

ASSEMBLY BILL NO. 49—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Education

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

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

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

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

Legislative Counsel’s Digest:

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



* A B 4 9 R 2 *

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

14 Existing law provides for the formation and operation of charter schools in this
15 State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter
16 School Authority or, with the approval of the Department of Education, the board
17 of trustees of a school district or a college or university within the Nevada System
18 of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter
19 school approved before June 11, 2013, existing law requires the sponsor of the
20 charter school to grant a written charter to the governing body of the charter school.
21 For any charter school approved on or after that date, existing law requires the
22 sponsor to enter into a charter contract with the governing body of the charter
23 school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or
24 charter contract is not assignable or transferable and may not be delegated to a third
25 party; and (2) prohibits the use of a written charter or charter contract as security
26 for a loan. **Section 5** of this bill requires a charter school to designate any
27 information submitted to the sponsor of the charter school that is intended to remain
28 confidential and requires the sponsor to determine whether such information should
29 be declared confidential. **Sections 5.5-10** of this bill provide for the filing,
30 investigation and resolution of complaints regarding charter schools sponsored by
31 the State Public Charter School Authority. **Section 11.5** of this bill requires a
32 charter school to give written notice to the parent or legal guardian of each pupil
33 and take certain actions upon the occurrence of certain events. **Section 12.3** of this
34 bill authorizes the governing body of a high-achieving charter school to submit a
35 written request for the sponsor of the charter school to authorize the establishment
36 of an experimental academic program or new school model at the school. **Section**
37 **12.5** of this bill deems a charter school to be a political subdivision of this State for
38 certain purposes relating to purchasing or leasing public land. **Section 12.7** of this
39 bill authorizes the State Public Charter School Authority to select not more than
40 two charter schools sponsored by the Authority to act as a local educational agency
41 for certain purposes. **Section 13** of this bill requires the Department of Education to
42 satisfy certain requirements before submitting an application for a grant which may
43 result in the distribution of money to a charter school or a sponsor of a charter
44 school.

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

56 Existing law creates the State Public Charter School Authority, requires the
57 Authority to appoint an Executive Director and authorizes the Authority to sponsor
58 charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill, with
59 the exception of allowing not more than two members of the Authority to be
60 teachers or administrators employed by certain charter schools or charter



61 management organizations, prohibits a member of the Authority from actively
62 engaging in business with or holding a direct pecuniary interest relating to charter
63 schools. **Section 16** of this bill revises the process for appointing and the
64 qualifications required of the Executive Director of the Authority.

65 Existing law authorizes the proposed sponsor of a charter school to review an
66 application to form a charter school and approve the application if it satisfies
67 certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the
68 identity of each member of a team of reviewers assembled by the proposed sponsor
69 of a charter school to review an application to form a charter school is confidential
70 for a certain period of time after review of the application. **Sections 14, 19, 20, 23,**
71 **24 and 26** of this bill make various other changes relating to charter schools.

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

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

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

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

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

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

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

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

23 (3) Are academically disadvantaged;

24 (4) Have been adjudicated delinquent;

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

27 (6) Have an individualized education program; and

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



1 4. *In addition to the provisions of subsection 3, a charter*
2 *school is eligible to be rated using the alternative performance*
3 *framework if the charter school:*

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

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

8 (2) *The admissions policy of the charter school only allows*
9 *the pupils identified in its mission statement to newly enroll in the*
10 *charter school;*

11 (b) *At the time of its application to be rated using the*
12 *alternative performance framework, has an enrollment of at least*
13 *75 percent of pupils who are pupils identified in its mission*
14 *statement; and*

15 (c) *Completes any requirements to transition to the alternative*
16 *performance framework required by the proposed sponsor of the*
17 *charter school pursuant to section 11 of this act.*

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

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

23 385A.740 1. A public school, including, without limitation, a
24 charter school, that wishes to be rated using the alternative
25 performance framework prescribed by the State Board pursuant to
26 NRS 385A.730 must request the board of trustees of the school
27 district or sponsor of the charter school, as applicable, to apply to
28 the State Board on behalf of the school for approval to be rated
29 using the alternative performance framework.

30 2. The board of trustees of a school district or the sponsor of a
31 charter school, as applicable, may apply to the State Board on behalf
32 of a school for the school to be rated using the alternative
33 performance framework by submitting a form prescribed by the
34 Department.

35 3. A public school is eligible to be rated using the alternative
36 performance framework if:

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

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

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

43 (3) Are academically disadvantaged;

44 (4) Have been adjudicated delinquent;



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

3 (6) Have an individualized education program; and

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

6 4. In addition to the provisions of subsection 3, a charter school
7 is eligible to be rated using the alternative performance framework
8 if the charter school:

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

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

13 (2) The admissions policy of the charter school only allows
14 the pupils identified in its mission statement to newly enroll in the
15 charter school;

16 (b) At the time of its application to be rated using the alternative
17 performance framework, has an enrollment of at least 75 percent of
18 pupils who are pupils identified in its mission statement; and

19 (c) Completes any requirements to transition to the alternative
20 performance framework required by the proposed sponsor of the
21 charter school pursuant to section 11 of this act.

22 5. As used in this section, “academically disadvantaged”
23 includes, without limitation, being retained in the same grade level
24 two or more times or having a deficiency in the credits required to
25 graduate on time.

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

29 **Sec. 4. 1.** *A written charter issued by the sponsor of a*
30 *charter school to the governing body of the charter school is not*
31 *assignable or transferable and may not be delegated to a third*
32 *party.*

33 **2.** *A charter contract entered into between the governing body*
34 *of a charter school and the sponsor of the charter school is not*
35 *assignable or transferable and may not be delegated to a third*
36 *party.*

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

40 **4.** *For the purpose of this section, an amendment to a written*
41 *charter or charter contract which consolidates two or more*
42 *charter schools, the restart of a charter school pursuant to NRS*
43 *388A.300 and the reconstitution of the governing body of a*
44 *charter school pursuant to NRS 388A.330 do not constitute the*



1 *assignment, transfer or delegation of a written charter or charter*
2 *contract.*

3 **Sec. 5.** 1. *Except as otherwise provided in subsection 2, any*
4 *information that is provided to the sponsor of the charter school*
5 *by a charter management organization, a committee to form a*
6 *charter school or a charter school is a public record that is subject*
7 *to the provisions of chapter 239 of NRS.*

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

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

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

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

44 **Sec. 7.** 1. *A parent or legal guardian of a pupil enrolled in*
45 *a charter school, a pupil who is at least 18 years of age enrolled in*



1 *a charter school, a member of the governing body of a charter*
2 *school or an employee of a charter school who has evidence that a*
3 *charter school has violated any state or federal law or regulation*
4 *relating to special education or pupils who are limited English*
5 *proficient may file a complaint relating to that charter school*
6 *directly with the Department and notify the State Public Charter*
7 *School Authority in writing. The Department shall investigate the*
8 *complaint and notify the State Public Charter School Authority of*
9 *its findings.*

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

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

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

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

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

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

42 (c) *Violated any law or regulation or policy of the sponsor of*
43 *the charter school relating to the enrollment, suspension or*
44 *expulsion of pupils;*



1 (d) Committed fraud, financial mismanagement or financial
2 malfeasance; or

3 (e) Committed academic dishonesty, including, without
4 limitation, engaging in a policy or practice that has the intent or
5 effect of inappropriately increasing the graduation rate or
6 inappropriately increasing performance on assessments mandated
7 by this State or the State Public Charter School Authority.

8 2. If the State Public Charter School Authority determines
9 that credible evidence exists to support a complaint submitted
10 pursuant to subsection 1, the State Public Charter School
11 Authority shall investigate the complaint and respond to the
12 complaining party in writing.

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

20 2. If the State Public Charter School Authority determines
21 that a violation has occurred, the State Public Charter School
22 Authority may petition a court of competent jurisdiction for an
23 order directing the charter school to reimburse the State Public
24 Charter School Authority for all or part of the actual costs of its
25 investigation. If the court confirms that a violation has occurred,
26 the court may order the charter school to reimburse the State
27 Public Charter School Authority for all or part of the actual costs
28 of its investigation in an amount the court determines to be
29 reasonable under the circumstances. A charter school subject to
30 such an order must reimburse the State Public Charter School
31 Authority within 30 days after issuance of the order. Any money
32 received by the State Public Charter School Authority pursuant to
33 this subsection must be used for investigations, audits and other
34 proceedings of the State Public Charter School Authority and does
35 not revert to the State General Fund.

36 3. If the State Public Charter School Authority determines
37 that a current or former member of the governing body of the
38 charter school or a current or former employee of the charter
39 school failed to cooperate with any investigation conducted
40 pursuant to this section, the State Public Charter School Authority
41 may begin a proceeding to revoke the written charter or terminate
42 the charter contract of the charter school pursuant to
43 NRS 388A.330.

44 4. If the State Public Charter School Authority determines
45 that the charter school or an employee of the charter school has



1 *violated any provision of this chapter or another statute or*
2 *regulation applicable to charter schools or has materially*
3 *breached the terms and conditions of the written charter or*
4 *charter contract of the charter school, the State Public Charter*
5 *School Authority may:*

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

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

12 *5. If the State Public Charter School Authority determines*
13 *that the current operations of the charter school pose an imminent*
14 *danger to the health and safety of the pupils or staff of the charter*
15 *school, the State Public Charter School Authority shall order the*
16 *charter school to suspend its operations at any or all of its*
17 *facilities until appropriate corrective action has been taken.*

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

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

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

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

44 *(b) A charter school which submits a request to amend a*
45 *written charter or charter contract described in subsection 1*



1 *perform such actions as the sponsor of the charter school*
2 *determines to be necessary to successfully transition to being rated*
3 *using the alternative performance framework.*

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

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

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

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

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

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

39 **Sec. 11.5. 1. A charter school shall mail a written**
40 **notification to the parent or legal guardian of each pupil enrolled**
41 **in the charter school and post a notice prominently on the Internet**
42 **website of the charter school within 5 business days after:**

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



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

4 (c) *The Department reports that the charter school received an*
5 *annual rating established as one of the two lowest ratings possible*
6 *indicating underperformance of a public school, as determined by*
7 *the Department pursuant to the statewide system of accountability*
8 *for public schools;*

9 (d) *The governing body of the charter school submits to the*
10 *sponsor of the charter school a written request for an amendment*
11 *of the written charter or charter contract of the charter school*
12 *which would result in the:*

13 (1) *Relocation of the charter school to a location more than*
14 *1 mile from its current location;*

15 (2) *Closure of a campus of the charter school or the*
16 *elimination of one or more grade levels; or*

17 (3) *Reduction of enrollment as a result of an academic,*
18 *financial or organizational issue;*

19 (e) *The sponsor of the charter school issues a notice of intent*
20 *to revoke the written charter or terminate the charter contract of*
21 *the charter school; or*

22 (f) *The sponsor of the charter school revokes the written*
23 *charter or terminates the charter contract of the charter school.*

24 2. *Within 10 days after a charter school provides all notices*
25 *required by subsection 1, the charter school shall certify*
26 *compliance with that subsection to the sponsor of the charter*
27 *school.*

28 3. *A written notice provided to a parent or legal guardian*
29 *pursuant to subsection 1 must include a list of other public schools*
30 *to which a pupil may transfer if the charter school closes or adopts*
31 *changes which a parent or legal guardian finds unacceptable.*

32 4. *Within 30 days after a charter school provides the notice*
33 *required by subsection 1 and on a date determined by the sponsor*
34 *of the charter school, the charter school shall hold a public*
35 *hearing to discuss a plan to correct any issue which caused the*
36 *issuance of such a notice and to solicit suggestions to improve the*
37 *performance of the charter school.*

38 **Sec. 12. 1.** *A charter school that has received, within the*
39 *immediately preceding 2 consecutive school years, one of the three*
40 *highest ratings of performance pursuant to the statewide system of*
41 *accountability for public schools may request that its sponsor*
42 *submit a request to the Commission on Professional Standards in*
43 *Education for an expedited review of an application to become a*
44 *qualified provider of an alternative route to licensure pursuant to*



1 *subparagraph (1) of paragraph (a) of subsection 1 of*
2 *NRS 391.019.*

3 *2. A charter management organization which operates a*
4 *charter school that has received, within the immediately preceding*
5 *2 consecutive school years, one of the three highest ratings of*
6 *performance pursuant to the statewide system of accountability for*
7 *public schools, or equivalent ratings in another state, as*
8 *determined by the Department, and which intends to form a new*
9 *charter school in this State may request that its proposed sponsor*
10 *submit a request to the Commission on Professional Standards in*
11 *Education for an expedited review of an application to become a*
12 *qualified provider of an alternative route to licensure pursuant to*
13 *subparagraph (1) of paragraph (a) of subsection 1 of*
14 *NRS 391.019.*

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

22 *4. A charter school or charter management organization may*
23 *include in a request made pursuant to subsection 1 or 2 a request*
24 *for the Commission on Professional Standards in Education to*
25 *waive any requirement which may apply to a program for an*
26 *alternative route to licensure that is not prescribed by NRS*
27 *391.019. If the sponsor or proposed sponsor, as applicable,*
28 *approves the request made pursuant to this subsection, the sponsor*
29 *or proposed sponsor may include the request for a waiver with*
30 *the request for an expedited review submitted pursuant to*
31 *subsection 3.*

32 *5. Upon receipt of the written request of a sponsor of a*
33 *charter school or a proposed sponsor of a charter management*
34 *organization for an expedited review submitted pursuant to*
35 *subsection 3 and an application to become a qualified provider,*
36 *the Commission on Professional Standards in Education shall*
37 *review the application to become a qualified provider and approve*
38 *or deny the application within 45 days after receipt of the*
39 *application and the written request. If the request for an expedited*
40 *review includes a request for a waiver pursuant to subsection 4,*
41 *the Commission on Professional Standards in Education shall*
42 *waive any requirement which may apply to a program for an*
43 *alternative route to licensure that is not prescribed by*
44 *NRS 391.019.*



1 **Sec. 12.3. 1.** *The governing body of a charter school that*
2 *receives one of the three highest ratings of performance pursuant*
3 *to the statewide system of accountability for public schools may*
4 *submit a written request for the sponsor of the charter school to*
5 *authorize the establishment of an experimental academic program*
6 *or new school model in the charter school. If the sponsor of the*
7 *charter school approves the request, such a program or model*
8 *must be established in the charter school. Enrollment in such a*
9 *program or model:*

10 *(a) Must not exceed 50 pupils during the first year in which*
11 *the program or model is in operation.*

12 *(b) Must not exceed 100 pupils during the second year in*
13 *which the program or model is in operation.*

14 *(c) Must not exceed 150 pupils during the third year in which*
15 *the program or model is in operation.*

16 *(d) Must not exceed any number prescribed by the sponsor of*
17 *the charter school during the fourth year in which the program or*
18 *model is in operation, or any year thereafter.*

19 **2.** *If an experimental academic program or new school model*
20 *established pursuant to subsection 1 receives one of the three*
21 *highest ratings of performance pursuant to the statewide system of*
22 *accountability for public schools, the governing body of the*
23 *charter school in which the program or model is established may:*

24 *(a) Submit to the sponsor of the charter school a written*
25 *request for an amendment of the written charter or charter*
26 *contract, as applicable, to divide the charter school into multiple*
27 *charter schools operating under the same governing body; or*

28 *(b) Establish a committee to form a charter school and submit*
29 *to a proposed sponsor an application to form a charter school*
30 *using the experimental academic program or new school model.*

31 **3.** *If the sponsor of a charter school grants a request for an*
32 *amendment of the written charter or charter contract submitted*
33 *pursuant to subsection 2, the sponsor shall negotiate and execute*
34 *a charter contract with the governing body of the charter school*
35 *for each experimental academic program or new school model.*

36 **4.** *Before a charter school formed pursuant to this section*
37 *enrolls any pupil who is eligible for enrollment pursuant to NRS*
38 *388A.453 and 388A.456, the charter school may enroll a child*
39 *who was enrolled in the experimental academic program or new*
40 *school model before the charter school was formed.*

41 **Sec. 12.5. 1.** *A charter school is deemed to be a political*
42 *subdivision of this State for the purposes of 43 U.S.C. §§ 869 et*
43 *seq. and any law of this State relating to purchasing or leasing*
44 *public land.*



1 2. *Any property acquired by a charter school as a result of*
2 *subsection 1 may only be transferred to this State or a political*
3 *subdivision of this State.*

4 3. *If a charter school which has acquired property as a result*
5 *of subsection 1 relocates, closes or otherwise ceases operations,*
6 *the ownership of all such property must be transferred to this State*
7 *or a political subdivision of this State.*

8 **Sec. 12.7.** *1. The State Public Charter School Authority*
9 *may select not more than two charter schools sponsored by the*
10 *State Public Charter School Authority to act as a local educational*
11 *agency for the purposes described in subsection 2.*

12 2. *A charter school selected pursuant to subsection 1 is*
13 *hereby deemed a local educational agency for the purpose of*
14 *receiving any money available from federal and state categorical*
15 *grant programs. A charter school that receives money pursuant to*
16 *such a program shall comply with any applicable reporting*
17 *requirements to receive the grant.*

18 3. *If a charter school selected pursuant to subsection 1 is*
19 *eligible to receive special education program units, the*
20 *Department shall pay the special education program units directly*
21 *to the charter school.*

22 4. *As used in this section, "local educational agency" has the*
23 *meaning ascribed to it in 20 U.S.C. § 7801(30)(A).*

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

27 1. *Consider the definitions and measures of school*
28 *performance specified in the grant and make any necessary*
29 *adjustments to the information submitted by the Department to*
30 *conform to the definitions and measures of school performance*
31 *specified in the grant;*

32 2. *Separately determine the academic performance for each*
33 *campus of the charter school and the charter school as a whole;*
34 *and*

35 3. *If the State Board has approved an application by a charter*
36 *school to be rated using the alternative performance framework*
37 *prescribed by the State Board pursuant to NRS 385A.730, apply*
38 *the alternative performance framework to evaluate the*
39 *performance of the charter school.*

40 **Sec. 14.** *NRS 388A.150 is hereby amended to read as follows:*
41 388A.150 *1. The State Public Charter School Authority is*
42 *hereby created. The purpose of the State Public Charter School*
43 *Authority is to:*



1 ~~11~~ (a) Authorize charter schools of high-quality throughout
2 this State with the goal of expanding the opportunities for pupils in
3 this State, including, without limitation, pupils who are at risk.

4 ~~12~~ (b) Provide oversight to the charter schools that it sponsors
5 to ensure that those charter schools maintain high educational and
6 operational standards, preserve autonomy and safeguard the
7 interests of pupils and the community.

8 ~~13~~ (c) Serve as a model of the best practices in sponsoring
9 charter schools and foster a climate in this State in which all *high-*
10 *quality* charter schools, regardless of sponsor, can flourish.

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

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

16 388A.153 1. The State Public Charter School Authority
17 consists of seven members. The membership of the State Public
18 Charter School Authority consists of:

19 (a) Two members appointed by the Governor in accordance with
20 subsection 2;

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

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

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

27 2. The Governor, the Majority Leader of the Senate and the
28 Speaker of the Assembly shall ensure that the membership of the
29 State Public Charter School Authority:

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

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

35 (c) Includes persons with specific knowledge of:

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

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

38 (3) Management practices;

39 (4) Assessments required in elementary and secondary
40 education;

41 (5) Educational technology; and

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

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



1 (e) Insofar as practicable, consists of persons who are experts on
2 best practices for authorizing charter schools and developing and
3 operating high-quality charter schools and charter management
4 organizations.

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

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

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

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

33 ~~15-1~~ 7. The members of the State Public Charter School
34 Authority shall select a Chair and Vice Chair from among its
35 members. After the initial selection of those officers, each of those
36 officers holds the position for a term of 2 years commencing on
37 July 1 of each odd-numbered year. If a vacancy occurs in the Chair
38 or Vice Chair, the vacancy must be filled in the same manner as the
39 original selection for the remainder of the unexpired term.

40 ~~16-1~~ 8. Each member of the State Public Charter School
41 Authority is entitled to receive:

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



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

6 **Sec. 15.5.** NRS 388A.159 is hereby amended to read as
7 follows:

8 388A.159 1. ~~The~~ *Except as otherwise provided in section*
9 *12.7 of this act, the* State Public Charter School Authority is hereby
10 deemed a local educational agency for the purpose of directing the
11 proportionate share of any money available from federal and state
12 categorical grant programs to charter schools which are sponsored
13 by the State Public Charter School Authority or a college or
14 university within the Nevada System of Higher Education that are
15 eligible to receive such money. A college or university within the
16 Nevada System of Higher Education that sponsors a charter school
17 shall enter into an agreement with the State Public Charter School
18 Authority for the provision of any necessary functions of a local
19 educational authority. A charter school that receives money pursuant
20 to such a grant program shall comply with any applicable reporting
21 requirements to receive the grant.

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

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

25 388A.190 1. The ~~{State Public Charter School Authority~~
26 ~~shall appoint an}~~ Executive Director of the State Public Charter
27 School Authority ~~{for a term of 3 years. The State Public Charter~~
28 ~~School Authority shall ensure that the Executive Director has a~~
29 ~~demonstrated understanding of charter schools and a commitment to~~
30 ~~using charter schools as a way to strengthen public education in this~~
31 ~~State.~~

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

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

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

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

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

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



1 ***(b) Possess a demonstrated understanding of charter schools***
2 ***and a commitment to using charter schools to strengthen public***
3 ***education in this State.***

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

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

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

7 388A.223 1. Each sponsor of a charter school shall carry out
8 the following duties and powers:

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

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

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

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

19 (e) Monitoring, in accordance with this chapter and in
20 accordance with the terms and conditions of the applicable charter
21 contract, the performance and compliance of each charter school
22 sponsored by the entity;

23 (f) Determining whether the charter contract of a charter school
24 that the entity sponsors merits renewal or whether the renewal of the
25 charter contract should be denied or whether the written charter
26 should be revoked or the charter contract terminated or restarted, as
27 applicable, in accordance with NRS 388A.285, 388A.300 or
28 388A.330, as applicable;

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

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

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

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

43 (b) The procedure and criteria for soliciting and evaluating
44 charter school applications in accordance with NRS 388A.249,
45 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 contract
3 with an educational management organization to operate the charter
4 school, committees to form a charter school that do not plan to enter
5 into such a contract and charter management organizations; and

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

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

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

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

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

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

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

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

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

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



1 **Sec. 20.** NRS 388A.246 is hereby amended to read as follows:
2 388A.246 An application to form a charter school must include
3 all information prescribed by the Department by regulation and:
4 1. A summary of the plan for the proposed charter school.
5 2. A clear written description of the mission of the charter
6 school and the goals for the charter school. A charter school must
7 have as its stated purpose at least one of the following goals:
8 (a) Improving the academic achievement of pupils;
9 (b) Encouraging the use of effective and innovative methods of
10 teaching;
11 (c) Providing an accurate measurement of the educational
12 achievement of pupils;
13 (d) Establishing accountability and transparency of public
14 schools;
15 (e) Providing a method for public schools to measure
16 achievement based upon the performance of the schools; or
17 (f) Creating new professional opportunities for teachers.
18 3. A clear description of the indicators, measures and metrics
19 for the categories of academics, finances and organization that the
20 charter school proposes to use, the external assessments that will be
21 used to assess performance in those categories and the objectives
22 that the committee to form a charter school plans to achieve in those
23 categories, which must be expressed in terms of the objectives,
24 measures and metrics. The objectives and the indicators, measures
25 and metrics used by the charter school must be consistent with the
26 performance framework adopted by the sponsor pursuant to
27 NRS 388A.270.
28 4. A resume and background information for each person who
29 serves on the board of the charter management organization or the
30 committee to form a charter school, as applicable, which must
31 include the name, telephone number, electronic mail address,
32 background, qualifications, any past or current affiliation with any
33 charter school in this State or any other state, any potential conflicts
34 of interest and any other information required by the sponsor.
35 5. The proposed location of, or the geographic area to be
36 served by, the charter school and evidence of a need and community
37 support for the charter school in that area.
38 6. The minimum, planned and maximum projected enrollment
39 of pupils in each grade in the charter school for each year that the
40 charter school would operate under the proposed charter contract.
41 7. The procedure for applying for enrollment in the proposed
42 charter school, which must include, without limitation, the proposed
43 dates for accepting applications for enrollment in each year of
44 operation under the proposed charter contract and a statement of
45 whether the charter school will enroll pupils who are in a particular



1 category of at-risk pupils before enrolling other children who are
2 eligible to attend the charter school pursuant to NRS 388A.456 and
3 the method for determining eligibility for enrollment in each such
4 category of at-risk pupils served by the charter school.

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

10 9. A description of the proposed instructional design of the
11 charter school and the type of learning environment the charter
12 school will provide, including, without limitation, whether the
13 charter school will provide a program of distance education, the
14 planned class size and structure, the proposed curriculum for
15 the charter school and the teaching methods that will be used at the
16 charter school.

17 10. The manner in which the charter school plans to identify
18 and serve the needs of pupils with disabilities, pupils who are
19 English language learners, pupils who are academically behind their
20 peers and gifted pupils.

21 11. A description of any co-curricular or extracurricular
22 activities that the charter school plans to offer and the manner in
23 which these programs will be funded.

24 12. Any uniform or dress code policy that the charter school
25 plans to use.

26 13. Plans and timelines for recruiting and enrolling students,
27 including procedures for any lottery for admission that the charter
28 school plans to conduct.

29 14. The rules of behavior and punishments that the charter
30 school plans to adopt pursuant to NRS 388A.495, including, without
31 limitation, any unique discipline policies for pupils enrolled in a
32 program of special education.

33 15. A chart that clearly presents the proposed organizational
34 structure of the charter school and a clear description of the roles
35 and responsibilities of the governing body, administrators and any
36 other persons included on the chart and a table summarizing the
37 decision-making responsibilities of the staff and governing body of
38 the charter school and, if applicable, the charter management
39 organization that operates the charter school. The table must also
40 identify the person responsible for each activity conducted by the
41 charter school, including, without limitation, the person responsible
42 for establishing curriculum and culture, providing professional
43 development to employees of the charter school and making
44 determinations concerning the staff of the charter school.



1 16. The names of any external organizations that will play a
2 role in operating the charter school and the role each such
3 organization will play.

4 17. The manner in which the governing body of the charter
5 school will be chosen.

6 18. A staffing chart for the first year in which the charter
7 school plans to operate and a projected staffing plan for the term of
8 the charter contract.

9 19. Plans for recruiting administrators, teachers and other staff,
10 providing professional development to such staff.

11 20. Proposed bylaws for the governing body, a description of
12 the manner in which the charter school will be governed, including,
13 without limitation, any governance training that will be provided to
14 the governing body, and a code of ethics for members and
15 employees of the governing body. The code of ethics must be
16 prepared with guidance from the Nevada Commission on Ethics and
17 must not conflict with any policy adopted by the sponsor.

18 21. Explanations of any partnerships or contracts central to the
19 operations or mission of the charter school.

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

29 23. The procedure for the evaluation of teachers of the charter
30 school, if different from the procedure prescribed in NRS 391.680
31 and 391.725. If the procedure is different from the procedure
32 prescribed in NRS 391.680 and 391.725, the procedure for the
33 evaluation of teachers of the charter school must provide the same
34 level of protection and otherwise comply with the standards for
35 evaluation set forth in NRS 391.680 and 391.725.

36 24. A statement of the charter school's plans for food service
37 and other significant operational services, including a statement of
38 whether the charter school will provide food service or participate in
39 the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If
40 the charter school will not provide food service or participate in the
41 National School Lunch Program, the application must include an
42 explanation of the manner in which the charter school will ensure
43 that the lack of such food service or participation does not prevent
44 pupils from attending the charter school.



1 25. Opportunities and expectations for involving the parents of
2 pupils enrolled in the charter school in instruction at the charter
3 school and the operation of the charter school, including, without
4 limitation, the manner in which the charter school will solicit input
5 concerning the governance of the charter school from such parents.

6 26. A detailed plan for starting operation of the charter school
7 that identifies necessary tasks, the persons responsible for
8 performing them and the dates by which such tasks will be
9 accomplished.

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

12 28. A description of the insurance coverage the charter school
13 will obtain.

14 29. Budgets for starting operation at the charter school, the first
15 year of operation of the charter school and the first 5 years of
16 operation of the charter school, with any assumptions inherent in the
17 budgets clearly stated.

18 30. Evidence of any money pledged or contributed to the
19 budget of the charter school.

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

24 32. If the charter school ~~has~~ *operates* a vocational school, a
25 description of the career and technical education program that will
26 be used by the charter school.

27 33. If the charter school will provide a program of distance
28 education, a description of the system of course credits that the
29 charter school will use and the manner in which the charter school
30 will:

31 (a) Monitor and verify the participation in and completion of
32 courses by pupils;

33 (b) Require pupils to participate in assessments and submit
34 coursework;

35 (c) Conduct parent-teacher conferences; and

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

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

43 (a) The proposed duration of the relationship between the
44 charter school and the college or university and the conditions for
45 renewal and termination of the relationship;



1 (b) The roles and responsibilities of the governing body of the
2 charter school, the employees of the charter school and the college
3 or university;

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

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

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

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

15 35. If the applicant currently operates a charter school in
16 another state, evidence of the performance of such charter schools
17 and the capacity of the applicant to operate the proposed charter
18 school.

19 36. If the applicant proposes to contract with an educational
20 management organization or any other person to provide
21 educational or management services:

22 (a) Evidence of the performance of the educational management
23 organization or other person when providing such services to a
24 population of pupils similar to the population that will be served by
25 the proposed charter school;

26 (b) A term sheet that sets forth:

27 (1) The proposed duration of the proposed contract between
28 the governing body of the charter school and the educational
29 management organization;

30 (2) A description of the responsibilities of the governing
31 body of the charter school, employees of the charter school and the
32 educational management organization or other person;

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

35 (4) The manner in which the governing body of the charter
36 school will oversee the services provided by the educational
37 management organization or other person and enforce the terms of
38 the contract;

39 (5) A disclosure of the investments made by the educational
40 management organization or other person in the proposed charter
41 school; and

42 (6) The conditions for renewal and termination of the
43 contract; and

44 (c) A disclosure of any conflicts of interest concerning the
45 applicant and the educational management organization or other



1 person, including, without limitation, any past or current
2 employment, business or familial relationship between any
3 prospective employee of the charter school and a member of the
4 committee to form a charter school or the board of directors of the
5 charter management organization, as applicable.

6 37. Any additional information that the sponsor determines is
7 necessary to evaluate the ability of the proposed charter school to
8 serve pupils in the school district in which the proposed charter
9 school will be located.

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

11 388A.249 1. A committee to form a charter school or charter
12 management organization may submit the application to the
13 proposed sponsor of the charter school. Except as otherwise
14 provided in NRS 388B.290, if an application proposes to convert an
15 existing public school, homeschool or other program of home study
16 into a charter school, the proposed sponsor shall deny the
17 application.

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

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

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

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

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

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

37 (a) The application:

38 (1) Complies with this chapter and the regulations applicable
39 to charter schools; and

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

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



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

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

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

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

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

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

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

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

21 388A.270 1. If the proposed sponsor of a charter school
22 approves an application to form a charter school, it shall, before
23 June 11, 2013, grant a written charter to the governing body of the
24 charter school or, on or after June 11, 2013, negotiate, *develop* and
25 execute a charter contract with the governing body of the charter
26 school. A charter contract must be executed not later than 60 days
27 before the charter school commences operation. The charter contract
28 must be in writing and incorporate, without limitation:

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

30 (b) A description of the administrative relationship between the
31 sponsor of the charter school and the governing body of the charter
32 school, including, without limitation, the rights and duties of the
33 sponsor and the governing body; and

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

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

40 (a) If the board of trustees of a school district is the sponsor of
41 the charter school, the superintendent of schools of the school
42 district;

43 (b) If the State Public Charter School Authority is the sponsor of
44 the charter school, the Chair of the State Public Charter School
45 Authority; or



1 (c) If a college or university within the Nevada System of
2 Higher Education is the sponsor of the charter school, the president
3 of the college or university.

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

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

10 (a) Written notice of the charter contract and the date of
11 execution; and

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

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

16 6. If the State Public Charter School Authority approves the
17 application:

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

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

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

26 (a) That institution shall be deemed the sponsor of the charter
27 school.

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

31 8. A written charter or a charter contract, as applicable, must be
32 for a term of 6 years. The term of the charter contract begins on the
33 first day of operation of the charter school after the charter contract
34 has been executed. The sponsor of the charter school may require, or
35 the governing body of the charter school may request that the
36 sponsor authorize, the charter school to delay commencement of
37 operation for 1 school year.

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

39 388A.330 Except as otherwise provided in NRS 388A.300:

40 1. Except as otherwise provided in subsection 6, the sponsor of
41 a charter school may reconstitute the governing body of a charter
42 school, revoke a written charter or terminate a charter contract
43 before the expiration of the charter if the sponsor determines that:

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



- 1 (1) Committed a material breach of the terms and conditions
2 of the written charter or charter contract;
- 3 (2) Failed to comply with generally accepted standards of
4 fiscal management;
- 5 (3) Failed to comply with the provisions of this chapter or
6 any other statute or regulation applicable to charter schools; or
- 7 (4) If the charter school holds a charter contract, has
8 persistently underperformed, as measured by the performance
9 indicators, measures and metrics set forth in the performance
10 framework for the charter school;
- 11 (b) The charter school has filed for a voluntary petition of
12 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
13 financially impaired such that the charter school cannot continue to
14 operate;
- 15 (c) There is reasonable cause to believe that reconstitution,
16 revocation or termination is necessary to protect the health and
17 safety of the pupils who are enrolled in the charter school or persons
18 who are employed by the charter school from jeopardy, or to
19 prevent damage to or loss of the property of the school district or the
20 community in which the charter school is located;
- 21 (d) The committee to form the charter school or charter
22 management organization, as applicable, or any member of the
23 committee to form the charter school or charter management
24 organization, as applicable, or the governing body of the charter
25 school has at any time made a material misrepresentation or
26 omission concerning any information disclosed to the sponsor;
- 27 (e) The charter school ~~is~~ *operates* a high school that has a
28 graduation rate for the immediately preceding school year that is
29 less than 60 percent;
- 30 (f) The charter school ~~is~~ *operates* an elementary or middle
31 school or junior high school that is rated in the lowest 5 percent of
32 elementary schools, middle schools or junior high schools in the
33 State in pupil achievement and school performance, as determined
34 by the Department pursuant to the statewide system of
35 accountability for public schools; or
- 36 (g) Pupil achievement and school performance at the charter
37 school is unsatisfactory as determined by the Department pursuant
38 to criteria prescribed by regulation by the Department to measure
39 the performance of any public school ~~H~~ *pursuant to the statewide*
40 *system of accountability for public schools.*
- 41 2. Before the sponsor reconstitutes a governing body, revokes a
42 written charter or terminates a charter contract, the sponsor shall
43 provide written notice of its intention to the governing body of the
44 charter school. The written notice must:



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

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

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

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

15 3. Except as otherwise provided in subsection 4, not more than
16 90 days after the notice is provided pursuant to subsection 2, the
17 sponsor shall hold a public hearing to make a determination
18 regarding whether to reconstitute the governing body, revoke the
19 written charter or terminate the charter contract. If the charter school
20 corrects the deficiencies to the satisfaction of the sponsor within the
21 time prescribed in paragraph (b) of subsection 2, the sponsor shall
22 not reconstitute the governing body, revoke the written charter or
23 terminate the charter contract of the charter school. The sponsor
24 may not include in a written notice pursuant to subsection 2 any
25 deficiency which was included in a previous written notice and
26 which was corrected by the charter school, unless the deficiency
27 recurred after being corrected or the sponsor determines that the
28 deficiency is evidence of an ongoing pattern of deficiencies in a
29 particular area.

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

33 5. If the governing body of a charter school is reconstituted, the
34 written charter is revoked or the charter contract is terminated, the
35 sponsor of the charter school shall submit a written report to
36 the Department and the governing body of the charter school setting
37 forth the reasons for the reconstitution, revocation or termination, as
38 applicable, not later than 10 days after reconstituting the governing
39 body, revoking the written charter or terminating the charter
40 contract.

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

43 ***7. If the sponsor of a charter school determines that not all of***
44 ***the grade levels in the charter school meet the criteria described in***
45 ***paragraphs (a) to (g), inclusive, of subsection 1 and that the***



1 *charter school can remain financially viable if the charter school*
2 *continues to operate and serve only the grade levels which do not*
3 *meet the criteria described in those paragraphs, the sponsor may*
4 *amend the written charter or charter contract, as applicable, to*
5 *eliminate the grade levels that meet the criteria described in*
6 *paragraphs (a) to (g), inclusive, of subsection 1 and limit the*
7 *enrollment in all other grade levels in the charter school.*

8 **Sec. 24.5.** NRS 388A.330 is hereby amended to read as
9 follows:

10 388A.330 Except as otherwise provided in NRS 388A.300:

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

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

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

18 (2) Failed to comply with generally accepted standards of
19 fiscal management;

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

22 (4) If the charter school holds a charter contract, has
23 persistently underperformed, as measured by the performance
24 indicators, measures and metrics set forth in the performance
25 framework for the charter school;

26 (b) The charter school has filed for a voluntary petition of
27 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
28 financially impaired such that the charter school cannot continue to
29 operate;

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

36 (d) The committee to form the charter school or charter
37 management organization, as applicable, or any member of the
38 committee to form the charter school or charter management
39 organization, as applicable, or the governing body of the charter
40 school has at any time made a material misrepresentation or
41 omission concerning any information disclosed to the sponsor;

42 (e) The charter school operates a high school that has a
43 graduation rate for the immediately preceding school year that is
44 less than 60 percent;



1 (f) The charter school operates an elementary or middle school
2 or junior high school that is rated in the lowest 5 percent of
3 elementary schools, middle schools or junior high schools in the
4 State in pupil achievement and school performance, as determined
5 by the Department pursuant to the statewide system of
6 accountability for public schools; or

7 (g) Pupil achievement and school performance at the charter
8 school is unsatisfactory as determined by the Department pursuant
9 to criteria prescribed by regulation by the Department to measure
10 the performance of any public school pursuant to the statewide
11 system of accountability for public schools.

12 2. Before the sponsor reconstitutes a governing body, revokes a
13 written charter or terminates a charter contract, the sponsor shall
14 provide written notice of its intention to the governing body of the
15 charter school. The written notice must:

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

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

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

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

30 3. Except as otherwise provided in subsection 4, not more than
31 90 days after the notice is provided pursuant to subsection 2, the
32 sponsor shall hold a public hearing to make a determination
33 regarding whether to reconstitute the governing body, revoke the
34 written charter or terminate the charter contract. If the charter school
35 corrects the deficiencies to the satisfaction of the sponsor within the
36 time prescribed in paragraph (b) of subsection 2, the sponsor shall
37 not reconstitute the governing body, revoke the written charter or
38 terminate the charter contract of the charter school. The sponsor
39 may not include in a written notice pursuant to subsection 2 any
40 deficiency which was included in a previous written notice and
41 which was corrected by the charter school, unless the deficiency
42 recurred after being corrected or the sponsor determines that the
43 deficiency is evidence of an ongoing pattern of deficiencies in a
44 particular area.



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

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

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

14 7. If the sponsor of a charter school determines that not all of
15 the grade levels in the charter school meet the criteria described in
16 paragraphs (a) to (g), inclusive, of subsection 1 and that the charter
17 school can remain financially viable if the charter school continues
18 to operate and serve only the grade levels which do not meet the
19 criteria described in those paragraphs, the sponsor may amend
20 the ~~written charter or~~ charter contract ~~as applicable,~~ to eliminate
21 the grade levels that meet the criteria described in paragraphs (a) to
22 (g), inclusive, of subsection 1 and limit the enrollment in all other
23 grade levels in the charter school.

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

25 388A.453 1. An application for enrollment in a charter
26 school may be submitted annually to the governing body of the
27 charter school by the parent or legal guardian of any child who
28 resides in this State.

29 2. Except as otherwise provided in subsections 1 to 5,
30 inclusive, NRS 388A.336 and subsections 1 and 2 of NRS
31 388A.456, a charter school shall enroll pupils who are eligible for
32 enrollment in the order in which the applications are received.

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

40 4. If a charter school is sponsored by the board of trustees of a
41 school district located in a county whose population is 100,000 or
42 more, except for a program of distance education provided by the
43 charter school, the charter school shall enroll pupils who are eligible
44 for enrollment who reside in the school district in which the charter



1 school is located before enrolling pupils who reside outside the
2 school district.

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

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

- 12 (a) Race;
- 13 (b) Gender;
- 14 (c) Religion;
- 15 (d) Ethnicity; or
- 16 (e) Disability,
- 17 ↪ of a pupil.

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

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

29 9. This section does not preclude the formation of a charter
30 school that is dedicated to provide educational services exclusively
31 to pupils:

- 32 (a) With disabilities;
- 33 (b) Who pose such severe disciplinary problems that they
34 warrant a specific educational program, including, without
35 limitation, a charter school specifically designed to serve a single
36 gender that emphasizes personal responsibility and rehabilitation; or
- 37 (c) Who are at risk **† or, for a charter school that is eligible to**
38 **be rated using the alternative performance framework pursuant to**
39 **subsection 4 of NRS 385A.740, who are described in**
40 **subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection**
41 **3 of NRS 385A.740.**

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



1 **Sec. 25.5.** NRS 388A.456 is hereby amended to read as
2 follows:

3 388A.456 1. Before a charter school enrolls pupils who are
4 eligible for enrollment pursuant to NRS 388A.453, a charter school
5 may enroll a child who:

6 (a) Is a sibling of a pupil who is currently enrolled in the charter
7 school.

8 (b) Was enrolled, free of charge and on the basis of a lottery
9 system, in a prekindergarten program at the charter school or any
10 other early childhood educational program affiliated with the charter
11 school.

12 (c) Is a child of a person:

13 (1) Who is employed by the charter school;

14 (2) Who is a member of the committee to form the charter
15 school;

16 (3) Who is a member of the governing body of the charter
17 school; or

18 (4) Who resides on or is employed on the federal military
19 installation, if the charter school is located on a federal military
20 installation;

21 (d) *Is enrolled at a charter school with which the charter*
22 *school has an articulation agreement, approved by the sponsor,*
23 *providing for priority enrollment.*

24 (e) Is in a particular category of at-risk pupils and the child
25 meets the eligibility for enrollment prescribed by the charter school
26 for that particular category.

27 ~~(e)~~ (f) At the time his or her application is submitted, is
28 enrolled in a public school of a school district with an enrollment
29 that is more than 25 percent over the public school's intended
30 capacity, as reported on the list maintained by the school district
31 pursuant to subsection 4. If a charter school enrolls pupils who are
32 enrolled in such a public school before enrolling other pupils who
33 are eligible for enrollment, the charter school must enroll such
34 pupils who reside within 2 miles of the charter school before
35 enrolling other such pupils.

36 ~~(f)~~ (g) At the time his or her application is submitted, is
37 enrolled in a public school that received an annual rating established
38 as one of the two lowest ratings possible indicating
39 underperformance of a public school, as determined by the
40 Department pursuant to the statewide system of accountability for
41 public schools for the immediately preceding school year. If a
42 charter school enrolls pupils who are enrolled in such a public
43 school before enrolling other pupils who are eligible for enrollment,
44 the charter school must enroll such pupils who reside within 2 miles
45 of the charter school before enrolling other such pupils.



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

10 2. If more pupils described in this section who are eligible
11 apply for enrollment than the number of spaces available, the charter
12 school shall determine which applicants to enroll pursuant to this
13 section on the basis of a lottery system.

14 3. A lottery held pursuant to subsection 2 must be held not
15 sooner than 45 days after the date on which a charter school begins
16 accepting applications for enrollment unless the sponsor of the
17 charter school determines there is good cause to hold it sooner.

18 4. Each school district shall create and maintain a list which
19 specifies for each public school of the school district, the maximum
20 enrollment capacity for each school, the actual number of pupils
21 enrolled at each school and the percentage by which enrollment at
22 each school exceeds the intended enrollment capacity, if applicable.
23 Each school district shall post the list on the Internet website
24 maintained by the school district as soon as practicable after the
25 count of pupils is completed pursuant to NRS 387.1223 but not later
26 than November 1 of each year.

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

28 388A.518 1. Except as otherwise provided in this subsection,
29 at least 70 percent of the teachers who provide instruction at a
30 charter school must be highly qualified. If a charter school ~~is~~
31 *operates* a vocational school, the charter school shall, to the extent
32 practicable, ensure that at least 70 percent of the teachers who
33 provide instruction at the school are highly qualified, but in no event
34 may less than 50 percent of the teachers who provide instruction at
35 the school be highly qualified.

36 2. If a charter school specializes in:

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

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



~~1 (c) The construction industry or other building industry and the
2 school offers courses of study in computer education, technology or
3 business, teachers must be highly qualified to teach those courses of
4 study if those teachers are employed full time.]~~

5 3. A person who is initially hired by the governing body of a
6 charter school on or after January 8, 2002, to teach in a program
7 supported with money from Title I must be highly qualified. For the
8 purposes of this subsection, a person is not "initially hired" if the
9 person has been employed as a teacher by another school district or
10 charter school in this State without an interruption in employment
11 before the date of hire by his or her current employer.

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

- 15 (a) English language arts;
- 16 (b) Mathematics;
- 17 (c) Science;
- 18 (d) A foreign or world language;
- 19 (e) Civics or government;
- 20 (f) Economics;
- 21 (g) Geography;
- 22 (h) History; or
- 23 (i) The arts.

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

- 28 (a) A degree, a license or a certificate in the field for which the
29 person is employed to teach at the charter school; and
- 30 (b) At least 2 years of experience in that field.

31 6. A teacher who is employed by a charter school to teach
32 special education or English as a second language must be licensed
33 to teach special education or English as a second language, as
34 applicable.

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

36 (a) If employed by a charter school that has not received, within
37 the immediately preceding 2 consecutive school years, one of the
38 three highest ratings of performance pursuant to the statewide
39 system of accountability for public schools, or equivalent ratings in
40 another state, as determined by the Department, if the teacher ~~is~~:

41 ~~(1) Meets the qualifications prescribed in 20 U.S.C. §~~
42 ~~7801(23)(B) or (C), as applicable; and~~

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

44 (b) If employed by a charter school that has received, within the
45 immediately preceding 2 consecutive school years, one of the three



1 highest ratings of performance pursuant to the statewide system of
2 accountability for public schools, or equivalent ratings in another
3 state, as determined by the Department, if the teacher ~~meets the~~
4 ~~qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as~~
5 ~~applicable,~~ *holds a bachelor's degree or a graduate degree from*
6 *an accredited college or university and has demonstrated expertise*
7 *in the subject area for which the teacher provides instruction on*
8 *an assessment approved by the Department, in consultation with*
9 *sponsors of charter schools described in this paragraph,* regardless
10 of whether the teacher is licensed to teach pursuant to chapter 391 of
11 NRS.

12 8. If a charter school that has received within the immediately
13 preceding 2 consecutive school years, one of the three highest
14 ratings of performance pursuant to the statewide system of
15 accountability for public schools, or equivalent ratings in another
16 state, as determined by the Department, intends to employ persons
17 to teach who are not licensed, the charter school shall within 3
18 years:

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

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

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

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

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

28 239.010 1. Except as otherwise provided in this section and
29 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
30 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
31 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
32 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
33 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
34 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
35 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
36 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
37 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
38 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
39 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
40 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
41 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
42 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
43 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
44 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
45 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,



1 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
2 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
3 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
4 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
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7 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
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10 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
11 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
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14 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447,
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33 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,
34 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
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39 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
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45 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,



1 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
2 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
3 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
4 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41
5 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
6 391, Statutes of Nevada 2013 and unless otherwise declared by law
7 to be confidential, all public books and public records of a
8 governmental entity must be open at all times during office hours to
9 inspection by any person, and may be fully copied or an abstract or
10 memorandum may be prepared from those public books and public
11 records. Any such copies, abstracts or memoranda may be used to
12 supply the general public with copies, abstracts or memoranda of the
13 records or may be used in any other way to the advantage of the
14 governmental entity or of the general public. This section does not
15 supersede or in any manner affect the federal laws governing
16 copyrights or enlarge, diminish or affect in any other manner the
17 rights of a person in any written book or record which is
18 copyrighted pursuant to federal law.

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

21 3. A governmental entity that has legal custody or control of a
22 public book or record shall not deny a request made pursuant to
23 subsection 1 to inspect or copy or receive a copy of a public book or
24 record on the basis that the requested public book or record contains
25 information that is confidential if the governmental entity can
26 redact, delete, conceal or separate the confidential information from
27 the information included in the public book or record that is not
28 otherwise confidential.

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

33 (a) Shall not refuse to provide a copy of that public record in a
34 readily available medium because the officer, employee or agent has
35 already prepared or would prefer to provide the copy in a different
36 medium.

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

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

43 Sec. 4. 1. ~~§A written charter issued by the sponsor of a~~
44 ~~charter school to the governing body of the charter school is~~



1 ~~not assignable or transferable and may not be delegated to a~~
2 ~~third party.~~

3 ~~—2.}~~ A charter contract entered into between the
4 governing body of a charter school and the sponsor of the
5 charter school is not assignable or transferable and may not
6 be delegated to a third party.

7 ~~{3.}~~ 2. A ~~{written charter or}~~ charter contract may not be
8 used as security for any loan and shall be deemed to have no
9 monetary value.

10 ~~{4.}~~ 3. For the purpose of this section, an amendment to
11 a ~~{written charter or}~~ charter contract which consolidates two
12 or more charter schools, the restart of a charter school
13 pursuant to NRS 388A.300 and the reconstitution of the
14 governing body of a charter school pursuant to NRS
15 388A.330 do not constitute the assignment, transfer or
16 delegation of a ~~{written charter or}~~ charter contract.

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

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

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

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

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

43 Sec. 9. 1. If the State Public Charter School Authority
44 determines that external expertise is necessary to conduct an
45 investigation of a complaint filed pursuant to sections 5.5 to



1 10, inclusive, of this act, the State Public Charter School
2 Authority may select an investigator to conduct the
3 investigation and make any appropriate determinations or
4 recommendations to the State Public Charter School
5 Authority.

6 2. If the State Public Charter School Authority
7 determines that a violation has occurred, the State Public
8 Charter School Authority may petition a court of competent
9 jurisdiction for an order directing the charter school to
10 reimburse the State Public Charter School Authority for all or
11 part of the actual costs of its investigation. If the court
12 confirms that a violation has occurred, the court may order
13 the charter school to reimburse the State Public Charter
14 School Authority for all or part of the actual costs of its
15 investigation in an amount the court determines to be
16 reasonable under the circumstances. A charter school subject
17 to such an order must reimburse the State Public Charter
18 School Authority within 30 days after issuance of the order.
19 Any money received by the State Public Charter School
20 Authority pursuant to this subsection must be used for
21 investigations, audits and other proceedings of the State
22 Public Charter School Authority and does not revert to the
23 State General Fund.

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

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

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

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



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

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

10 Sec. 11. 1. If a charter school wishes to be rated
11 using the alternative performance framework prescribed by
12 the State Board pursuant to NRS 385A.730, the governing
13 body of the charter school may submit to the sponsor
14 of the charter school a request to amend the ~~written charter~~
15 ~~or~~ charter contract ~~[- as applicable,]~~ of the charter school
16 pursuant to NRS 388A.276 to include the mission
17 statement and admissions policy required by subsection 4 of
18 NRS 385A.740.

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

20 (a) A request to amend a ~~written charter or~~ charter
21 contract described in subsection 1 also include such changes
22 to the academic program, organizational plan and financial
23 model of the charter school as the sponsor of the charter
24 school determines are necessary for a charter school rated
25 using the alternative performance framework; and

26 (b) A charter school which submits a request to amend a
27 ~~written charter or~~ charter contract described in subsection 1
28 perform such actions as the sponsor of the charter school
29 determines to be necessary to successfully transition to being
30 rated using the alternative performance framework.

31 3. The sponsor of a charter school shall evaluate a
32 request to amend a ~~written charter or~~ charter contract
33 described in subsection 1 by reviewing the academic,
34 organizational and financial performance of the charter
35 school. If the sponsor of the charter school determines that
36 the charter school is unlikely to achieve academic,
37 organizational or financial success if the request to amend its
38 ~~written charter or~~ charter contract is approved, the sponsor
39 of the charter school must deny the request.

40 4. Unless invited to do so by the sponsor of the charter
41 school, the governing body of a charter school whose request
42 to amend its ~~written charter or~~ charter contract is denied
43 pursuant to subsection 3 may not submit a materially similar
44 request for 1 year after the denial of its request.



1 5. If a proposed sponsor of a charter school approves an
2 application to form a charter school and the proposed sponsor
3 of the charter school determines that the charter school has a
4 mission statement and an admissions policy which satisfy the
5 requirements of subsection 4 of NRS 385A.740, the proposed
6 sponsor of the charter school shall include language in the
7 charter contract entered into with the charter school which
8 provides that:

9 (a) Except as otherwise provided in paragraph (b), the
10 proposed sponsor of the charter school will submit an
11 application to the State Board on behalf of the charter school
12 for the charter school to be rated using the alternative
13 performance framework within 2 years after the charter
14 school commences operation;

15 (b) The proposed sponsor of the charter school will
16 submit the application described in paragraph (a) only upon
17 the successful completion by the charter school of such
18 actions as the proposed sponsor of the charter school
19 determines to be necessary to successfully transition to being
20 rated using the alternative performance framework; and

21 (c) Upon approval of such an application by the State
22 Board, the performance framework adopted by the proposed
23 sponsor of the charter school will be replaced by the
24 alternative performance framework.

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

27 Sec. 11.5. 1. A charter school shall mail a written
28 notification to the parent or legal guardian of each pupil
29 enrolled in the charter school and post a notice prominently
30 on the Internet website of the charter school within 5 business
31 days after:

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

34 (b) The Department reports that the charter school was
35 rated in the lowest 5 percent of public schools in the State
36 pursuant to the statewide system of accountability for public
37 schools;

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

43 (d) The governing body of the charter school submits to
44 the sponsor of the charter school a written request for an



1 amendment of the ~~written charter or~~ charter contract of the
2 charter school which would result in the:

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

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

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

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

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

15 2. Within 10 days after a charter school provides all
16 notices required by subsection 1, the charter school shall
17 certify compliance with that subsection to the sponsor of the
18 charter school.

19 3. A written notice provided to a parent or legal guardian
20 pursuant to subsection 1 must include a list of other public
21 schools to which a pupil may transfer if the charter school
22 closes or adopts changes which a parent or legal guardian
23 finds unacceptable.

24 4. Within 30 days after a charter school provides the
25 notice required by subsection 1 and on a date determined by
26 the sponsor of the charter school, the charter school shall hold
27 a public hearing to discuss a plan to correct any issue which
28 caused the issuance of such a notice and to solicit suggestions
29 to improve the performance of the charter school.

30 **Sec. 34.6.** Section 12.3 of this act is hereby amended to read
31 as follows:

32 Sec. 12.3. 1. The governing body of a charter school
33 that receives one of the three highest ratings of performance
34 pursuant to the statewide system of accountability for public
35 schools may submit a written request for the sponsor of the
36 charter school to authorize the establishment of an
37 experimental academic program or new school model in the
38 charter school. If the sponsor of the charter school approves
39 the request, such a program or model must be established in
40 the charter school. Enrollment in such a program or model:

41 (a) Must not exceed 50 pupils during the first year in
42 which the program or model is in operation.

43 (b) Must not exceed 100 pupils during the second year in
44 which the program or model is in operation.



1 (c) Must not exceed 150 pupils during the third year in
2 which the program or model is in operation.

3 (d) Must not exceed any number prescribed by the
4 sponsor of the charter school during the fourth year in which
5 the program or model is in operation, or any year thereafter.

6 2. If an experimental academic program or new school
7 model established pursuant to subsection 1 receives one of
8 the three highest ratings of performance pursuant to the
9 statewide system of accountability for public schools, the
10 governing body of the charter school in which the program or
11 model is established may:

12 (a) Submit to the sponsor of the charter school a written
13 request for an amendment of the ~~{written charter or}~~ charter
14 contract ~~{, as applicable,}~~ to divide the charter school into
15 multiple charter schools operating under the same governing
16 body; or

17 (b) Establish a committee to form a charter school and
18 submit to a proposed sponsor an application to form a charter
19 school using the experimental academic program or new
20 school model.

21 3. If the sponsor of a charter school grants a request for
22 an amendment of the ~~{written charter or}~~ charter contract
23 submitted pursuant to subsection 2, the sponsor shall
24 negotiate and execute a charter contract with the governing
25 body of the charter school for each experimental academic
26 program or new school model.

27 4. Before a charter school formed pursuant to this
28 section enrolls any pupil who is eligible for enrollment
29 pursuant to NRS 388A.453 and 388A.456, the charter school
30 may enroll a child who was enrolled in the experimental
31 academic program or new school model before the charter
32 school was formed.

33 **Sec. 34.7.** Section 1 of Senate Bill No. 132 of this session is
34 hereby amended to read as follows:

35 Section 1. Chapter 388 of NRS is hereby amended by
36 adding thereto a new section to read as follows:

37 1. The board of trustees of each school district shall, and
38 the governing body of each charter school that operates as a
39 high school and is in good standing with its sponsor may,
40 adopt a policy to authorize the establishment of individual
41 graduation plans for pupils enrolled in a high school within
42 the school district or operated by the charter school, as
43 applicable, who:

44 (a) Are deficient in credits and not likely to graduate
45 according to schedule;



1 (b) Have performed poorly on the college and career
2 readiness assessment administered pursuant to NRS 390.610;
3 or

4 (c) Have attended or will attend school in another country
5 as a foreign exchange student for at least one semester.

6 2. In addition to the conditions set forth in paragraphs
7 (a), (b) and (c) of subsection 1, the Superintendent of Public
8 Instruction may establish other conditions for a pupil to be
9 eligible for an individual graduation plan.

10 3. An individual graduation plan must establish an
11 academic plan for a pupil to allow the pupil to graduate with a
12 standard high school diploma not later than 3 semesters after
13 the date on which the pupil was otherwise scheduled to
14 graduate. The individual graduation plan must include any
15 conditions to which a pupil must agree to comply to remain
16 enrolled in the high school. Such conditions may include,
17 without limitation, any subjects that must be completed, the
18 minimum number of units of credit in which the pupil must
19 enroll each semester, the minimum grade point average that
20 must be maintained by the pupil and any other conditions
21 necessary to ensure that the pupil makes adequate progress to
22 obtain a standard high school diploma within the time
23 allowed.

24 4. The Superintendent of Public Instruction shall make a
25 determination each year concerning:

26 (a) The number of credits by which a pupil must be
27 deficient to be eligible for an individual graduation plan;

28 (b) The maximum score on the college and career
29 readiness assessment administered pursuant to NRS 390.610
30 that a pupil may receive to be eligible for an individual
31 graduation plan; and

32 (c) Any other conditions that must be met for
33 participation in an individual graduation plan.

34 5. An individual graduation plan may be withdrawn by
35 the school district or charter school if the pupil is not making
36 adequate progress as outlined in the individual graduation
37 plan or for other good cause.

38 6. A pupil for whom an individual graduation plan has
39 been established must be counted when calculating the
40 graduation rates of pupils in the annual report of
41 accountability for the school district or charter school in
42 which the pupil is enrolled pursuant to NRS 385A.070 and
43 the annual report of accountability prepared by the State
44 Board pursuant to NRS 385A.400 for the year in which the
45 pupil was scheduled to graduate until the pupil obtains a



1 standard high school diploma and then must be counted for
2 the appropriate year as determined by the Department
3 pursuant to subsection 8.

4 7. A pupil for whom an individual graduation plan has
5 been established must not be counted when calculating the
6 graduation rates of pupils used to determine whether the
7 sponsor of a charter school may take certain actions
8 concerning the charter school pursuant to NRS 388A.330.

9 8. If a pupil for whom an individual graduation plan has
10 been established:

11 (a) Obtains a standard high school diploma within the
12 time allowed by the individual graduation plan, the pupil
13 must be counted as having received a standard high school
14 diploma when calculating the graduation rates of pupils for
15 the purposes of NRS 388A.330, if applicable, in the annual
16 report of accountability for the school district or charter
17 school in which the pupil is enrolled pursuant to NRS
18 385A.070 and the annual report of accountability prepared by
19 the State Board pursuant to NRS 385A.400 for the year in
20 which the pupil graduates.

21 (b) Fails to obtain a standard high school diploma within
22 the time allowed by the individual graduation plan, the pupil
23 must be counted as having failed to receive a standard high
24 school diploma when calculating the graduation rates of
25 pupils for the purpose of NRS 388A.330, if applicable, in the
26 annual report of accountability for the school district or
27 charter school in which the pupil is enrolled pursuant to NRS
28 385A.070 and the annual report of accountability prepared by
29 the State Board pursuant to NRS 385A.400 for the year in
30 which the pupil was scheduled to graduate pursuant to his or
31 her individual graduation plan.

32 9. Any pupil for whom an individual graduation plan has
33 been established who receives a score on the college and
34 career readiness assessment that is less than the score
35 prescribed by the Superintendent of Public Instruction
36 pursuant to paragraph (b) of subsection 4 must, unless his or
37 her individual graduation plan provides otherwise, enroll in
38 the maximum number of units of credit per semester allowed
39 by the public school in which the pupil is enrolled.

40 10. For the purposes of this section, a charter school *for*
41 *which the governing body has been reconstituted, the*
42 *written charter revoked or the charter contract terminated*
43 *or restarted in accordance with NRS 388A.285, 388A.300 or*
44 *388A.330, as applicable, shall not be deemed to be in good*
45 *standing* ~~ff~~.



1 ~~—(a) The~~ *unless the* charter school is carrying out an
2 improvement plan approved by the sponsor of the charter
3 school ~~}; or~~

4 ~~—(b) The charter school:~~

5 ~~—(1) Operates as a high school;~~

6 ~~—(2) Has a graduation rate that is more than 60 percent;~~
7 ~~and~~

8 ~~—(3) Is not rated in the lowest 5 percent of high schools~~
9 ~~in this State in pupil achievement and school performance as~~
10 ~~determined by the Department pursuant to the statewide~~
11 ~~system of accountability for public schools.} and~~
12 *incorporated into the written charter or charter contract, as*
13 *applicable.*

14 **Sec. 34.8.** Senate Bill No. 132 of this session is hereby
15 amended by adding thereto a new section to read as follows:

16 Section 1. Chapter 388 of NRS is hereby amended by
17 adding thereto a new section to read as follows:

18 1. The board of trustees of each school district shall, and
19 the governing body of each charter school that operates as a
20 high school and is in good standing with its sponsor may,
21 adopt a policy to authorize the establishment of individual
22 graduation plans for pupils enrolled in a high school within
23 the school district or operated by the charter school, as
24 applicable, who:

25 (a) Are deficient in credits and not likely to graduate
26 according to schedule;

27 (b) Have performed poorly on the college and career
28 readiness assessment administered pursuant to NRS 390.610;
29 or

30 (c) Have attended or will attend school in another country
31 as a foreign exchange student for at least one semester.

32 2. In addition to the conditions set forth in paragraphs
33 (a), (b) and (c) of subsection 1, the Superintendent of Public
34 Instruction may establish other conditions for a pupil to be
35 eligible for an individual graduation plan.

36 3. An individual graduation plan must establish an
37 academic plan for a pupil to allow the pupil to graduate with a
38 standard high school diploma not later than 3 semesters after
39 the date on which the pupil was otherwise scheduled to
40 graduate. The individual graduation plan must include any
41 conditions to which a pupil must agree to comply to remain
42 enrolled in the high school. Such conditions may include,
43 without limitation, any subjects that must be completed, the
44 minimum number of units of credit in which the pupil must
45 enroll each semester, the minimum grade point average that



1 must be maintained by the pupil and any other conditions
2 necessary to ensure that the pupil makes adequate progress to
3 obtain a standard high school diploma within the time
4 allowed.

5 4. The Superintendent of Public Instruction shall make a
6 determination each year concerning:

7 (a) The number of credits by which a pupil must be
8 deficient to be eligible for an individual graduation plan;

9 (b) The maximum score on the college and career
10 readiness assessment administered pursuant to NRS 390.610
11 that a pupil may receive to be eligible for an individual
12 graduation plan; and

13 (c) Any other conditions that must be met for
14 participation in an individual graduation plan.

15 5. An individual graduation plan may be withdrawn by
16 the school district or charter school if the pupil is not making
17 adequate progress as outlined in the individual graduation
18 plan or for other good cause.

19 6. A pupil for whom an individual graduation plan has
20 been established must be counted when calculating the
21 graduation rates of pupils in the annual report of
22 accountability for the school district or charter school in
23 which the pupil is enrolled pursuant to NRS 385A.070 and
24 the annual report of accountability prepared by the State
25 Board pursuant to NRS 385A.400 for the year in which the
26 pupil was scheduled to graduate until the pupil obtains a
27 standard high school diploma and then must be counted for
28 the appropriate year as determined by the Department
29 pursuant to subsection 8.

30 7. A pupil for whom an individual graduation plan has
31 been established must not be counted when calculating the
32 graduation rates of pupils used to determine whether the
33 sponsor of a charter school may take certain actions
34 concerning the charter school pursuant to NRS 388A.330.

35 8. If a pupil for whom an individual graduation plan has
36 been established:

37 (a) Obtains a standard high school diploma within the
38 time allowed by the individual graduation plan, the pupil
39 must be counted as having received a standard high school
40 diploma when calculating the graduation rates of pupils for
41 the purposes of NRS 388A.330, if applicable, in the annual
42 report of accountability for the school district or charter
43 school in which the pupil is enrolled pursuant to NRS
44 385A.070 and the annual report of accountability prepared by



1 the State Board pursuant to NRS 385A.400 for the year in
2 which the pupil graduates.

3 (b) Fails to obtain a standard high school diploma within
4 the time allowed by the individual graduation plan, the pupil
5 must be counted as having failed to receive a standard high
6 school diploma when calculating the graduation rates of
7 pupils for the purpose of NRS 388A.330, if applicable, in the
8 annual report of accountability for the school district or
9 charter school in which the pupil is enrolled pursuant to NRS
10 385A.070 and the annual report of accountability prepared by
11 the State Board pursuant to NRS 385A.400 for the year in
12 which the pupil was scheduled to graduate pursuant to his or
13 her individual graduation plan.

14 9. Any pupil for whom an individual graduation plan has
15 been established who receives a score on the college and
16 career readiness assessment that is less than the score
17 prescribed by the Superintendent of Public Instruction
18 pursuant to paragraph (b) of subsection 4 must, unless his or
19 her individual graduation plan provides otherwise, enroll in
20 the maximum number of units of credit per semester allowed
21 by the public school in which the pupil is enrolled.

22 10. For the purposes of this section, a charter school for
23 which the governing body has been reconstituted ~~[- the~~
24 ~~written charter revoked]~~ or the charter contract terminated or
25 restarted in accordance with NRS 388A.285, 388A.300 or
26 388A.330, as applicable, shall not be deemed to be in good
27 standing unless the charter school is carrying out an
28 improvement plan approved by the sponsor of the charter
29 school and incorporated into the ~~[-written charter or]~~ charter
30 contract. ~~[-as applicable.]~~

31 **Sec. 34.9.** Section 4 of Senate Bill No. 132 of this session is
32 hereby amended to read as follows:

33 Sec. 4. ~~[-This]~~

34 1. *This section and sections 1, 2 and 3 of this act*
35 ~~[-becomes]~~ *become* effective on July 1, 2018.

36 2. *Section 3.5 of this act becomes effective on*
37 *January 1, 2020.*

38 **Sec. 35.** The governing body of each charter school formed on
39 or before June 30, 2017, shall submit a request to its sponsor to
40 amend its written charter or charter contract pursuant to NRS
41 388A.276 to include the policy for accepting, investigating and
42 responding to complaints required by section 10 of this act on or
43 before September 1, 2017.

44 **Sec. 35.5.** 1. The Legislative Committee on Education shall
45 study issues relating to the deeming of a charter school as a local



1 educational agency, as defined in 20 U.S.C. § 7801(30)(a), during
2 the 2017-2019 interim.

3 2. The study must include, without limitation, an examination
4 of the effects of section 12.7 of this act on the charter schools
5 selected pursuant to subsection 1 of that section.

6 3. On or before February 1, 2019, the Legislative Committee
7 on Education shall submit the report of its findings and any
8 recommendations to the Director of the Legislative Counsel Bureau
9 for transmission to the 80th Session of the Nevada Legislature.

10 **Sec. 36.** 1. This section and sections 1, 3 to 17, inclusive, 19,
11 20, 22, 23, 24, 25 to 29, inclusive, 35 and 35.5 of this act become
12 effective on July 1, 2017.

13 2. Sections 34.7, 34.8 and 34.9 of this act become effective on
14 July 1, 2017, if, and only if, Senate Bill No. 132 of this session is
15 enacted by the Legislature and becomes effective.

16 3. Sections 12.7 and 15.5 of this act expire by limitation on
17 June 30, 2019.

18 4. Sections 2, 18, 21, 24.5 and 30 to 34.6, inclusive, of this act
19 become effective on January 1, 2020.

