such charter schools,*
35 *the Department shall, to the extent authorized by federal law,*
36 *adopt regulations authorizing charter schools to establish a*
37 *weighted lottery.*

38 **2.** *In a county in which more than ten charter schools are*
39 *located and the total number of pupils enrolled in charter schools*
40 *exceeds 50 percent of the combined enrollment of all public*
41 *schools, including, without limitation, charter schools, the*
42 *Department shall, in consultation with all sponsors of charter*
43 *schools in the county:*

44 **(a)** *Adopt regulations establishing a uniform enrollment*
45 *calendar and process for enrolling pupils applicable to all charter*



1 *schools in the county. The regulations must establish a lottery for*
2 *admission to each charter school in the county. If a charter school*
3 *does not have a preference for at-risk pupils, the lottery must, to*
4 *the extent authorized by federal law, be a weighted lottery.*

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

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

13 **Sec. 9.** NRS 386.490 is hereby amended to read as follows:

14 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
15 *sections 2 to 8, inclusive of this act*, the words and terms defined in
16 NRS 386.492 to 386.503, inclusive, *and sections 2 and 3 of this act*
17 have the meanings ascribed to them in those sections.

18 **Sec. 10.** NRS 386.495 is hereby amended to read as follows:

19 386.495 ~~["Director"]~~ *"Executive Director"* means the
20 *Executive* Director of the State Public Charter School Authority
21 appointed pursuant to NRS 386.511.

22 **Sec. 11.** NRS 386.5095 is hereby amended to read as follows:

23 386.5095 1. The State Public Charter School Authority
24 consists of seven members. The membership of the State Public
25 Charter School Authority consists of:

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

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

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

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

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

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

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

42 (c) Includes persons with specific knowledge of:

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

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

45 (3) Management practices;



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- 1 (4) Assessments required in elementary and secondary
- 2 education;
- 3 (5) Educational technology; and
- 4 (6) The laws and regulations applicable to charter schools;

5 ~~and~~

6 (d) Insofar as practicable, reflects the ethnic and geographical

7 diversity of this State ~~H~~; and

8 *(e) Insofar as practicable, consists of persons who are experts*

9 *on best practices for authorizing charter schools and developing*

10 *and operating high-quality charter schools and charter*

11 *management organizations.*

12 3. Each member of the State Public Charter School Authority

13 must be a resident of this State.

14 4. After the initial terms, the term of each member of the State

15 Public Charter School Authority is 3 years, commencing on July 1

16 of the year in which he or she is appointed. A vacancy in the

17 membership of the State Public Charter School Authority must be

18 filled for the remainder of the unexpired term in the same manner as

19 the original appointment. A member shall continue to serve on the

20 State Public Charter School Authority until his or her successor is

21 appointed.

22 5. The members of the State Public Charter School Authority

23 shall select a Chair and Vice Chair from among its members. After

24 the initial selection of those officers, each of those officers holds the

25 position for a term of 2 years commencing on July 1 of each odd-

26 numbered year. If a vacancy occurs in the Chair or Vice Chair, the

27 vacancy must be filled in the same manner as the original selection

28 for the remainder of the unexpired term.

29 6. Each member of the State Public Charter School Authority

30 is entitled to receive:

31 (a) For each day or portion of a day during which he or she

32 attends a meeting of the State Public Charter School Authority a

33 salary of not more than \$80, as fixed by the State Public Charter

34 School Authority; and

35 (b) For each day or portion of a day during which he or she

36 attends a meeting of the State Public Charter School Authority or is

37 otherwise engaged in the business of the State Public Charter School

38 Authority the per diem allowance and travel expenses provided for

39 state officers and employees generally.

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

41 386.511 1. The State Public Charter School Authority shall

42 appoint ~~an~~ *an Executive* Director of the State Public Charter School

43 Authority for a term of 3 years. The State Public Charter School

44 Authority shall ensure that the *Executive* Director has a

45 demonstrated understanding of charter schools and a commitment to



1 using charter schools as a way to strengthen public education in this
2 State.

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

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

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

9 386.5115 ~~[(The)]~~ *With the approval of the State Public Charter*
10 *School Authority, the Executive* Director ~~[shall not]~~ *may* pursue
11 any other business or occupation or hold any other office ,
12 *including, without limitation, serving as a member on a*
13 *committee, board or task force of an organization relating to*
14 *charter schools, serving as a reviewer of applications to form a*
15 *charter school for organizations other than the State Public*
16 *Charter School Authority and holding an office of profit , and may*
17 *accept reimbursement for travel costs relating to such activities.*
18 *The Executive Director shall not pursue any other business or*
19 *occupation or hold any other office of profit* without the approval
20 of the State Public Charter School Authority.

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

22 386.512 The *Executive* Director shall:

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

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

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

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

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

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

37 386.5125 *1.* The State Public Charter School Authority may
38 employ such persons as it deems necessary to carry out the
39 provisions of NRS 386.490 to 386.649, inclusive ~~[(H)]~~ , *and sections 2*
40 *to 8, inclusive, of this act.* The staff employed by the State Public
41 Charter School Authority must be qualified to carry out the daily
42 responsibilities of sponsoring charter schools , *including, without*
43 *limitation, oversight of written charters and charter contracts,* in
44 accordance with the provisions of NRS 386.490 to 386.649,
45 inclusive ~~[(H)]~~ , *and sections 2 to 8, inclusive, of this act.*



1 2. *The staff must include:*

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

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

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

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

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

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

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

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

27 386.5125 1. The State Public Charter School Authority may
28 employ such persons as it deems necessary to carry out the
29 provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to
30 8, inclusive, of this act. The staff employed by the State Public
31 Charter School Authority must be qualified to carry out the daily
32 responsibilities of sponsoring charter schools, including, without
33 limitation, oversight of ~~written charters and~~ charter contracts, in
34 accordance with the provisions of NRS 386.490 to 386.649,
35 inclusive, and sections 2 to 8, inclusive, of this act.

36 2. The staff must include:

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

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

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

44 (d) Administrators with significant experience overseeing
45 special education programs and programs while employed by a



1 school district, charter management organization, educational
2 management organization or other operator of charter schools;

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

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

7 3. The State Public Charter School Authority shall periodically
8 evaluate and make decisions concerning the number of persons
9 employed by the State Public Charter School Authority and the
10 qualifications and compensation of such persons based on guidance
11 from the National Association of Charter School Authorizers, or its
12 successor organization, an assessment of the strategic plan for
13 recruiting operators of charter schools prepared pursuant to NRS
14 386.515 and the needs of the charter schools sponsored by the State
15 Public Charter School Authority.

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

17 386.513 1. The State Public Charter School Authority is
18 hereby deemed a local educational agency for the purpose of
19 directing the proportionate share of any money available from
20 federal and state categorical grant programs to charter schools which
21 are sponsored by the State Public Charter School Authority or a
22 college or university within the Nevada System of Higher Education
23 that are eligible to receive such money. *A college or university*
24 *within the Nevada System of Higher Education that sponsors a*
25 *charter school shall enter into an agreement with the State Public*
26 *Charter School Authority for the provision of any necessary*
27 *functions of a local educational authority.* A charter school that
28 receives money pursuant to such a grant program shall comply with
29 any applicable reporting requirements to receive the grant.

30 2. If the charter school is eligible to receive special education
31 program units, the Department shall pay the special education
32 program units directly to the charter school.

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

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

36 386.5135 1. The Account for the State Public Charter School
37 Authority is hereby created in the State General Fund, to be
38 administered by the *Executive* Director.

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

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



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

4 5. ~~The~~ *Except as otherwise provided in this subsection, the*
5 *Executive* Director and the State Public Charter School Authority
6 may accept gifts, grants and bequests to carry out the provisions of
7 NRS 386.490 to 386.649, inclusive ~~H~~ , *and sections 2 to 8,*
8 *inclusive, of this act. The Executive Director and the State Public*
9 *Charter School Authority shall not accept any gift or donation*
10 *from a charter management organization, a committee to form a*
11 *charter school or the governing body of a charter school.* Any
12 money from gifts, grants and bequests must be deposited in the
13 Account and may be expended in accordance with the terms and
14 conditions of the gift, grant or bequest, or in accordance with this
15 section.

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

17 386.515 1. The board of trustees of a school district may
18 apply to the Department for authorization to sponsor charter schools
19 within the school district in accordance with the regulations adopted
20 by the Department pursuant to NRS 386.540. An application must
21 be approved by the Department before the board of trustees may
22 sponsor a charter school. Not more than 180 days after receiving
23 approval to sponsor charter schools, the board of trustees shall
24 provide public notice of its ability to sponsor charter schools and
25 solicit applications for charter schools.

26 2. The State Public Charter School Authority shall sponsor
27 charter schools whose applications have been approved by the State
28 Public Charter School Authority pursuant to NRS 386.525. Except
29 as otherwise provided by specific statute, if the State Public Charter
30 School Authority sponsors a charter school, the State Public Charter
31 School Authority is responsible for the evaluation, monitoring and
32 oversight of the charter school.

33 3. A college or university within the Nevada System of Higher
34 Education may submit an application to the Department to sponsor
35 charter schools in accordance with the regulations adopted by the
36 Department pursuant to NRS 386.540. An application must be
37 approved by the Department before a college or university within
38 the Nevada System of Higher Education may sponsor charter
39 schools.

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



1 *executing the duties of a sponsor of a charter school as prescribed*
2 *in this section.*

3 5. Each sponsor of a charter school shall carry out the
4 following duties and powers:

5 (a) Evaluating applications to form charter schools as prescribed
6 by NRS 386.525;

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

11 (c) Declining to approve applications to form charter schools
12 that do not satisfy the requirements of NRS 386.525;

13 (d) Negotiating and executing charter contracts pursuant to
14 NRS 386.527;

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

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

26 ~~—5.† ;~~

27 (g) *Determining whether the governing body of a charter*
28 *school should be reconstituted in accordance with NRS 386.535;*
29 *and*

30 (h) *Adopting a policy for appointing a new governing body of*
31 *a charter school for which the governing body is reconstituted in*
32 *accordance with NRS 386.535.*

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

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

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

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



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

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

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

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

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

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

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

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

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

39 ~~7.~~ 7. *Before the State Public Charter School Authority or a*
40 *board of trustees of a school district or a college or university*
41 *within the Nevada System of Higher Education that is approved to*
42 *sponsor charter schools begins soliciting applications to form a*
43 *charter school, the State Public Charter School Authority, board*
44 *of trustees or college or university, as applicable, shall prepare, in*
45 *collaboration with the Department and, to the extent practicable,*



1 *the school district in which the proposed charter school will be*
2 *located and any other sponsor of a charter school located in that*
3 *school district, an evaluation of the academic needs of pupils in*
4 *geographic areas served by the sponsor.*

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

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

11 **Sec. 20.** NRS 386.515 is hereby amended to read as follows:

12 386.515 1. The board of trustees of a school district may
13 apply to the Department for authorization to sponsor charter schools
14 within the school district in accordance with the regulations adopted
15 by the Department pursuant to NRS 386.540. An application must
16 be approved by the Department before the board of trustees may
17 sponsor a charter school. Not more than 180 days after receiving
18 approval to sponsor charter schools, the board of trustees shall
19 provide public notice of its ability to sponsor charter schools and
20 solicit applications for charter schools.

21 2. The State Public Charter School Authority shall sponsor
22 charter schools whose applications have been approved by the State
23 Public Charter School Authority pursuant to NRS 386.525. Except
24 as otherwise provided by specific statute, if the State Public Charter
25 School Authority sponsors a charter school, the State Public Charter
26 School Authority is responsible for the evaluation, monitoring and
27 oversight of the charter school.

28 3. A college or university within the Nevada System of Higher
29 Education may submit an application to the Department to sponsor
30 charter schools in accordance with the regulations adopted by the
31 Department pursuant to NRS 386.540. An application must be
32 approved by the Department before a college or university within
33 the Nevada System of Higher Education may sponsor charter
34 schools.

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

42 5. Each sponsor of a charter school shall carry out the
43 following duties and powers:

44 (a) Evaluating applications to form charter schools as prescribed
45 by NRS 386.525;



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

5 (c) Declining to approve applications to form charter schools
6 that do not satisfy the requirements of NRS 386.525;

7 (d) Negotiating and executing charter contracts pursuant to
8 NRS 386.527;

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

14 (f) Determining whether the charter contract of a charter school
15 that the entity sponsors merits renewal or whether the renewal of the
16 charter contract should be denied or whether the charter contract
17 should be terminated in accordance with NRS 386.530, 386.535 or
18 386.5351, as applicable ~~f~~;

19 ~~5.f~~ ;

20 *(g) Determining whether the governing body of a charter*
21 *school should be reconstituted in accordance with NRS 386.535;*
22 *and*

23 *(h) Adopting a policy for appointing a new governing body of*
24 *a charter school for which the governing body is reconstituted in*
25 *accordance with NRS 386.535.*

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

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

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

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

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



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

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

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

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

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

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

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

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

33 ~~§~~ 7. *Before the State Public Charter School Authority or a*
34 *board of trustees of a school district or a college or university*
35 *within the Nevada System of Higher Education that is approved to*
36 *sponsor charter schools begins soliciting applications to form a*
37 *charter school, the State Public Charter School Authority, board*
38 *of trustees or college or university, as applicable, shall prepare, in*
39 *collaboration with the Department and, to the extent practicable,*
40 *the school district in which the proposed charter school will be*
41 *located and any other sponsor of a charter school located in that*
42 *school district, an evaluation of the academic needs of pupils in*
43 *geographic areas served by the sponsor.*

44 8. *Evidence of material or persistent failure to carry out the*
45 *powers and duties of a sponsor prescribed by this section constitutes*



1 grounds for revocation of the entity's authority to sponsor charter
2 schools.

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

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

6 386.520 1. A committee to form a charter school must
7 consist of:

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

12 (b) One member who:

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

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

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

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

21 (1) Accounting;

22 (2) Financial services;

23 (3) Law; or

24 (4) Human resources.

25 2. In addition to the members who serve pursuant to subsection
26 1, the committee to form a charter school may include, without
27 limitation, not more than four additional members as follows:

28 (a) Members of the general public;

29 (b) Representatives of nonprofit organizations and businesses;
30 or

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

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

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

39 (a) Presents ~~the~~ **a clear, measurable and high-quality**
40 academic, financial and organizational vision and plans for the
41 proposed charter school; and

42 (b) Provides the proposed sponsor of the charter school with a
43 clear basis for assessing the capacity of the applicant to carry out the
44 vision and plans.



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

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

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

9 (1) Improving the academic achievement of pupils;

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

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

14 (4) Establishing accountability and transparency of public
15 schools;

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

18 (6) Creating new professional opportunities for teachers.

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

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

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

40 (f) The *minimum, planned and maximum* projected enrollment
41 of pupils in *each grade in* the charter school ~~†~~
42 ~~—(d)†~~ *for each year that the charter school would operate under*
43 *the proposed charter contract.*

44 (g) The *procedure for applying for enrollment in the proposed*
45 *charter school, which must include, without limitation, the*



1 proposed dates for accepting applications for enrollment in ~~{the~~
2 ~~initial}~~ *each* year of operation ~~{of the charter school}.~~

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

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

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

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

28 (i) ~~{The qualifications of the persons who will provide~~
29 ~~instruction at the charter school.}~~ *A description of the proposed*
30 *instructional design of the charter school and the type of learning*
31 *environment the school will provide, including, without limitation,*
32 *whether the charter school will provide a program of distance*
33 *education, the planned class size and structure, the proposed*
34 *curriculum for the charter school and the teaching methods that*
35 *will be used at the charter school.*

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

43 (k) ~~{A financial plan for the operation of the charter school. The~~
44 ~~plan must include, without limitation, procedures for the audit of the~~
45 ~~programs and finances of the charter school and guidelines for~~



1 ~~determining the financial liability if the charter school is~~
2 ~~unsuccessful.] A description of any co-curricular or~~
3 ~~extracurricular activities that the school plans to offer and the~~
4 ~~manner in which these programs will be funded.~~

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

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

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

14 (o) A chart that clearly presents the proposed organizational
15 structure of the school and a clear description of the roles and
16 responsibilities of the governing body, administrators and any
17 other persons included on the chart and a table summarizing the
18 decision-making responsibilities of the staff and governing body of
19 the charter school and, if applicable, the charter management
20 organization that operates the charter school. The table must also
21 identify the person responsible for each activity conducted by the
22 charter school, including, without limitation, the person
23 responsible for establishing curriculum and culture, providing
24 professional development to employees of the charter school and
25 making determinations concerning the staff of the charter school.

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

25 (3) *Conduct parent-teacher conferences; and*

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

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

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

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

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

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



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

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

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

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

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

18 (2) *A term sheet that sets forth:*

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

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

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

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

31 (V) *A disclosure of the investments made by the*
32 *educational management organization or other person in the*
33 *proposed charter school; and*

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

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

43 (kk) *Any additional information that the sponsor determines is*
44 *necessary to evaluate the ability of the proposed charter school to*



1 *serve pupils in the school district in which the proposed charter*
2 *school will be located.*

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

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

17 (a) Holds a current license to teach issued pursuant to chapter
18 391 of NRS or who previously held such a license and is retired, as
19 long as his or her license was held in good standing; and

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

21 ➔ The term does not include a person who is employed as a
22 substitute teacher.

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

24 386.525 1. A *committee to form a charter school or charter*
25 *management organization* may submit the application to the
26 proposed sponsor of the charter school. If an application proposes to
27 convert an existing public school, homeschool or other program of
28 home study into a charter school, the proposed sponsor shall deny
29 the application.

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

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

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

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



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

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

6 (a) The application:

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

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

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

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

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

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

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



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

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

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

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

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

44 *(b) Authorize or require an applicant to submit an abbreviated*
45 *application, the contents of such an application and criteria that*



1 *the State Public Charter School Authority will use to determine*
2 *whether to invite the applicant to submit a full application that*
3 *meets the requirements of NRS 386.520 or deny the abbreviated*
4 *application and recommend that the applicant make substantial*
5 *revisions and submit the application during another application*
6 *cycle.*

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

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

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

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

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

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

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

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

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

36 (c) *The current status of the application; and*

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

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

39 **386.527** 1. *If the proposed sponsor of a charter school*
40 *approves an application to form a charter school, it shall, before*
41 *June 11, 2013, grant a written charter to the governing body of*
42 *the charter school or, on or after June 11, 2013, negotiate and*
43 *execute a charter contract with the governing body of the charter*
44 *school. A charter contract must be executed not later than 60 days*



1 before the charter school commences operation. The charter contract
2 must be in writing and incorporate, without limitation:

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

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

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

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

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

- 29 (a) Written notice of the charter contract and the date of
30 execution; and
- 31 (b) A copy of the charter contract and any other documentation
32 relevant to the charter contract.

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

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

- 37 (a) The State Public Charter School Authority shall be deemed
38 the sponsor of the charter school.
- 39 (b) Neither the State of Nevada, the State Board, the State
40 Public Charter School Authority nor the Department is an employer
41 of the members of the governing body of the charter school or any
42 of the employees of the charter school.

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



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

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

6 8. The governing body of a charter school may request, at any
7 time, a change in the sponsorship of the charter school to an entity
8 that is authorized to sponsor charter schools pursuant to NRS
9 386.515. The State Board shall adopt:

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

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

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

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

43 11. A charter school shall not commence operation *in a facility
44 in which the charter school has not previously operated* and is not
45 eligible to receive apportionments *for pupils enrolled in such a*



1 *facility* pursuant to NRS 387.124 until the sponsor has determined
2 that the requirements of this section have been satisfied and that the
3 facility the charter school will occupy has been inspected and meets
4 the requirements of any applicable building codes, codes for the
5 prevention of fire, and codes pertaining to safety, health and
6 sanitation. Except as otherwise provided in this subsection, the
7 sponsor shall make such a determination 30 days before the first day
8 of school for the:

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

12 (b) Charter school,
13 ↪ whichever date the sponsor selects. The sponsor shall not require
14 a charter school to demonstrate compliance with the requirements of
15 this subsection more than 30 days before the date selected.
16 However, it may authorize a charter school to demonstrate
17 compliance less than 30 days before the date selected.

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

19 386.527 1. If the proposed sponsor of a charter school
20 approves an application to form a charter school, it shall negotiate
21 and execute a charter contract with the governing body of the
22 charter school. A charter contract must be executed not later than 60
23 days before the charter school commences operation. The charter
24 contract must be in writing and incorporate, without limitation:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

28 8. The governing body of a charter school may request, at any
29 time, a change in the sponsorship of the charter school to an entity
30 that is authorized to sponsor charter schools pursuant to NRS
31 386.515. The State Board shall adopt:

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

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

38 9. A charter contract must be for a term of 6 years. The term of
39 the charter contract begins on the first day of operation of the
40 charter school after the charter contract has been executed. The
41 sponsor of the charter school may require, or the governing body of
42 the charter school may request that the sponsor authorize, the charter
43 school to delay commencement of operation for 1 school year.

44 10. The governing body of a charter school may submit to the
45 sponsor of the charter school a written request for an amendment of



1 the charter contract. ~~Such an amendment may include, without~~
2 ~~limitation, the expansion of instruction and other educational~~
3 ~~services to pupils who are enrolled in grade levels other than the~~
4 ~~grade levels of pupils currently approved for enrollment in the~~
5 ~~charter school.~~ If the proposed amendment complies with the
6 provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to*
7 *8, inclusive, of this act*, and any other statute or regulation
8 applicable to charter schools, the sponsor and the governing body of
9 the charter school may amend the charter contract in accordance
10 with the proposed amendment. If the sponsor denies the request for
11 an amendment, the sponsor shall provide written notice to the
12 governing body of the charter school setting forth the reasons for the
13 denial.

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

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

28 (b) Charter school,
29 ↪ whichever date the sponsor selects. The sponsor shall not require
30 a charter school to demonstrate compliance with the requirements of
31 this subsection more than 30 days before the date selected.
32 However, it may authorize a charter school to demonstrate
33 compliance less than 30 days before the date selected.

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

35 386.528 1. ~~The~~ *Each sponsor of a charter school shall*
36 *adopt a performance framework that is required to be incorporated*
37 *and incorporate the performance framework* into the charter
38 contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 .
39 *The performance framework* must include, without limitation,
40 performance indicators, measures and metrics for the categories of
41 academics, finances and organization as follows:

42 (a) The category of academics addresses:

43 (1) The academic achievement and proficiency of pupils
44 enrolled in the charter school, including, without limitation, the
45 progress of pupils from year-to-year based upon the model to



1 measure the achievement of pupils adopted by the Department
2 pursuant to NRS 385.3595;

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

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

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

11 (c) The category of organization addresses:

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

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

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

20 2. In addition to the requirements for the performance
21 framework set forth in subsection 1, the sponsor of the charter
22 school may, upon request of the governing body of the charter
23 school, include additional rigorous, valid and reliable performance
24 indicators, measures and metrics in the performance framework that
25 are specific to the mission of the charter school and that are
26 consistent with NRS 386.490 to 386.649, inclusive **H**, *and sections*
27 *2 to 8, inclusive, of this act.*

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

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

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



1 6. *The sponsor of the charter school may aggregate data*
2 *reported by the State and collected by the sponsor concerning*
3 *pupil achievement and school performance at separate facilities*
4 *operated by the same governing body or charter management*
5 *organization and across all grades served by the charter school for*
6 *the purpose of evaluating and reporting pupil achievement and*
7 *school performance. Such an aggregation of data may include,*
8 *without limitation, a weighted average of data concerning pupil*
9 *achievement and school performance of each elementary school,*
10 *junior high school, middle school or high school program*
11 *operated by the charter school. The sponsor may also disaggregate*
12 *such data by facility and by grade level or group of grade levels to*
13 *provide greater transparency and accountability. The sponsor may*
14 *also adopt policies for determining pupil achievement and school*
15 *performance at a charter school. Any data reported pursuant to*
16 *this subsection must be reported in a manner that complies with*
17 *the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.*
18 *§ 1232g, and any regulations adopted pursuant thereto.*

19 7. *The State Board may adopt regulations to place*
20 *requirements on the manner in which data is reported by the*
21 *board of trustees of a school district or a college or university*
22 *within the Nevada System of Higher Education that sponsors a*
23 *charter school including, without limitation, the manner in which*
24 *data must be aggregated or disaggregated in any report.*

25 8. *The State Public Charter School Authority may adopt*
26 *regulations establishing requirements concerning the manner in*
27 *which it reports data including, without limitation, the manner in*
28 *which data must be aggregated or disaggregated in any report.*

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

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

37 (a) A summary of the performance of the charter school based
38 upon the terms of the charter contract and the requirements of NRS
39 386.490 to 386.649, inclusive **H**, *and sections 2 to 8, inclusive, of*
40 *this act;*

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



1 (c) Requirements for the application for renewal of the charter
2 contract submitted to the sponsor pursuant to subsection ~~2;~~ 3; and

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

10 2. The governing body of a charter school may submit a
11 written response to the sponsor of the charter school concerning the
12 performance report prepared by the sponsor pursuant to subsection
13 1, which may include any revisions or clarifications that the
14 governing body seeks to make to the report.

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

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

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

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

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

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

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



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

4 5. The sponsor of the charter school shall:

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

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

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

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

12 386.535 Except as otherwise provided in NRS 386.5351:

13 1. ~~The~~ *Except as otherwise provided in subsection 6, the*
14 sponsor of a charter school may *reconstitute the governing body of*
15 *a charter school*, revoke a written charter or terminate a charter
16 contract before the expiration of the charter if the sponsor
17 determines that:

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

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

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

23 (3) Failed to comply with the provisions of NRS 386.490 to
24 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, or any
25 other statute or regulation applicable to charter schools; or

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

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

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

40 (d) *The sponsor determines that the committee to form the*
41 *charter school or charter management organization, as applicable,*
42 *or any member of the committee to form the charter school or*
43 *charter management organization, as applicable, or the governing*
44 *body of the charter school has at any time made a material*



1 *misrepresentation or omission concerning any information*
2 *disclosed to the sponsor;*

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

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

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

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

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

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

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

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

34 3. Except as otherwise provided in subsection 4, not more than
35 90 days after the notice is provided pursuant to subsection 2, the
36 sponsor shall hold a public hearing to make a determination
37 regarding whether to *reconstitute the governing body*, revoke the
38 written charter or terminate the charter contract. If the charter school
39 corrects the deficiencies to the satisfaction of the sponsor within the
40 time prescribed in paragraph (b) of subsection 2, the sponsor shall
41 not *reconstitute the governing body*, revoke the written charter or
42 terminate the charter contract of the charter school. The sponsor
43 may not include in a written notice pursuant to subsection 2 any
44 deficiency which was included in a previous written notice and
45 which was corrected by the charter school, unless the deficiency



1 recurred after being corrected ~~H~~ *or the sponsor determines that the*
2 *deficiency is evidence of an ongoing pattern of deficiencies in a*
3 *particular area.*

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

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

15 6. *The governing body of a charter school may not be*
16 *reconstituted if it has been previously reconstituted.*

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

18 386.5351 1. The sponsor of a charter school shall revoke the
19 written charter or terminate the charter contract of the charter school
20 if the charter school receives *, in any period of 5 consecutive school*
21 *years,* three ~~consecutive~~ annual ratings established as the lowest
22 rating possible indicating underperformance of a public school, as
23 determined by the Department pursuant to the statewide system of
24 accountability for public schools.

25 2. A charter school's annual rating pursuant to the statewide
26 system of accountability based upon the performance of the charter
27 school for any school year before the ~~2013-2014~~ *2015-2016* school
28 year must not be included in the count of ~~consecutive~~ annual
29 ratings for the purposes of ~~this subsection.~~
30 ~~2.~~ *subsection 1.*

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

37 ~~3.~~ 4. The provisions of NRS 386.535 do not apply to the
38 revocation of a written charter or termination of a charter contract
39 pursuant to this section.

40 **Sec. 29.** (Deleted by amendment.)

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

42 386.536 1. If a charter school ceases to operate voluntarily, if
43 a charter contract is not renewed or ~~upon revocation of~~ *if* a written
44 charter *is revoked* or ~~termination of~~ a charter contract ~~is~~ *is*
45 *terminated and the sponsor does not recruit a governing body of*



1 *another charter school to operate another campus of the other*
2 *charter school to replace the charter school whose written charter*
3 *is revoked or whose charter contract is terminated pursuant to*
4 *section 6 of this act*, as applicable, the governing body of the charter
5 school shall:

6 (a) Give written notice of the closure to:

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

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

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

16 (4) The Department;

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

19 (6) The creditors of the charter school;

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

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

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

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

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

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

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

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

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



1 (a) The date of closure;
2 (b) A statement of the plan of the charter school to assist pupils
3 to identify and transfer to another school; and

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

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

12 (a) Charter school;

13 (b) Employees of the charter school; and

14 (c) Pupils enrolled in the charter school.

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

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

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

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

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

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

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

41 7. The governing body of the charter school or the sponsor of
42 the charter school may, to the extent practicable, provide financial
43 compensation to the administrator or person appointed to carry out
44 the provisions of this section. If the sponsor of the charter school
45 provides such financial compensation, the sponsor is entitled to



1 receive reimbursement from the charter school for the costs incurred
2 by the sponsor in providing the financial compensation. Such
3 reimbursement must not exceed costs incurred for a period longer
4 than 6 months.

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

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

14 (a) Give written notice of the closure to:

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

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

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

22 (4) The Department;

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

25 (6) The creditors of the charter school;

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

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

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

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

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

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



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

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

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

7 (a) The date of closure;

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

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

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

18 (a) Charter school;

19 (b) Employees of the charter school; and

20 (c) Pupils enrolled in the charter school.

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

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

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

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

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

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

42 (d) After the financial affairs of the charter school have been
43 wound up and the closure of the charter school has otherwise been
44 completed, cause a financial audit to be prepared and cause a written



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1 report of the audit to be prepared for the sponsor of the charter
2 school and the Department.

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

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

13 386.540 1. The Department shall adopt regulations that
14 prescribe:

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

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

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

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

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

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

44 (g) The process for submission of an amendment of a written
45 charter or a charter contract *to the board of trustees of a school*



1 *district and a college or university within the Nevada System of*
2 *Higher Education* pursuant to NRS 386.527 and the contents of the
3 application ~~H~~; and

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

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

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

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

17 (a) Procedures for accounting and budgeting;

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

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

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

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

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

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

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

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



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

2 386.540 1. The Department shall adopt regulations that
3 prescribe:

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

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

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

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

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

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

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

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

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

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



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

5 (a) Procedures for accounting and budgeting;

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

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

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

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

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

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

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

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

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

34 386.545 1. The Department and the board of trustees of a
35 school district shall:

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

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

40 2. The sponsor of a charter school shall:

41 (a) Provide reasonable assistance to an applicant for a charter
42 school and to a charter school in carrying out the provisions of NRS
43 386.490 to 386.649, inclusive ~~and~~, *and sections 2 to 8, inclusive, of*
44 *this act;*



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

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

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

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

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

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

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

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

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

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

41 386.547 The State ~~Board~~ *Public Charter School Authority*
42 shall:

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

44 (a) *In consultation with the Department and each board of*
45 *trustees of a school district and college or university within the*



1 *Nevada System of Higher Education that sponsors a charter*
2 *school, review* all statutes and regulations from which charter
3 schools are *not* exempt and determine whether such ~~exemption~~
4 *statutes and regulations* assisted or impeded the charter schools in
5 achieving their ~~educational~~ *academic, fiscal and organizational*
6 goals and objectives ~~};~~ ;

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

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

15 2. Make available information concerning the formation and
16 operation of charter schools in this State *and the academic, fiscal*
17 *and organizational performance of each charter school in this*
18 *State* to pupils, parents and legal guardians of pupils, teachers and
19 other educational personnel and members of the general public. *The*
20 *State Public Charter School Authority shall update such*
21 *information annually.*

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

23 386.549 1. ~~The~~ *Unless a waiver is granted pursuant to*
24 *subsection 6 of NRS 386.520, the* governing body of a charter
25 school must consist of:

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

30 (b) One member who:

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

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

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

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

39 (1) Accounting;

40 (2) Financial services;

41 (3) Law; or

42 (4) Human resources.

43 2. In addition to the members who serve pursuant to subsection
44 1, the governing body of a charter school may include, without
45 limitation, parents and representatives of nonprofit organizations



1 and businesses. ~~Not~~ *Unless a waiver is granted pursuant to*
2 *subsection 6 of NRS 386.520, not* more than two persons who serve
3 on the governing body may represent the same organization or
4 business or otherwise represent the interests of the same
5 organization or business. A majority of the members of the
6 governing body must reside in this State. If the membership of the
7 governing body changes, the governing body shall provide written
8 notice to the sponsor of the charter school within 10 working days
9 after such change.

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

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

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

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

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

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

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

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

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



1 ↳ The term does not include a person who is employed as a
2 substitute teacher.

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

4 386.549 1. Unless a waiver is granted pursuant to subsection
5 6 of NRS 386.520, the governing body of a charter school must
6 consist of:

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

11 (b) One member who:

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

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

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

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

20 (1) Accounting;

21 (2) Financial services;

22 (3) Law; or

23 (4) Human resources.

24 2. In addition to the members who serve pursuant to subsection
25 1, the governing body of a charter school may include, without
26 limitation, parents and representatives of nonprofit organizations
27 and businesses. Unless a waiver is granted pursuant to subsection 6
28 of NRS 386.520, not more than two persons who serve on the
29 governing body may represent the same organization or business or
30 otherwise represent the interests of the same organization or
31 business. A majority of the members of the governing body must
32 reside in this State. If the membership of the governing body
33 changes, the governing body shall provide written notice to the
34 sponsor of the charter school within 10 working days after such
35 change.

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

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

42 (b) Has received training or read and understands material
43 concerning the roles and responsibilities of members of governing
44 bodies of charter schools and other training and material designed to
45 assist the governing bodies of charter schools, if such training and



1 material is provided to the person by the sponsor or an application to
2 form a charter school or amend ~~{a written charter or}~~ charter
3 contract provides that the member would receive such training or
4 read and understand such material.

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

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

12 5. The governing body of a charter school shall, during each
13 calendar quarter, hold at least one regularly scheduled public
14 meeting in the county in which a facility operated by the charter
15 school where pupils receive instruction is located. Upon an
16 affirmative vote of a majority of the membership of the governing
17 body, each member is entitled to receive a salary of not more than
18 \$80 for attendance at each meeting, as fixed by the governing body,
19 not to exceed payment for more than one meeting per month.

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

21 (a) Holds a current license to teach issued pursuant to chapter
22 391 of NRS or who previously held such a license and is retired, as
23 long as his or her license was held in good standing; and

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

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

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

28 386.550 1. A charter school shall:

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

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

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

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

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

41 (f) Except as otherwise provided in this paragraph, schedule and
42 provide annually at least as many days of instruction as are required
43 of other public schools located in the same school district as the
44 charter school is located. The governing body of a charter school
45 may submit a written request to the Superintendent of Public



1 Instruction for a waiver from providing the days of instruction
2 required by this paragraph. The Superintendent of Public Instruction
3 may grant such a request if the governing body demonstrates to the
4 satisfaction of the Superintendent that:

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

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

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

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

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

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

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

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

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



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

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

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

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

15 386.560 1. The governing body of a charter school may
16 contract with the board of trustees of the school district in which the
17 charter school is located or in which a pupil enrolled in the charter
18 school resides or with the Nevada System of Higher Education for
19 the provision of facilities to operate the charter school or to perform
20 any service relating to the operation of the charter school, including,
21 without limitation, transportation, the provision of health services
22 for the pupils who are enrolled in the charter school and the
23 provision of school police officers. If the board of trustees of a
24 school district or a college or university within the Nevada System
25 of Higher Education is the sponsor of the charter school, the
26 governing body and the sponsor must enter into a service agreement
27 pursuant to NRS 386.561 before the provision of such services. *If*
28 *the board of trustees of a school district provides services to a*
29 *charter school pursuant to this section, it shall not charge more*
30 *than its cost for providing such services determined on a cost per*
31 *pupil basis.*

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

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

40 4. A charter school may:

41 (a) Acquire by construction, purchase, devise, gift, exchange or
42 lease, or any combination of those methods, and construct,
43 reconstruct, improve, maintain, equip and furnish any building,
44 structure or property to be used for any of its educational purposes
45 and the related appurtenances, easements, rights-of-way,



1 improvements, paving, utilities, landscaping, parking facilities and
2 lands;

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

5 (c) Borrow money and otherwise incur indebtedness; and

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

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

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

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

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

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

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

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

39 ➤ If the board of trustees of a school district authorizes a pupil to
40 participate in sports pursuant to this subsection, the board of trustees
41 is not required to provide transportation for the pupil to participate

42 ***⚠ unless there is space available on the transportation provided
43 by the board of trustees and the parent of the pupil or the charter
44 school makes arrangements for the pupil to be at a designated
45 place to be picked up at a designated time.***



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

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

12 386.562 1. A contract or a proposed contract between a
13 charter school or a proposed charter school and a contractor or an
14 educational management organization must not:

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

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

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

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

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

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

42 (g) Require the charter school or proposed charter school to
43 request or borrow money from this State to pay the contractor or
44 educational management organization if the contractor or



1 educational management organization will provide financial
2 management to the charter school or proposed charter school;

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

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

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

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

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

26 *(m) Require automatic renewal of the contract or provide that*
27 *the contract remains in effect if the governing body of a charter*
28 *school is reconstituted, a written charter is revoked or a charter*
29 *contract is terminated pursuant to NRS 386.535 or 386.5351, as*
30 *applicable;*

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

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

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

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

44 2. As used in this section, "contractor" or "educational
45 management organization" means a corporation, business,



1 organization or other entity, whether or not conducted for profit,
2 with whom a committee to form a charter school or the governing
3 body of a charter school, as applicable, contracts to assist with the
4 operation, management or provision and implementation of
5 educational services and programs of the charter school or proposed
6 charter school. The term includes a corporation, business,
7 organization or other entity that directly employs and provides
8 personnel to a charter school or proposed charter school.

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

10 386.562 1. A contract or a proposed contract between a
11 charter school or a proposed charter school and a contractor or an
12 educational management organization must not:

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

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

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

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

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

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

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



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

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

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

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

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

24 (m) Require automatic renewal of the contract or provide that
25 the contract remains in effect if the governing body of a charter
26 school is reconstituted ~~+, a written charter is revoked~~ or a charter
27 contract is terminated pursuant to NRS 386.535 or 386.5351, as
28 applicable;

29 (n) Contain any provision that would delay or prevent the
30 approval of an application by the governing body of the charter
31 school for an exemption from federal taxation pursuant to 26 U.S.C.
32 § 501 (c)(3);

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

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

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

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



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

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

8 386.577 1. After deducting the costs directly related to
9 administering the Account for Charter Schools, the State Public
10 Charter School Authority may use the money in the Account for
11 Charter Schools, including repayments of principal and interest on
12 loans made from the Account, and interest and income earned on
13 money in the Account, only to make loans at or below market rate to
14 charter schools for the costs ~~incurred~~ *identified in the loan*
15 *application for use:*

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

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

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

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

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

27 386.578 1. If the governing body of a charter school has a
28 written charter issued or a charter contract executed pursuant to
29 NRS 386.527, the governing body may submit an application to the
30 State Public Charter School Authority for a loan from the Account
31 for Charter Schools. An application must include a written
32 description of the manner in which the loan will be used to prepare
33 the charter school for its first year of operation or to improve a
34 charter school that has been in operation.

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

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

43 (a) Shall adopt regulations that prescribe the:



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

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

6 (b) May adopt such other regulations as it deems necessary to
7 carry out the provisions of this section and NRS 386.576 and
8 386.577.

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

10 386.580 1. An application for enrollment in a charter school
11 may be submitted to the governing body of the charter school by the
12 parent or legal guardian of any child who resides in this State.
13 Except as otherwise provided in this subsection, ~~and~~ subsection 2
14 ~~and section 6 of this act~~, a charter school shall enroll pupils who
15 are eligible for enrollment in the order in which the applications are
16 received. If the board of trustees of the school district in which the
17 charter school is located has established zones of attendance
18 pursuant to NRS 388.040, the charter school shall, if practicable,
19 ensure that the racial composition of pupils enrolled in the charter
20 school does not differ by more than 10 percent from the racial
21 composition of pupils who attend public schools in the zone in
22 which the charter school is located. If a charter school is sponsored
23 by the board of trustees of a school district located in a county
24 whose population is 100,000 or more, except for a program of
25 distance education provided by the charter school, the charter school
26 shall enroll pupils who are eligible for enrollment who reside in the
27 school district in which the charter school is located before enrolling
28 pupils who reside outside the school district. Except as otherwise
29 provided in subsection 2, if more pupils who are eligible for
30 enrollment apply for enrollment in the charter school than the
31 number of spaces which are available, the charter school shall
32 determine which applicants to enroll pursuant to this subsection on
33 the basis of a lottery system.

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

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

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

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

43 (1) Employed by the charter school;

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

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



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

4 (e) Resides within the school district and within 2 miles of the
5 charter school if the charter school is located in an area that the
6 sponsor of the charter school determines includes a high percentage
7 of children who are at risk. If space is available after the charter
8 school enrolls pupils pursuant to this paragraph, the charter school
9 may enroll children who reside outside the school district but within
10 2 miles of the charter school if the charter school is located within
11 an area that the sponsor determines includes a high percentage of
12 children who are at risk.

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

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

- 20 (a) Race;
- 21 (b) Gender;
- 22 (c) Religion;
- 23 (d) Ethnicity; or
- 24 (e) Disability,

25 ↪ of a pupil.

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

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

41 (a) Space for the child in the class or extracurricular activity is
42 available;

43 (b) The parent or legal guardian demonstrates to the satisfaction
44 of the governing body that the child is qualified to participate in the
45 class or extracurricular activity; and



1 (c) The child is a homeschooled child and a notice of intent of a
2 homeschooled child to participate in programs and activities is filed
3 for the child with the school district in which the child resides for
4 the current school year pursuant to NRS 392.705.

5 ➔ If the governing body of a charter school authorizes a child to
6 participate in a class or extracurricular activity pursuant to this
7 subsection, the governing body is not required to provide
8 transportation for the child to attend the class or activity. A charter
9 school shall not authorize such a child to participate in a class or
10 activity through a program of distance education provided by the
11 charter school pursuant to NRS 388.820 to 388.874, inclusive.

12 6. The governing body of a charter school may revoke its
13 approval for a child to participate in a class or extracurricular
14 activity at a charter school pursuant to subsection 5 if the governing
15 body determines that the child has failed to comply with applicable
16 statutes, or applicable rules and regulations. If the governing body
17 so revokes its approval, neither the governing body nor the charter
18 school is liable for any damages relating to the denial of services to
19 the child.

20 7. The governing body of a charter school may, before
21 authorizing a homeschooled child to participate in a class or
22 extracurricular activity pursuant to subsection 5, require proof of the
23 identity of the child, including, without limitation, the birth
24 certificate of the child or other documentation sufficient to establish
25 the identity of the child.

26 8. This section does not preclude the formation of a charter
27 school that is dedicated to provide educational services exclusively
28 to pupils:

29 (a) With disabilities;

30 (b) Who pose such severe disciplinary problems that they
31 warrant a specific educational program, including, without
32 limitation, a charter school specifically designed to serve a single
33 gender that emphasizes personal responsibility and rehabilitation; or

34 (c) Who are at risk.

35 ➔ If more eligible pupils apply for enrollment in such a charter
36 school than the number of spaces which are available, the charter
37 school shall determine which applicants to enroll pursuant to this
38 subsection on the basis of a lottery system.

39 **Sec. 45.** NRS 386.584 is hereby amended to read as follows:

40 386.584 1. If a charter school provides instruction to pupils
41 enrolled in a high school grade level and the charter school requires
42 those pupils to satisfy requirements for graduation from high school
43 that are less than the requirements imposed by the school district in
44 which the charter school is located, the charter school shall not issue
45 a high school diploma of the school district but may issue a high



1 school diploma which clearly indicates that it is a diploma issued by
2 a charter school. If a charter school requires its pupils to satisfy
3 requirements for graduation from high school that meet or exceed
4 the requirements of the school district in which the charter school is
5 located, the charter school may issue a high school diploma of the
6 school district or a high school diploma of the charter school.

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

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

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

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

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

25 386.585 1. A governing body of a charter school shall adopt:

26 (a) Written rules of behavior required of and prohibited for
27 pupils attending the charter school; and

28 (b) Appropriate punishments for violations of the rules.

29 2. Except as otherwise provided in subsection 3, if suspension
30 or expulsion of a pupil is used as a punishment for a violation of the
31 rules, the charter school shall ensure that, before the suspension or
32 expulsion, the pupil *and, if the pupil is under 18 years of age, the*
33 *parent or guardian of the pupil*, has been given notice of the
34 charges against him or her, an explanation of the evidence and an
35 opportunity for a hearing. The provisions of chapter 241 of NRS do
36 not apply to any hearing conducted pursuant to this section. Such a
37 hearing must be closed to the public.

38 3. A pupil who poses a continuing danger to persons or
39 property or an ongoing threat of disrupting the academic process or
40 who is selling or distributing any controlled substance or who is
41 found to be in possession of a dangerous weapon as provided in
42 NRS 392.466 may be removed from the charter school immediately
43 upon being given an explanation of the reasons for his or her
44 removal and pending proceedings, which must be conducted as soon



1 as practicable after removal, for suspension or expulsion of the
2 pupil.

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

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

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

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

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

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

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

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

29 386.590 1. Except as otherwise provided in this subsection,
30 at least 70 percent of the teachers who provide instruction at a
31 charter school must be ~~licensed teachers.~~ *highly qualified*. If a
32 charter school is a vocational school, the charter school shall, to the
33 extent practicable, ensure that at least 70 percent of the teachers who
34 provide instruction at the school are ~~licensed teachers.~~ *highly*
35 *qualified*, but in no event may ~~more~~ *less* than 50 percent of the
36 teachers who provide instruction at the school be ~~unlicensed~~
37 ~~teachers.~~

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

39 ~~(a) If the charter school offers instruction in kindergarten or~~
40 ~~grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who~~
41 ~~are enrolled in those grades. If required by subsection 3 or 4, such a~~
42 ~~teacher must possess the qualifications required by 20 U.S.C. §~~
43 ~~6319(a).~~

44 ~~(b) If the charter school offers instruction in grade 9, 10, 11 or~~
45 ~~12, a licensed teacher to teach pupils who are enrolled in those~~



1 ~~grades for the subjects set forth in subsection 4. If required by~~
2 ~~subsection 3 or 4, such a teacher must possess the qualifications~~
3 ~~required by 20 U.S.C. § 6319(a).~~

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

5 ~~—(1) **highly qualified.**~~

6 2. If a charter school specializes in **arts** :

7 (a) **Arts** and humanities, physical education or health education,
8 a **licensed** teacher **must be highly qualified** to teach those courses
9 of study.

10 ~~{(2) If a charter school specializes in the}~~

11 (b) **The** construction industry or other building industry,
12 **licensed** teachers **must be highly qualified** to teach courses of
13 study relating to the industry if those teachers are employed full-
14 time.

15 ~~{(3) If a charter school specializes in the}~~

16 (c) **The** construction industry or other building industry and the
17 school offers courses of study in computer education, technology or
18 business, **licensed** teachers **must be highly qualified** to teach those
19 courses of study if those teachers are employed full-time.

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

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

32 (a) English, reading or language arts;

33 (b) Mathematics;

34 (c) Science;

35 (d) Foreign language;

36 (e) Civics or government;

37 (f) Economics;

38 (g) Geography;

39 (h) History; or

40 (i) The arts.

41 5. Except as otherwise provided in NRS 386.588, a charter
42 school may employ a person who is not ~~licensed pursuant to the~~
43 ~~provisions of chapter 391 of NRS~~ **highly qualified** to teach a
44 course of study for which a **licensed** teacher is not required



1 ~~1~~ pursuant to subsections 2, 3 and 4 to be highly qualified if the
2 person has:

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

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

6 6. *A teacher who is employed by a charter school to teach
7 special education or English as a second language must be
8 licensed to teach special education or English as a second
9 language, as applicable.*

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

13 (a) A valid teacher's license issued pursuant to chapter 391 of
14 NRS with an administrative endorsement;

15 (b) A master's degree in school administration, public
16 administration or business administration; or

17 (c) At least 5 years of experience in school administration,
18 public administration or business administration and a baccalaureate
19 degree.

20 ~~17~~ 8. Except as otherwise provided in subsection ~~18~~ 9, the
21 portion of the salary or other compensation of an administrator
22 employed by a charter school that is derived from public funds must
23 not exceed the salary or other compensation, as applicable, of the
24 highest paid administrator in a comparable position in the school
25 district in which the charter school is located. For purposes of
26 determining the salary or other compensation of the highest paid
27 administrator in a comparable position in the school district, the
28 salary or other compensation of the superintendent of schools of that
29 school district must not be included in the determination.

30 ~~18~~ 9. If the salary or other compensation paid to an
31 administrator employed by a charter school from public funds
32 exceeds the maximum amount prescribed in subsection ~~17~~ 8, the
33 sponsor of the charter school shall conduct an audit of the salary or
34 compensation. The audit must include, without limitation, a review
35 of the reasons set forth by the governing body of the charter school
36 for the salary or other compensation and the interests of the public
37 in using public funds to pay that salary or compensation. If the
38 sponsor determines that the payment of the salary or other
39 compensation from public funds is justified, the sponsor shall
40 provide written documentation of its determination to the governing
41 body of the charter school and to the Department. If the sponsor
42 determines that the payment of the salary or other compensation
43 from public funds is not justified, the governing body of the charter
44 school shall reduce the salary or compensation paid to the



1 administrator from public funds to an amount not to exceed the
2 maximum amount prescribed in subsection ~~7.1~~ 8.

3 ~~9.1~~ 10. A charter school shall not employ a person pursuant to
4 this section if the person's license to teach or provide other
5 educational services has been revoked or suspended in this State or
6 another state.

7 ~~10.1~~ 11. On or before November 15 of each year, a charter
8 school shall submit to the Department, in a format prescribed by the
9 Superintendent of Public Instruction, the following information for
10 each person who is licensed pursuant to chapter 391 of NRS and
11 who is employed by the governing body on October 1 of that year:

12 (a) The amount of salary or compensation of the licensed
13 person, including, without limitation, verification of compliance
14 with subsection ~~7.1~~ 8, if applicable to that person; and

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

17 *12. For purposes of this section, a teacher is highly qualified:*

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

24 *(1) Meets the qualifications prescribed in 20 U.S.C. §*
25 *7801(23)(B) or (C), as applicable; and*

26 *(2) Is licensed to teach pursuant to chapter 391 of NRS.*

27 *(b) If employed by a charter school that has received, within*
28 *the immediately preceding 2 consecutive school years, one of the*
29 *three highest ratings of performance pursuant to the statewide*
30 *system of accountability for public schools, or equivalent ratings*
31 *in another state, as determined by the Department, if the teacher*
32 *meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or*
33 *(C), as applicable, regardless of whether the teacher is licensed to*
34 *teach pursuant to chapter 391 of NRS.*

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

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

44 *(b) Enter into an agreement with a qualified provider of an*
45 *alternative route to licensure to provide the required education*



1 *and training to unlicensed teachers who are employed by the*
2 *school to teach such a course of study.*

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

4 388.795 1. The Commission shall establish a plan for the use
5 of educational technology in the public schools of this State. In
6 preparing the plan, the Commission shall consider:

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

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

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

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

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

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

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

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

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

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

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

37 3. The Department shall provide:

38 (a) Administrative support;

39 (b) Equipment; and

40 (c) Office space,

41 ↪ as is necessary for the Commission to carry out the provisions of
42 this section.

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

45 (a) The State Board.



- 1 (b) The board of trustees of each school district.
- 2 (c) The superintendent of schools of each school district.
- 3 (d) The Department.
- 4 5. The Commission shall:
- 5 (a) Develop technical standards for educational technology and
- 6 any electrical or structural appurtenances necessary thereto,
- 7 including, without limitation, uniform specifications for computer
- 8 hardware and wiring, to ensure that such technology is compatible,
- 9 uniform and can be interconnected throughout the public schools of
- 10 this State.
- 11 (b) Allocate money to the school districts from the Trust Fund
- 12 for Educational Technology created pursuant to NRS 388.800 and
- 13 any money appropriated by the Legislature for educational
- 14 technology, subject to any priorities for such allocation established
- 15 by the Legislature.
- 16 (c) Establish criteria for the board of trustees of a school district
- 17 that receives an allocation of money from the Commission to:
- 18 (1) Repair, replace and maintain computer systems.
- 19 (2) Upgrade and improve computer hardware and software
- 20 and other educational technology.
- 21 (3) Provide training, installation and technical support related
- 22 to the use of educational technology within the district.
- 23 (d) Submit to the Governor, the Committee and the Department
- 24 its plan for the use of educational technology in the public schools
- 25 of this State and any recommendations for legislation.
- 26 (e) Review the plan annually and make revisions as it deems
- 27 necessary or as directed by the Committee or the Department.
- 28 (f) In addition to the recommendations set forth in the plan
- 29 pursuant to subsection 2, make further recommendations to the
- 30 Committee and the Department as the Commission deems
- 31 necessary.
- 32 6. During the spring semester of each even-numbered school
- 33 year, the Commission shall conduct an assessment of the needs of
- 34 each school district relating to educational technology. In
- 35 conducting the assessment, the Commission shall consider:
- 36 (a) The recommendations set forth in the plan pursuant to
- 37 subsection 2;
- 38 (b) The plan for educational technology of each school district,
- 39 if applicable;
- 40 (c) Evaluations of educational technology conducted for the
- 41 State or for a school district, if applicable; and
- 42 (d) Any other information deemed relevant by the Commission.
- 43 ➔ The Commission shall submit a final written report of the
- 44 assessment to the Superintendent of Public Instruction on or before
- 45 April 1 of each even-numbered year.



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

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

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

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

20 388.800 1. The Trust Fund for Educational Technology is
21 hereby created in the State General Fund. The Trust Fund must be
22 administered by the Superintendent of Public Instruction. The
23 Superintendent may accept gifts and grants of money from any
24 source for deposit in the Trust Fund. Any such money may be
25 expended in accordance with the terms and conditions of the gift or
26 grant, or in accordance with subsection 3.

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

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

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

37 388.805 The Department shall, in consultation with the
38 Commission, adopt regulations that establish a program whereby
39 school districts *and charter schools* may apply to the Commission
40 on Educational Technology for money from the Trust Fund for
41 Educational Technology.

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

43 391.170 1. Except as otherwise provided in subsection 2, a
44 teacher or other employee for whom a license is required is not



1 entitled to receive any portion of public money for schools as
2 compensation for services rendered unless he or she:

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

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

11 2. The provisions of subsection 1 do not prohibit the payment
12 of public money to teachers or other employees who are employed
13 by a charter school for whom a license is not required pursuant to
14 the provisions of NRS 386.590.

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

16 288.150 1. Except as provided in subsection 4, every local
17 government employer shall negotiate in good faith through one or
18 more representatives of its own choosing concerning the mandatory
19 subjects of bargaining set forth in subsection 2 with the designated
20 representatives of the recognized employee organization, if any, for
21 each appropriate bargaining unit among its employees. If either
22 party so requests, agreements reached must be reduced to writing.

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

24 (a) Salary or wage rates or other forms of direct monetary
25 compensation.

26 (b) Sick leave.

27 (c) Vacation leave.

28 (d) Holidays.

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

30 (f) Insurance benefits.

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

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

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

37 (j) Recognition clause.

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

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

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

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



- 1 (o) Grievance and arbitration procedures for resolution of
2 disputes relating to interpretation or application of collective
3 bargaining agreements.
- 4 (p) General savings clauses.
- 5 (q) Duration of collective bargaining agreements.
- 6 (r) Safety of the employee.
- 7 (s) Teacher preparation time.
- 8 (t) Materials and supplies for classrooms.
- 9 (u) The policies for the transfer and reassignment of teachers.
- 10 (v) Procedures for reduction in workforce consistent with the
11 provisions of this chapter.
- 12 (w) Procedures and requirements for the reopening of collective
13 bargaining agreements that exceed 1 year in duration for additional,
14 further, new or supplementary negotiations during periods of fiscal
15 emergency. The requirements for the reopening of a collective
16 bargaining agreement must include, without limitation, measures of
17 revenue shortfalls or reductions relative to economic indicators such
18 as the Consumer Price Index, as agreed upon by both parties.
- 19 3. Those subject matters which are not within the scope of
20 mandatory bargaining and which are reserved to the local
21 government employer without negotiation include:
- 22 (a) Except as otherwise provided in paragraph (u) of subsection
23 2, the right to hire, direct, assign or transfer an employee, but
24 excluding the right to assign or transfer an employee as a form of
25 discipline.
- 26 (b) The right to reduce in force or lay off any employee because
27 of lack of work or lack of money, subject to paragraph (v) of
28 subsection 2.
- 29 (c) The right to determine:
- 30 (1) Appropriate staffing levels and work performance
31 standards, except for safety considerations;
- 32 (2) The content of the workday, including without limitation
33 workload factors, except for safety considerations;
- 34 (3) The quality and quantity of services to be offered to the
35 public; and
- 36 (4) The means and methods of offering those services.
- 37 (d) Safety of the public.
- 38 4. Notwithstanding the provisions of any collective bargaining
39 agreement negotiated pursuant to this chapter, a local government
40 employer is entitled to take whatever actions may be necessary to
41 carry out its responsibilities in situations of emergency such as a
42 riot, military action, natural disaster or civil disorder. Those actions
43 may include the suspension of any collective bargaining agreement
44 for the duration of the emergency. Any action taken under the



1 provisions of this subsection must not be construed as a failure to
2 negotiate in good faith.

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

8 6. *If the sponsor of a charter school reconstitutes the*
9 *governing body of a charter school pursuant to NRS 386.535, the*
10 *new governing body may terminate the employment of any*
11 *teachers or other employees of the charter school, and any*
12 *provision of any agreement negotiated pursuant to this chapter*
13 *that provides otherwise is unenforceable and void.*

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

20 ~~7.1~~ 8. Contract provisions presently existing in signed and
21 ratified agreements as of May 15, 1975, at 12 p.m. remain
22 negotiable.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

42 2. Two or more governing bodies submit a request for an
43 amendment to consolidate their charter contracts, governing
44 bodies and operations to form a single charter school



1 operating one or more campuses under a new charter contract.
2 If charter schools are consolidated under such conditions:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



1 5. If a governing body is selected pursuant to this section
2 to operate another campus of an existing charter school to
3 replace a charter school ~~{whose written charter has been~~
4 ~~revoked or}~~ whose charter contract has been terminated and
5 any necessary amendments or applications are approved,
6 the charter school must enroll pupils who were enrolled in the
7 charter school ~~{whose written charter was revoked or}~~ whose
8 charter contract was terminated before enrolling other pupils.

9 6. If the sponsor of a charter school reconstitutes the
10 governing body of a charter school, the principal of the
11 charter school or another administrator of the charter school
12 appointed by the reconstituted governing body shall:

13 (a) Review each employee of the charter school to
14 determine whether to retain the employee based on the needs
15 of the school and the ability of the employee to improve pupil
16 achievement and school performance at the charter school.
17 The new governing body may terminate the employment of
18 any teachers or other employees of the charter school.

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

21 7. If the sponsor of a charter school selects a governing
22 body to operate another campus of an existing charter school
23 to replace a charter school ~~{whose written charter has been~~
24 ~~revoked or}~~ whose charter contract has been terminated, the
25 new governing body is not required to offer employment to
26 any teacher or other employee of the charter school ~~{whose~~
27 ~~written charter has been revoked or}~~ whose charter contract
28 has been terminated.

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

31 Sec. 33. 1. During the sixth year that a school operates
32 as an achievement charter school, the ~~{Executive Director}~~
33 *Department* shall evaluate the pupil achievement and school
34 performance of the school. *The Executive Director shall*
35 *provide the Department with such information and*
36 *assistance as the Department determines necessary to*
37 *perform such an evaluation.* If, as a result of such an
38 evaluation, the ~~{Executive Director}~~ *Department* determines:

39 (a) That the achievement charter school has made
40 adequate improvement in pupil achievement and school
41 performance, the governing body of the achievement charter
42 school must decide whether to:

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



1 (2) Seek to continue as a charter school subject to the
2 provisions of NRS 386.490 to 386.649, inclusive, and section
3 11 of this act by applying to the board of trustees of the
4 school district in which the school is located, the State Public
5 Charter School Authority or a college or university within the
6 Nevada System of Higher Education to sponsor the charter
7 school pursuant to NRS 386.525; or

8 (3) Remain an achievement charter school for at least
9 6 more years.

10 (b) That the achievement charter school has not made
11 adequate improvement in pupil achievement and school
12 performance, the ~~school must continue~~ *Department shall*
13 *direct the Executive Director to notify the parent or legal*
14 *guardian of each pupil enrolled in the achievement charter*
15 *school that the achievement charter school has not made*
16 *adequate improvement in pupil achievement and school*
17 *performance. Such notice must include, without limitation,*
18 *information regarding:*

19 (1) *Public schools which the pupil may be eligible to*
20 *attend, including, without limitation, charter schools,*
21 *programs of distance education offered pursuant to NRS*
22 *388.820 to 388.874, inclusive, and alternative programs for*
23 *the education of pupils at risk of dropping out of school*
24 *pursuant to NRS 388.537;*

25 (2) *The opportunity for the parent to establish an*
26 *education savings account pursuant to section 7 of Senate*
27 *Bill No. 302 of this session and enroll the pupil in a private*
28 *school, have the pupil become an opt-in child or provide for*
29 *the education of the pupil in any other manner authorized*
30 *by section 11 of Senate Bill No. 302 of this session;*

31 (3) *Any other alternatives for the education of the*
32 *pupil that are available in this State; and*

33 (4) *The actions that may be considered by the*
34 *Department with respect to the achievement charter school*
35 *and the manner in which the parent may provide input.*

36 2. *Upon deciding that the achievement charter school*
37 *has not made adequate improvement in pupil achievement*
38 *and school performance pursuant to paragraph (b) of*
39 *subsection 1, the Department must decide whether to:*

40 (a) *Convert the achievement charter school to a public*
41 *school under the governance of the board of trustees of the*
42 *school district in which the school is located; or*

43 (b) *Continue to operate the school as an achievement*
44 *charter school for at least 6 more years.* ~~The~~



1 **3. If the Department decides to continue to operate a**
2 **school as an achievement charter school pursuant to**
3 **subsection 2, the Executive Director ~~shall evaluate~~ must:**

4 **(a) Terminate the contract with the charter management**
5 **organization, educational management organization or**
6 **other person that operated the achievement charter school;**

7 **(b) Enter into a contract with a different charter**
8 **management organization, educational management**
9 **organization or other person to operate the achievement**
10 **charter school after complying with the provisions of section**
11 **21 of this act;**

12 **(c) Require the charter management organization,**
13 **educational management organization or other person with**
14 **whom the Executive Director enters into a contract to**
15 **operate the achievement charter school to appoint a new**
16 **governing body of the achievement charter school in the**
17 **manner provided pursuant to section 21.5 of this act, and**
18 **must not reappoint more than 40 percent of the members of**
19 **the previous governing body; and**

20 **(d) Evaluate** the pupil achievement and school
21 performance of such a school at least each 3 years of
22 operation thereafter.

23 ~~{2.}~~ **4.** If an achievement charter school is converted to a
24 public school under the governance of the board of trustees of
25 a school district pursuant to paragraph (a) of subsection 1, the
26 board of trustees must employ any teacher, administrator or
27 paraprofessional who wishes to continue employment at the
28 school and meets the requirements of chapter 391 of NRS to
29 teach at the school. Any administrator or teacher employed at
30 such a school who was employed by the board of trustees as a
31 postprobationary employee before the school was converted
32 to an achievement charter school and who wishes to continue
33 employment at the school after it is converted back into a
34 public school must be employed as a postprobationary
35 employee.

36 ~~{3.}~~ **5.** If an achievement charter school becomes a
37 charter school sponsored by the school district in which the
38 charter school is located, the State Public Charter School
39 Authority or a college or university within the Nevada
40 System of Higher Education pursuant to paragraph (a) of
41 subsection 1, the school is subject to the provisions of NRS
42 386.490 to 386.649, inclusive, and section 11 of this act, and
43 the continued operation of the charter school in the building
44 in which the school has been operating is subject to the
45 provisions of NRS 386.560.



1 ~~4~~ 6. As used in this section, “postprobationary
2 employee” has the meaning ascribed to it in NRS 391.311.

3 **Sec. 57.** The provisions of NRS 288.150, as amended by
4 section 52 of this act:

5 1. Apply to any collective bargaining agreement entered into,
6 extended or renewed on or after the effective date of that section,
7 and any provision of the agreement that is in conflict with that
8 section, as amended, is void.

9 2. Do not apply to any collective bargaining agreement entered
10 into before the effective date of that section during the current term
11 of the agreement.

12 **Sec. 58.** 1. This section and sections 52 and 57 of this act
13 become effective upon passage and approval.

14 2. Sections 1 to 15, inclusive, 17, 18, 19, 21, 22, 23, 25 to 28,
15 inclusive, 30, 32, 34, 35, 36, 38, 39, 40, 42 to 51, inclusive, of this
16 act become effective:

17 (a) Upon passage and approval for the purpose of adopting any
18 regulations and performing any other preparatory administrative
19 tasks necessary to carry out the provisions of this act; and

20 (b) On January 1, 2016, for all other purposes.

21 3. Section 56 of this act becomes effective on July 1, 2016, if,
22 and only if, Assembly Bill No. 448 of this session is enacted and
23 becomes effective.

24 4. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55,
25 inclusive, of this act become effective on January 1, 2020.

