

SENATE BILL NO. 252—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

MARCH 10, 2003

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Referred to Committee on Finance

SUMMARY—Makes various changes concerning charter schools  
and distance education programs. (BDR 34-140)

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

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

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AN ACT relating to charter schools; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; requiring certain applicants for employment with a charter school to submit fingerprints as a condition to employment; prohibiting the governing body of a charter school from employing certain nonlicensed persons under certain circumstances; prescribing the circumstances under which a charter school shall be deemed a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk; revising provisions governing an application to form a charter school; revising the provisions governing the revocation of the written charter of a charter school; revising the provisions governing apportionments from the State Distributive School Account to charter schools sponsored by the State Board of Education; revising provisions governing programs of distance education; requiring the Central Repository for Nevada Records of Criminal History to investigate the criminal history of applicants for employment with a charter school; and providing other matters properly relating thereto.

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



\* S B 2 5 2 R 1 \*

1       **Section 1.** NRS 385.368 is hereby amended to read as follows:  
2       385.368 1. If the Department does not designate a school  
3 pursuant to NRS 385.364 and, in the immediately succeeding school  
4 year, less than 90 percent of the pupils enrolled in the school who  
5 are required to take the examinations administered pursuant to NRS  
6 389.015 take the examinations, the Department shall designate the  
7 school as demonstrating need for improvement and the provisions of  
8 NRS 385.373 apply.

9       2. If the Department designates a school as demonstrating need  
10 for improvement pursuant to subsection 1:

11       (a) The school shall, within the same school year, administer  
12 examinations to the pupils in the school who are enrolled in a grade  
13 that is required to take the examinations pursuant to NRS 389.015.  
14 The examinations must be the same examinations that are  
15 administered to a national reference group of pupils in the same  
16 grade. ~~[The]~~ *Except as otherwise provided in this paragraph, the*  
17 *school district shall pay for all costs related to the administration of*  
18 *examinations pursuant to this paragraph. If a charter school is*  
19 *required to administer examinations pursuant to this subsection,*  
20 *the charter school shall pay for all costs related to the*  
21 *administration of the examinations to pupils enrolled in the*  
22 *charter school.*

23       (b) The Department or its designee shall monitor at the school  
24 the administration of the examinations that are required pursuant to  
25 NRS 389.015 and ensure that all eligible pupils who are in  
26 attendance on the day of the administration of the examinations are  
27 given an opportunity to take the examinations until the school  
28 receives a designation as demonstrating exemplary achievement,  
29 high achievement or adequate achievement pursuant to  
30 NRS 385.365.

31       3. A school that is designated as demonstrating need for  
32 improvement pursuant to subsection 1 is not eligible to receive  
33 money for remedial programs made available by legislative  
34 appropriation for the purposes of NRS 385.389.

35       4. If the Department designates a school as demonstrating need  
36 for improvement pursuant to subsection 1 for 2 or more consecutive  
37 years, the provisions of NRS 385.375 and 385.378 apply.

38       **Sec. 2.** Chapter 386 of NRS is hereby amended by adding  
39 thereto a new section to read as follows:

40       1. *Each applicant for employment with a charter school,*  
41 *except a licensed teacher or other person licensed by the*  
42 *Superintendent of Public Instruction, must, as a condition to*  
43 *employment, submit to the governing body of the charter school a*  
44 *complete set of his fingerprints and written permission authorizing*  
45 *the governing body to forward the fingerprints to the Central*



1 *Repository for Nevada Records of Criminal History for its report*  
2 *on the criminal history of the applicant and for submission to the*  
3 *Federal Bureau of Investigation for its report on the criminal*  
4 *history of the applicant.*

5 2. *If the reports on the criminal history of an applicant*  
6 *indicate that the applicant has not been convicted of a felony or an*  
7 *offense involving moral turpitude, the governing body of the*  
8 *charter school may employ the applicant.*

9 3. *If a report on the criminal history of an applicant indicates*  
10 *that the applicant has been convicted of a felony or an offense*  
11 *involving moral turpitude and the governing body of the charter*  
12 *school does not disqualify the applicant from further*  
13 *consideration of employment on the basis of that report, the*  
14 *governing body shall, upon the written authorization of the*  
15 *applicant, forward a copy of the report to the Superintendent of*  
16 *Public Instruction. If the applicant refuses to provide his written*  
17 *authorization to forward a copy of the report pursuant to this*  
18 *subsection, the charter school shall not employ the applicant.*

19 4. *The Superintendent of Public Instruction, or his designee,*  
20 *shall promptly review the report to determine whether the*  
21 *conviction of the applicant is related or unrelated to the position*  
22 *with the charter school for which the applicant has applied. If the*  
23 *applicant desires employment with the charter school, he shall,*  
24 *upon the request of the Superintendent of Public Instruction or*  
25 *his designee, provide any further information that the*  
26 *Superintendent or his designee determines is necessary to make*  
27 *the determination. If the governing body of the charter school*  
28 *desires to employ the applicant, the governing body shall, upon the*  
29 *request of the Superintendent of Public Instruction or his*  
30 *designee, provide any further information that the Superintendent*  
31 *or his designee determines is necessary to make the determination.*  
32 *The Superintendent of Public Instruction, or his designee, shall*  
33 *provide written notice of the determination to the applicant and to*  
34 *the governing body of the charter school.*

35 5. *If the Superintendent of Public Instruction, or his*  
36 *designee, determines that the conviction of the applicant is related*  
37 *to the position with the charter school for which the applicant has*  
38 *applied, the governing body of the charter school shall not employ*  
39 *the applicant. If the Superintendent of Public Instruction, or his*  
40 *designee, determines that the conviction of the applicant is*  
41 *unrelated to the position with the charter school for which the*  
42 *applicant has applied, the governing body of the charter school*  
43 *may employ the applicant for that position.*



1       **Sec. 3.** NRS 386.500 is hereby amended to read as follows:  
2       386.500 For the purposes of NRS 386.500 to 386.610,  
3 inclusive, *and section 2 of this act*, a pupil is “at risk” if he has an  
4 economic or academic disadvantage such that he requires special  
5 services and assistance to enable him to succeed in educational  
6 programs. The term includes, without limitation, pupils who are  
7 members of economically disadvantaged families, pupils with  
8 limited proficiency in the English language, pupils who are at risk of  
9 dropping out of high school and pupils who do not meet minimum  
10 standards of academic proficiency. The term does not include a  
11 pupil with a disability.

12       **Sec. 4.** NRS 386.510 is hereby amended to read as follows:

13       386.510 1. Except as otherwise provided in subsection 2:

14       (a) In a county whose population is ~~{more than 400,000,}~~  
15 *400,000 or more*, two charter schools may be formed per every  
16 75,000 pupils who are enrolled in public schools in the county  
17 school district.

18       (b) In a county whose population is ~~{more than}~~ 100,000 *or*  
19 *more* but less than 400,000, two charter schools may be formed.

20       (c) In a county whose population is less than 100,000, one  
21 charter school may be formed.

22       2. The limitations set forth in subsection 1 do not apply to  
23 charter schools that are dedicated to providing educational programs  
24 and opportunities for pupils who are at risk.

25       3. *For the purposes of subsection 2, a charter school shall be*  
26 *deemed a charter school that is dedicated to providing educational*  
27 *programs and opportunities for pupils who are at risk if the*  
28 *charter school offers educational programs and opportunities to*  
29 *pupils who are at risk in accordance with its written charter,*  
30 *regardless of the actual number or percentage of such pupils who*  
31 *are enrolled in the charter school.*

32       4. *If an application to form a charter school that is dedicated*  
33 *to providing educational programs and opportunities for pupils*  
34 *who are at risk is approved, the governing body of the charter*  
35 *school shall, on or before November 1 of each year, submit a*  
36 *report to the sponsor of the charter school that includes*  
37 *demographic information concerning the pupils enrolled in the*  
38 *charter school and other information to demonstrate that the*  
39 *charter school is dedicated to providing educational programs and*  
40 *opportunities to pupils who are at risk in compliance with its*  
41 *written charter. The State Board shall adopt regulations setting*  
42 *forth the action, if any, that may be taken against a charter school*  
43 *if the sponsor determines that the charter school is not dedicated*  
44 *to providing educational programs and opportunities to pupils who*  
45 *are at risk in compliance with its written charter.*



1       **Sec. 5.** NRS 386.515 is hereby amended to read as follows:  
 2       386.515 1. The board of trustees of a school district may  
 3 apply to the Department for authorization to sponsor charter schools  
 4 within the school district. An application must be approved by the  
 5 Department before the board of trustees may sponsor a charter  
 6 school. Not more than 180 days after receiving approval to sponsor  
 7 charter schools, the board of trustees shall provide public notice of  
 8 its ability to sponsor charter schools and solicit applications for  
 9 charter schools.

10       2. The State Board shall sponsor charter schools whose  
 11 applications have been approved by the State Board pursuant to  
 12 NRS 386.525. *Except as otherwise provided by specific statute, if*  
 13 *the State Board sponsors a charter school, the State Board or the*  
 14 *Department shall be responsible for the evaluation, monitoring*  
 15 *and oversight of the charter school.*

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

17       **Sec. 7.** NRS 386.525 is hereby amended to read as follows:  
 18       386.525 1. Upon approval of an application by the  
 19 Department, a committee to form a charter school may submit  
 20 the application to the board of trustees of the school district in which  
 21 the proposed charter school will be located ~~[If applicable, a~~  
 22 ~~committee may submit an application]~~ *or* directly to the  
 23 Subcommittee on Charter Schools. ~~[pursuant to subsection 4.]~~ If the  
 24 board of trustees of a school district receives an application to form  
 25 a charter school, ~~it~~ *the board of trustees* shall consider the  
 26 application at a ~~regularly scheduled~~ meeting that must be held not  
 27 later than ~~30~~ *45* days after the receipt of the application ~~]~~ and  
 28 ensure that notice of the meeting has been provided pursuant to  
 29 chapter 241 of NRS. The board of trustees, the Subcommittee on  
 30 Charter Schools or the State Board, as applicable, shall review ~~an~~  
 31 *the* application to determine whether the application:

32       (a) Complies with NRS 386.500 to 386.610, inclusive, *and*  
 33 *section 2 of this act* and the regulations applicable to charter  
 34 schools; and

35       (b) Is complete in accordance with the regulations of the  
 36 Department.

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

43       3. If the board of trustees denies an application, it shall include  
 44 in the written notice the reasons for the denial and the deficiencies  
 45 in the application. The applicant must be granted 30 days after



1 receipt of the written notice to correct any deficiencies identified in  
2 the written notice and resubmit the application.

3 4. If the board of trustees denies an application after it has been  
4 resubmitted pursuant to subsection 3, the applicant may submit a  
5 written request for sponsorship by the State Board to the  
6 Subcommittee on Charter Schools created pursuant to NRS 386.507  
7 not more than 30 days after receipt of the written notice of denial.  
8 ~~[[If an applicant proposes to form a charter school exclusively for the~~  
9 ~~enrollment of pupils who receive special education pursuant to NRS~~  
10 ~~388.440 to 388.520, inclusive, the applicant may submit the written~~  
11 ~~request and application directly to the Subcommittee without first~~  
12 ~~seeking approval from the board of trustees of a school district.]]~~  
13 Any request that is submitted pursuant to this subsection must be  
14 accompanied by the application to form the charter school.

15 5. If the Subcommittee receives ~~[a request]~~ *an application*  
16 pursuant to subsection *1 or* 4, it shall hold a meeting to consider the  
17 ~~[request and the]~~ application. The meeting must be held not later  
18 than ~~[30]~~ *45* days after receipt of the application. Notice of the  
19 meeting must be posted in accordance with chapter 241 of NRS.  
20 The Subcommittee shall review the application in accordance with  
21 the factors set forth in paragraphs (a) and (b) of subsection 1. The  
22 Subcommittee shall approve an application if it satisfies the  
23 requirements of paragraphs (a) and (b) of subsection 1.

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

37 7. If the State Board denies the application, the applicant may,  
38 not more than 30 days after the receipt of the written notice from the  
39 State Board, appeal the final determination to the district court of  
40 the county in which the proposed charter school will be located.

41 **Sec. 8.** NRS 386.527 is hereby amended to read as follows:

42 386.527 1. If the State Board or the board of trustees of a  
43 school district approves an application to form a charter school, it  
44 shall grant a written charter to the applicant. The State Board or the  
45 board of trustees, as applicable, shall, not later than 10 days after the



1 approval of the application, provide written notice to the  
2 Department of the approval and the date of the approval. If the  
3 board of trustees approves the application, the board of trustees shall  
4 be deemed the sponsor of the charter school. If the State Board  
5 approves the application:

6 (a) The State Board shall be deemed the sponsor of the charter  
7 school.

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

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

28 3. The governing body of a charter school may submit to the  
29 sponsor of the charter school a written request for an amendment of  
30 the written charter of the charter school. Such an amendment may  
31 include, without limitation, the expansion of instruction and other  
32 educational services to pupils who are enrolled in grade levels other  
33 than the grade levels of pupils currently enrolled in the charter  
34 school if the expansion of grade levels does not change the kind of  
35 school, as defined in NRS 388.020, for which the charter school is  
36 authorized to operate. If the proposed amendment complies with the  
37 provisions of this section, NRS 386.500 to 386.610, inclusive, *and*  
38 *section 2 of this act* and any other statute or regulation applicable to  
39 charter schools, the sponsor shall amend the written charter in  
40 accordance with the proposed amendment. If a charter school  
41 wishes to expand the instruction and other educational services  
42 offered by the charter school to pupils who are enrolled in grade  
43 levels other than the grade levels of pupils currently enrolled in the  
44 charter school and the expansion of grade levels changes the kind of  
45 school, as defined in NRS 388.020, for which the charter school is



1 authorized to operate, the *governing body of the* charter school must  
2 submit a new application to form a charter school. *If such an*  
3 *application is approved, the charter school may continue to*  
4 *operate under the same governing body and an additional*  
5 *governing body does not need to be selected to operate the charter*  
6 *school with the expanded grade levels.*

7 4. The State Board shall adopt objective criteria for the  
8 issuance of a written charter to an applicant who is not prepared to  
9 commence operation on the date of issuance of the written charter.  
10 The criteria must include, without limitation, the:

- 11 (a) Period for which such a written charter is valid; and
- 12 (b) Timelines by which the applicant must satisfy certain  
13 requirements demonstrating its progress in preparing to commence  
14 operation.

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

21 5. The holder of a written charter that is issued pursuant to  
22 subsection 4 shall not commence operation of the charter school and  
23 is not eligible to receive apportionments pursuant to NRS 387.124  
24 until the sponsor has determined that the requirements adopted by  
25 the State Board pursuant to subsection 4 have been satisfied and that  
26 the facility the charter school will occupy has been inspected and  
27 meets the requirements of any applicable building codes, codes for  
28 the prevention of fire, and codes pertaining to safety, health and  
29 sanitation. Except as otherwise provided in this subsection, the  
30 sponsor shall make such a determination 30 days before the first day  
31 of school for the:

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

35 (b) Charter school,  
36 whichever date the sponsor selects. The sponsor shall not require a  
37 charter school to demonstrate compliance with the requirements of  
38 this subsection more than 30 days before the date selected.  
39 However, it may authorize a charter school to demonstrate  
40 compliance less than 30 days before the date selected.

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

42 **Sec. 10.** NRS 386.535 is hereby amended to read as follows:  
43 386.535 1. The sponsor of a charter school may revoke the  
44 written charter of the charter school before the expiration of the  
45 charter if the sponsor determines that:





- 1 (a) The charter school, its officers or its employees have failed  
2 to comply with:
- 3 (1) The terms and conditions of the written charter;
- 4 (2) Generally accepted standards of accounting and fiscal  
5 management; or
- 6 (3) The provisions of NRS 386.500 to 386.610, inclusive,  
7 *and section 2 of this act* or any other statute or regulation applicable  
8 to charter schools;
- 9 (b) The charter school has filed for a voluntary petition of  
10 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise  
11 financially impaired such that the charter school cannot continue to  
12 operate; or
- 13 (c) There is reasonable cause to believe that revocation is  
14 necessary to protect the health and safety of the pupils who are  
15 enrolled in the charter school or persons who are employed by the  
16 charter school from jeopardy, or to prevent damage to or loss of the  
17 property of the school district or the community in which the charter  
18 school is located.
- 19 2. ~~{At least 90 days before}~~ *Before* the sponsor intends to  
20 revoke a written charter, the sponsor shall provide written notice *of*  
21 *its intention* to the governing body of the charter school . ~~{of its~~  
22 ~~intention.}~~ The written notice must:
- 23 (a) Include a statement of the deficiencies or reasons upon  
24 which the action of the sponsor is based; ~~{and~~  
25 ~~—(b) Prescribe}~~
- 26 (b) *Except as otherwise provided in subsection 4, prescribe* a  
27 period, not less than 30 days, during which the charter school may  
28 correct the deficiencies ~~{ }~~ , *including, without limitation, the date*  
29 *on which the period to correct the deficiencies begins and the date*  
30 *on which that period ends;*
- 31 (c) *The date on which the sponsor will make a determination*  
32 *whether the charter school has corrected the deficiencies, which*  
33 *determination may be made during the public hearing pursuant to*  
34 *paragraph (d); and*
- 35 (d) *The date on which the sponsor will hold a public hearing to*  
36 *consider whether to revoke the charter.*
- 37 3. *Except as otherwise provided in subsection 4, not more*  
38 *than 90 days after the notice is provided pursuant to subsection 2,*  
39 *the sponsor shall hold a public hearing to make a determination*  
40 *whether to revoke the written charter.* If the charter school corrects  
41 the deficiencies to the satisfaction of the sponsor within the time  
42 prescribed in paragraph (b) ~~{ }~~ *of subsection 2,* the sponsor shall not  
43 revoke the written charter of the charter school. *The sponsor may*  
44 *not include in a written notice pursuant to subsection 2 any*  
45 *deficiency which was included in a previous written notice and*



1 *which was corrected by the charter school, unless the deficiency*  
2 *recurred after being corrected.*

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

7 **Sec. 11.** NRS 386.545 is hereby amended to read as follows:  
8 386.545 *1.* The Department and the board of trustees of a  
9 school district shall:

10 ~~1-1~~ (a) Upon request, provide information to the general public  
11 concerning the formation and operation of charter schools; *and*

12 ~~2-1~~ (b) Maintain a list available for public inspection that  
13 describes the location of each charter school. ~~3-~~

14 ~~3-1~~ *2. The sponsor of a charter school shall:*

15 (a) Provide reasonable assistance to an applicant for a charter  
16 school and to a charter school in carrying out the provisions of NRS  
17 386.500 to 386.610, inclusive ~~4-~~

18 ~~4-1~~, *and section 2 of this act;*

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

21 ~~5-1~~ (c) Provide information to the governing body of a charter  
22 school concerning the availability of money for the charter school,  
23 including, without limitation, money available from the Federal  
24 Government.

25 *3. The Department shall provide appropriate information,*  
26 *education and training for charter schools and the governing*  
27 *bodies of charter schools concerning the applicable provisions of*  
28 *title 34 of NRS and other laws and regulations that affect charter*  
29 *schools and the governing bodies of charter schools.*

30 **Sec. 11.5.** NRS 386.549 is hereby amended to read as follows:

31 386.549 *1.* The governing body of a charter school must  
32 consist of at least three teachers, as defined in subsection 4, and may  
33 consist of, without limitation, parents and representatives of  
34 nonprofit organizations and businesses. A majority of the members  
35 of the governing body must reside in this state. If the membership of  
36 the governing body changes, the governing body shall provide  
37 written notice to the sponsor of the charter school within 10 working  
38 days after ~~such~~ *the* change. A person may serve on the governing  
39 body only if he submits an affidavit to the Department indicating  
40 that the person has not been convicted of a felony or any offense  
41 involving moral turpitude.

42 *2.* The governing body of a charter school is a public body. ~~1-1~~  
43 *A member of the governing body of a charter school is a public*  
44 *officer and is subject to the applicable provisions of chapter 281 of*  
45 *NRS. The governing body of a charter school* is hereby given such



1 reasonable and necessary powers, not conflicting with the  
2 Constitution and the laws of the State of Nevada, as may be  
3 requisite to attain the ends for which the charter school is  
4 established and to promote the welfare of pupils who are enrolled in  
5 the charter school.

6 3. The governing body of a charter school shall, during each  
7 calendar quarter, hold at least one regularly scheduled public  
8 meeting in the county in which the charter school is located. *Each*  
9 *member of the governing body may receive a salary of \$80 for*  
10 *each meeting of the governing body that he attends, not to exceed*  
11 *\$960 for 1 year. In addition, each member of the governing body*  
12 *may receive payment for travel and subsistence in the same*  
13 *amount that is authorized for a member of the board of trustees of*  
14 *a school district pursuant to NRS 386.290.*

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

16 (a) Holds a current license to teach issued pursuant to chapter  
17 391 of NRS; and

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

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

22 **Sec. 12.** NRS 386.570 is hereby amended to read as follows:

23 386.570 1. Each pupil who is enrolled in a charter school,  
24 including, without limitation, a pupil who is enrolled in a program  
25 of special education in a charter school, must be included in the  
26 count of pupils in the school district for the purposes of  
27 apportionments and allowances from the State Distributive School  
28 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the  
29 pupil is exempt from compulsory attendance pursuant to NRS  
30 392.070. A charter school is entitled to receive its proportionate  
31 share of any other money available from federal, state or local  
32 sources that the school or the pupils who are enrolled in the school  
33 are eligible to receive. If a charter school receives special education  
34 program units directly from this state, the amount of money for  
35 special education that the school district pays to the charter school  
36 may be reduced proportionately by the amount of money the charter  
37 school received from this state for that purpose. *If a charter school*  
38 *is sponsored by the board of trustees of a school district, the*  
39 *Superintendent of Public Instruction shall ensure that 0.25*  
40 *percent is withheld from each quarterly apportionment made to*  
41 *the charter school and deposited in the Fund for Charter Schools*  
42 *created by NRS 386.576. If a charter school is sponsored by the*  
43 *State Board, the Superintendent of Public Instruction shall:*



\* S B 2 5 2 R 1 \*

1       (a) *Ensure that 0.25 percent is withheld from each quarterly*  
2 *apportionment made to the charter school and deposited in the*  
3 *Fund for Charter Schools created by NRS 386.576; and*  
4       (b) *Ensure that 0.25 percent is withheld from each quarterly*  
5 *apportionment made to the charter school and ensure that*  
6 *the money is accounted for separately to support the activities of*  
7 *the State Board and the Department that are associated with the*  
8 *sponsorship and oversight of charter schools.*  
9       2. All money received by the charter school from this state or  
10 from the board of trustees of a school district must be deposited in a  
11 bank, credit union or other financial institution in this state. The  
12 governing body of a charter school may negotiate with the board of  
13 trustees of the school district and the State Board for additional  
14 money to pay for services which the governing body wishes to offer.  
15       3. ~~Upon completion of a school year, the sponsor of a charter~~  
16 ~~school may request reimbursement from the governing body of the~~  
17 ~~charter school for the administrative costs associated with~~  
18 ~~sponsorship for that school year if the sponsor provided~~  
19 ~~administrative services during that school year. Upon receipt of such~~  
20 ~~a request, the governing body shall pay the reimbursement to the~~  
21 ~~board of trustees of the school district, if the board of trustees~~  
22 ~~sponsors the charter school, or to the Department if the State Board~~  
23 ~~sponsors the charter school. If a governing body fails to pay the~~  
24 ~~reimbursement, the charter school shall be deemed to have violated~~  
25 ~~its written charter and the sponsor may take such action to revoke~~  
26 ~~the written charter pursuant to NRS 386.535 as it deems necessary.~~  
27 ~~The amount of reimbursement that a charter school may be required~~  
28 ~~to pay pursuant to this subsection]~~ *At the beginning of each school*  
29 *year, the board of trustees of each school district that sponsors a*  
30 *charter school shall provide to the governing body of the charter*  
31 *school a statement of the administrative services, if any, that will*  
32 *be provided by the board of trustees during the school year. If the*  
33 *State Board sponsors a charter school, the Department shall*  
34 *provide at the beginning of each school year a statement of the*  
35 *administrative services, if any, that will be provided by*  
36 *the Department to the governing body during the school year. If*  
37 *the sponsor of a charter school desires to receive payment for the*  
38 *administrative services provided to the charter school during a*  
39 *school year, the sponsor shall submit to the Department, at the*  
40 *beginning of the school year, a request for payment from each*  
41 *quarterly apportionment to the charter school. If the sponsor*  
42 *makes such a request, the Superintendent of Public Instruction*  
43 *shall ensure that an amount of money is withheld from each*  
44 *quarterly apportionment to the charter school that is proportionate*  
45 *to the total amount that may be withheld in 1 school year pursuant*



1 *to subsection 4 or 5, as applicable. The amount withheld must be*  
2 *paid to the board of trustees or, if the State Board sponsors the*  
3 *charter school, to the Department.*

4 *4. If the board of trustees of a school district is the sponsor of*  
5 *a charter school, the amount of money that may be paid to the*  
6 *sponsor pursuant to subsection 3 for administrative expenses in 1*  
7 *school year must not exceed:*

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

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

14 ~~[4.]~~ *5. If the sponsor of a charter school is the State Board,*  
15 *the amount of money that may be paid to the Department pursuant*  
16 *to subsection 3 for administrative expenses in 1 school year must*  
17 *not exceed:*

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

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

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

38 ~~[5.]~~ *7. If a charter school ceases to operate as a charter school*  
39 *during a school year, the remaining apportionments that would have*  
40 *been made to the charter school pursuant to NRS 387.124 for that*  
41 *year must be paid on a proportionate basis to the school districts*  
42 *where the pupils who were enrolled in the charter school reside.*

43 ~~[6.]~~ *8. The governing body of a charter school may solicit and*  
44 *accept donations, money, grants, property, loans, personal services*  
45 *or other assistance for purposes relating to education from members*



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

9 ~~7.1~~ 9. If a charter school uses money received from this state  
10 to purchase real property, buildings, equipment or facilities, the  
11 governing body of the charter school shall assign a security interest  
12 in the property, buildings, equipment and facilities to the State of  
13 Nevada.

14 **Sec. 12.5.** NRS 386.590 is hereby amended to read as follows:

15 386.590 1. Except as otherwise provided in this subsection,  
16 at least 70 percent of the teachers who provide instruction at a  
17 charter school must be licensed teachers. If a charter school is a  
18 vocational school, the charter school shall, to the extent practicable,  
19 ensure that at least 70 percent of the teachers who provide  
20 instruction at the school are licensed teachers, but in no event may  
21 more than 50 percent of the teachers who provide instruction at the  
22 school be unlicensed teachers.

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

24 (a) If the charter school offers instruction in kindergarten or  
25 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are  
26 enrolled in those grades.

27 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10,  
28 11 or 12, a licensed teacher to teach pupils who are enrolled in those  
29 grades for the following courses of study:

30 (1) English, including reading, composition and writing;

31 (2) Mathematics;

32 (3) Science; and

33 (4) Social studies, which includes only the subjects of  
34 history, geography, economics and government.

35 (c) In addition to the requirements of paragraphs (a) and (b):

36 (1) If a charter school specializes in arts and humanities,  
37 physical education or health education, a licensed teacher to teach  
38 those courses of study.

39 (2) If a charter school specializes in the construction industry  
40 or other building industry, licensed teachers to teach courses of  
41 study relating to the industry if those teachers are employed full  
42 time.

43 (3) If a charter school specializes in the construction industry  
44 or other building industry and the school offers courses of study in  
45 computer education, technology or business, licensed teachers to



1 teach those courses of study if those teachers are employed full  
2 time.

3 3. ~~[A]~~ *Except as otherwise provided in section 2 of this act, a*  
4 charter school may employ a person who is not licensed pursuant to  
5 the provisions of chapter 391 of NRS to teach a course of study for  
6 which a licensed teacher is not required pursuant to subsection 2 if  
7 the person has:

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

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

11 4. ~~[A]~~ *Except as otherwise provided in section 2 of this act, a*  
12 charter school may employ such administrators for the school as it  
13 deems necessary. A person employed as an administrator must  
14 possess:

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

17 (b) If the person has at least 5 years of experience in  
18 administration, a baccalaureate degree.

19 5. A charter school shall not employ a person pursuant to this  
20 section if his license to teach or provide other educational services  
21 has been revoked or suspended in this state or another state.

22 6. On or before November 15 of each year, a charter school  
23 shall submit to the Department, in a format prescribed by the  
24 Superintendent of Public Instruction, the following information for  
25 each licensed employee who is employed by the governing body on  
26 October 1 of that year:

27 (a) The amount of salary of the employee; and

28 (b) The designated assignment, as that term is defined by the  
29 Department, of the employee.

30 **Sec. 13.** NRS 387.124 is hereby amended to read as follows:

31 387.124 Except as otherwise provided in this section and  
32 NRS 387.528:

33 1. On or before August 1, November 1, February 1 and May 1  
34 of each year, the Superintendent of Public Instruction shall  
35 apportion the State Distributive School Account in the State General  
36 Fund among the several county school districts and charter schools  
37 in amounts approximating one-fourth of their respective yearly  
38 apportionments less any amount set aside as a reserve. The  
39 apportionment to a school district, computed on a yearly basis,  
40 equals the difference between the basic support and the local funds  
41 available pursuant to NRS 387.1235, minus all the funds attributable  
42 to pupils who reside in the county but attend a charter school and all  
43 the funds attributable to pupils who reside in the county and are  
44 enrolled full-time or part-time in a program of distance education  
45 provided by another school district or a charter school. No



1 apportionment may be made to a school district if the amount of the  
2 local funds exceeds the amount of basic support. If an agreement is  
3 not filed for a pupil who is enrolled in a program of distance  
4 education as required by NRS 388.854, the Superintendent of Public  
5 Instruction shall not apportion money for that pupil to the board of  
6 trustees of the school district in which the pupil resides, or the board  
7 of trustees or governing body that provides the program of distance  
8 education.

9 2. Except as otherwise provided in subsection 3, the  
10 apportionment to a charter school, computed on a yearly basis, is  
11 equal to the sum of the basic support per pupil in the county in  
12 which the pupil resides plus the amount of local funds available per  
13 pupil pursuant to NRS 387.1235 and all other funds available for  
14 public schools in the county in which the pupil resides minus all the  
15 funds attributable to pupils who are enrolled in the charter school  
16 but are concurrently enrolled part-time in a program of distance  
17 education provided by a school district or another charter school. If  
18 the apportionment per pupil to a charter school is more than the  
19 amount to be apportioned to the school district in which a pupil who  
20 is enrolled in the charter school resides, the school district in which  
21 the pupil resides shall pay the difference directly to the charter  
22 school.

23 3. ~~Except as otherwise provided in this subsection, the~~ *The*  
24 apportionment to a charter school that is sponsored by the State  
25 Board, computed on a yearly basis, is equal to ~~the~~

26 ~~—(a) The~~ *the* sum of the basic support per pupil in the county in  
27 which the pupil resides plus the amount of local funds available per  
28 pupil pursuant to NRS 387.1235 and all other funds available for  
29 public schools in the county in which the pupil resides ~~the~~ *or*

30 ~~—(b) The statewide average per pupil amount for pupils who are~~  
31 ~~enrolled full time, whichever is greater. If the calculation set forth in~~  
32 ~~paragraph (a) is less than the calculation pursuant to paragraph (b),~~  
33 ~~the school district in which the charter school is located shall pay~~  
34 ~~the difference directly to the charter school. If a charter school~~  
35 ~~provides a program of distance education pursuant to NRS 388.820~~  
36 ~~to 388.874, inclusive, the apportionment to the charter school for~~  
37 ~~pupils who are enrolled in the program of distance education must~~  
38 ~~be calculated as set forth in subsection 2 or 4, as applicable.] ,~~  
39 *minus all funds attributable to pupils who are enrolled in the*  
40 *charter school but are concurrently enrolled part-time in a*  
41 *program of distance education provided by a school district or*  
42 *another charter school.*

43 4. In addition to the apportionments made pursuant to this  
44 section, an apportionment must be made to a school district or  
45 charter school that provides a program of distance education for





1 each pupil who is enrolled part-time in the program if an agreement  
2 is filed for that pupil pursuant to NRS 388.854 or 388.858, as  
3 applicable. The amount of the apportionment must be equal to the  
4 percentage of the total time services are provided to the pupil  
5 through the program of distance education per school day in  
6 proportion to the total time services are provided during a school  
7 day to pupils who are counted pursuant to subparagraph (2) of  
8 paragraph (a) of subsection 1 of NRS 387.1233 for the school  
9 district in which the pupil resides.

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

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

27 **Sec. 13.1.** NRS 388.838 is hereby amended to read as follows:

28 388.838 1. The board of trustees of a school district or the  
29 governing body of a charter school may submit an application to the  
30 Department to provide a program of distance education. *In addition,*  
31 *a committee to form a charter school may submit an application to*  
32 *the Department to provide a program of distance education if the*  
33 *application to form the charter school submitted by the committee*  
34 *pursuant to NRS 386.520 indicates that the charter school intends*  
35 *to provide a program of distance education.*

36 2. An applicant to provide a program of distance education  
37 may seek approval to provide a program that is comprised of one or  
38 more courses of distance education included on the list of courses  
39 approved by the Department pursuant to NRS 388.834 or a program  
40 that is comprised of one or more courses of distance education  
41 which have not been reviewed by the Department before submission  
42 of the application.

43 3. An application to provide a program of distance education  
44 must include:



1 (a) All the information prescribed by the State Board by  
2 regulation.

3 (b) Except as otherwise provided in this paragraph, proof  
4 satisfactory to the Department that the program satisfies all  
5 applicable statutes and regulations. The proof required by this  
6 paragraph shall be deemed satisfied if the program is comprised  
7 only of courses of distance education approved by the Department  
8 pursuant to NRS 388.834 before submission of the application.

9 4. ~~[The]~~ *Except as otherwise provided in this subsection, the*  
10 Department shall approve an application submitted pursuant to this  
11 section if the application satisfies the requirements of NRS 388.820  
12 to 388.874, inclusive, and all other applicable statutes and  
13 regulations. *The Department shall deny an application to provide a*  
14 *program of distance education submitted by a committee to form a*  
15 *charter school if that committee's application to form a charter*  
16 *school is denied.* The Department shall provide written notice to the  
17 applicant of the Department's approval or denial of the application.

18 5. If the Department denies an application, the Department  
19 shall include in the written notice the reasons for the denial and the  
20 deficiencies of the application. The applicant must be granted 30  
21 days after receipt of the written notice to correct any deficiencies  
22 identified in the written notice and resubmit the application. The  
23 Department shall approve an application that has been resubmitted  
24 pursuant to this subsection if the application satisfies the  
25 requirements of NRS 388.820 to 388.874, inclusive, and all other  
26 applicable statutes and regulations.

27 **Sec. 13.3.** NRS 388.854 is hereby amended to read as follows:

28 388.854 1. Except as otherwise provided in this subsection,  
29 before a pupil may enroll full time or part time in a program of  
30 distance education that is provided by a school district other than the  
31 school district in which the pupil resides, the pupil must obtain the  
32 written permission of the board of trustees of the school district in  
33 which the pupil resides. Before a pupil who is enrolled in a public  
34 school of a school district may enroll part time in a program of  
35 distance education that is provided by a charter school, the pupil  
36 must obtain the written permission of the board of trustees of the  
37 school district in which the pupil resides. A pupil who enrolls full  
38 time in a program of distance education that is provided by a charter  
39 school is not required to obtain the approval of the board of trustees  
40 of the school district in which the pupil resides.

41 2. If the board of trustees of a school district grants permission  
42 pursuant to subsection 1, the board of trustees shall enter into a  
43 written agreement with the board of trustees or governing body, as  
44 applicable, that provides the program of distance education. A  
45 separate agreement must be prepared for each year that a pupil



\* S B 2 5 2 R 1 \*

1 enrolls in a program of distance education. The written agreement  
2 must:

3 (a) Contain a statement prepared by the board of trustees of the  
4 school district in which the pupil resides indicating that the board of  
5 trustees understands that the Superintendent of Public Instruction  
6 will make appropriate adjustments in the apportionments to the  
7 school district pursuant to NRS 387.124 to account for the pupil's  
8 enrollment in the program of distance education;

9 (b) If the pupil plans to enroll part time in the program of  
10 distance education, contain a statement prepared by the board of  
11 trustees of the school district in which the pupil resides and the  
12 board of trustees or governing body that provides the program of  
13 distance education setting forth the percentage of the total time  
14 services will be provided to the pupil through the program of  
15 distance education per school day in proportion to the total time  
16 services are provided during a school day to pupils who are counted  
17 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of  
18 NRS 387.1233 for the school district in which the pupil resides;

19 (c) Be signed by the board of trustees of the school district in  
20 which the pupil resides and the board of trustees or governing body  
21 that provides the program of distance education; and

22 (d) Include any other information required by the State Board by  
23 regulation.

24 3. On or before ~~September 1~~ *the last day of the first school*  
25 *month* of each *school* year or ~~January~~ *February* 1 of each *school*  
26 year, as applicable for the semester of enrollment, a written  
27 agreement must be filed with the Superintendent of Public  
28 Instruction for each pupil who is enrolled full time in a program of  
29 distance education provided by a school district other than the  
30 school district in which the pupil resides. On or before ~~September 1~~  
31 ~~or January~~ *the last day of the first school month of each school*  
32 *year or February* 1 of each *school* year, as applicable for the  
33 semester of enrollment, a written agreement must be filed with the  
34 Superintendent of Public Instruction for each pupil who is enrolled  
35 in a public school of the school district and who is enrolled part time  
36 in a program of distance education provided by a charter school. If  
37 an agreement is not filed for a pupil who is enrolled in a program of  
38 distance education as required by this section, the Superintendent of  
39 Public Instruction shall not apportion money for that pupil to the  
40 board of trustees of the school district in which the pupil resides, or  
41 the board of trustees or governing body that provides the program of  
42 distance education.

43 **Sec. 13.5.** NRS 388.858 is hereby amended to read as follows:  
44 388.858 1. If a pupil is enrolled in a charter school, he may  
45 enroll full time in a program of distance education only if the charter



1 school in which he is enrolled provides the program of distance  
2 education.

3 2. Before a pupil who is enrolled in a charter school may enroll  
4 part time in a program of distance education that is provided by a  
5 school district or another charter school, the pupil must obtain the  
6 written permission of the governing body of the charter school in  
7 which the pupil is enrolled.

8 3. If the governing body of a charter school grants permission  
9 pursuant to subsection 2, the governing body shall enter into a  
10 written agreement with the board of trustees or governing body, as  
11 applicable, that provides the program of distance education. A  
12 separate agreement must be prepared for each year that a pupil  
13 enrolls in a program of distance education. The written agreement  
14 must:

15 (a) Contain a statement prepared by the governing body of the  
16 charter school in which the pupil is enrolled indicating that the  
17 governing body understands that the Superintendent of Public  
18 Instruction will make appropriate adjustments in the apportionments  
19 to the charter school pursuant to NRS 387.124 to account for the  
20 pupil's enrollment in the program of distance education;

21 (b) Contain a statement prepared by the governing body of the  
22 charter school in which the pupil is enrolled and the board of  
23 trustees or governing body that provides the program of distance  
24 education setting forth the percentage of the total time services will  
25 be provided to the pupil through the program of distance education  
26 per school day in proportion to the total time services are provided  
27 during a school day to pupils who are counted pursuant to  
28 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233  
29 for the school district in which the pupil resides;

30 (c) Be signed by the governing body of the charter school in  
31 which the pupil is enrolled and the board of trustees or governing  
32 body that provides the program of distance education; and

33 (d) Include any other information required by the State Board by  
34 regulation.

35 4. On or before ~~September 1 or January~~ *the last day of the*  
36 *first school month of each school year or February* 1 of each  
37 *school* year, as applicable for the semester of enrollment, a written  
38 agreement must be filed with the Superintendent of Public  
39 Instruction for each pupil who is enrolled in a charter school and  
40 who is enrolled part time in a program of distance education  
41 provided by a school district or another charter school. If an  
42 agreement is not filed for such a pupil, the Superintendent of Public  
43 Instruction shall not apportion money for that pupil to the governing  
44 body of the charter school in which the pupil is enrolled, or the



1 board of trustees or governing body that provides the program of  
2 distance education.

3 **Sec. 13.7.** NRS 388.866 is hereby amended to read as follows:

4 388.866 1. The board of trustees of a school district or the  
5 governing body of a charter school that provides a program of  
6 distance education shall ensure that, for each course offered through  
7 the program, a teacher:

8 (a) Provides the work assignments to each pupil enrolled in the  
9 course that are necessary for the pupil to complete the course; and

10 (b) Meets or otherwise communicates with the pupil at least  
11 once each week during the course to discuss the pupil's progress.

12 2. If a course offered through a program of distance education  
13 is a core academic subject, as defined in NRS 389.018, the teacher  
14 who fulfills the requirements of subsection 1 must be a ~~licensed~~  
15 ~~teacher.~~:

16 (a) *Licensed teacher; or*

17 (b) *Teacher, instructor or professor who provides instruction*  
18 *at a community college or university.*

19 **Sec. 13.9.** NRS 388.874 is hereby amended to read as follows:

20 388.874 1. The State Board shall adopt regulations that  
21 prescribe:

22 (a) The process for submission of an application by a person or  
23 entity for inclusion of a course of distance education on the list  
24 prepared by the Department pursuant to NRS 388.834 and the  
25 contents of the application;

26 (b) The process for submission of an application by the board of  
27 trustees of a school district , ~~for~~ the governing body of a charter  
28 school *or a committee to form a charter school* to provide a  
29 program of distance education and the contents of the application;

30 (c) The qualifications and conditions for enrollment that a pupil  
31 must satisfy to enroll in a program of distance education, consistent  
32 with NRS 388.850;

33 (d) A method for reporting to the Department the number of  
34 pupils who are enrolled in a program of distance education and the  
35 attendance of those pupils;

36 (e) The requirements for assessing the achievement of pupils  
37 who are enrolled in a program of distance education, which must  
38 include, without limitation, the administration of the achievement  
39 and proficiency examinations required pursuant to NRS 389.015 and  
40 389.550; and

41 (f) A written description of the process pursuant to which the  
42 State Board may revoke its approval for the operation of a program  
43 of distance education.



1 2. The State Board may adopt regulations as it determines are  
2 necessary to carry out the provisions of NRS 388.820 to 388.874,  
3 inclusive.

4 **Sec. 14.** NRS 389.632 is hereby amended to read as follows:

5 389.632 1. Except as otherwise provided in subsection 8, if  
6 the Department determines:

7 (a) That at least one irregularity in testing administration  
8 occurred at a school, including, without limitation, a charter school,  
9 during 1 school year on the examinations administered pursuant to  
10 NRS 389.015, excluding the high school proficiency examination;

11 (b) That in the immediately succeeding school year, at least one  
12 additional irregularity in testing administration occurred at that  
13 school on the examinations administered pursuant to NRS 389.015,  
14 excluding the high school proficiency examination; and

15 (c) Based upon the criteria set forth in subsection 5, that the  
16 irregularities described in paragraphs (a) and (b) warrant an  
17 additional administration of the examinations,

18 the Department shall notify the school and the school district in  
19 which the school is located that the school is required to provide for  
20 an additional administration of the examinations to pupils who are  
21 enrolled in a grade that is required to take the examinations pursuant  
22 to NRS 389.015, excluding the high school proficiency  
23 examination, or to the pupils the Department determines must take  
24 the additional administration pursuant to subsection 6. The  
25 additional administration must occur in the same school year in  
26 which the irregularity described in paragraph (b) occurred. ~~The~~

27 *Except as otherwise provided in this subsection, the* school district  
28 shall pay for all costs related to the administration of examinations  
29 pursuant to this subsection. *If a charter school is required to*  
30 *administer examinations pursuant to this subsection, the charter*  
31 *school shall pay for all costs related to the administration of the*  
32 *examinations to pupils enrolled in the charter school.*

33 2. If the Department determines that:

34 (a) At least one irregularity in testing administration occurred at  
35 a school, including, without limitation, a charter school, during 1  
36 school year on the examinations administered pursuant to  
37 NRS 389.550;

38 (b) In the immediately succeeding school year, at least one  
39 additional irregularity in testing administration occurred at that  
40 school on the examinations administered pursuant to NRS 389.550;  
41 and

42 (c) Based upon the criteria set forth in subsection 5, that the  
43 irregularities described in paragraphs (a) and (b) warrant an  
44 additional administration of the examinations,



1 the Department shall notify the school and the school district in  
2 which the school is located that the school is required to provide for  
3 an additional administration of the examinations to pupils who are  
4 enrolled in a grade that is required to take the examinations pursuant  
5 to NRS 389.550 or to the pupils the Department determines must  
6 take the additional administration pursuant to subsection 6. The  
7 additional administration must occur in the same school year in  
8 which the irregularity described in paragraph (b) occurred. ~~The~~  
9 *Except as otherwise provided in this subsection, the* school district  
10 shall pay for all costs related to the administration of examinations  
11 pursuant to this subsection. *If a charter school is required to*  
12 *administer examinations pursuant to this subsection, the charter*  
13 *school shall pay for all costs related to the administration of the*  
14 *examinations to pupils enrolled in the charter school.*

15 3. If the Department determines that:

16 (a) At least one irregularity in testing administration occurred at  
17 a school, including, without limitation, a charter school, during 1  
18 school year on the examinations administered pursuant to NRS  
19 389.015, excluding the high school proficiency examination;

20 (b) In the immediately succeeding school year, at least one  
21 additional irregularity in testing administration occurred at that  
22 school on the examinations administered pursuant to NRS 389.550;  
23 and

24 (c) Based upon the criteria set forth in subsection 5, that the  
25 irregularities described in paragraphs (a) and (b) warrant an  
26 additional administration of the examinations,  
27 the Department shall notify the school and the school district in  
28 which the school is located that the school is required to provide for  
29 an additional administration of the examinations to pupils who are  
30 enrolled in a grade that is required to take the examinations pursuant  
31 to NRS 389.550 or to the pupils the Department determines must  
32 take the additional administration pursuant to subsection 6. The  
33 additional administration must occur in the same school year in  
34 which the irregularity described in paragraph (b) occurred. ~~The~~  
35 *Except as otherwise provided in this subsection, the* school district  
36 shall pay for all costs related to the administration of examinations  
37 pursuant to this subsection. *If a charter school is required to*  
38 *administer examinations pursuant to this subsection, the charter*  
39 *school shall pay for all costs related to the administration of the*  
40 *examinations to pupils enrolled in the charter school.*

41 4. Except as otherwise provided in subsection 8, if the  
42 Department determines that:

43 (a) At least one irregularity in testing administration occurred at  
44 a school, including, without limitation, a charter school, during 1



1 school year on the examinations administered pursuant to  
2 NRS 389.550;

3 (b) In the immediately succeeding school year, at least one  
4 additional irregularity in testing administration occurred at that  
5 school on the examinations administered pursuant to NRS 389.015,  
6 excluding the high school proficiency examination; and

7 (c) Based upon the criteria set forth in subsection 5, that the  
8 irregularities described in paragraphs (a) and (b) warrant an  
9 additional administration of the examinations,  
10 the Department shall notify the school and the school district in  
11 which the school is located that the school is required to provide for  
12 an additional administration of the examinations to pupils who are  
13 enrolled in a grade that is required to take the examinations pursuant  
14 to NRS 389.015, excluding the high school proficiency  
15 examination, or to the pupils the Department determines must take  
16 the additional administration pursuant to subsection 6. The  
17 additional administration must occur in the same school year in  
18 which the irregularity described in paragraph (b) occurred. ~~The~~  
19 *Except as otherwise provided in this subsection, the* school district  
20 shall pay for all costs related to the administration of examinations  
21 pursuant to this subsection. *If a charter school is required to*  
22 *administer examinations pursuant to this subsection, the charter*  
23 *school shall pay for all costs related to the administration of the*  
24 *examinations to pupils enrolled in the charter school.*

25 5. In determining whether to require a school to provide for an  
26 additional administration of examinations pursuant to this section,  
27 the Department shall consider:

28 (a) The effect of each irregularity in testing administration,  
29 including, without limitation, whether the irregularity required the  
30 scores of pupils to be invalidated; and

31 (b) Whether sufficient time remains in the school year to  
32 provide for an additional administration of examinations.

33 6. If the Department determines pursuant to subsection 5 that a  
34 school must provide for an additional administration of  
35 examinations, the Department may consider whether the most recent  
36 irregularity in testing administration affected the test scores of a  
37 limited number of pupils and require the school to provide an  
38 additional administration of examinations pursuant to this section  
39 only to those pupils whose test scores were affected by the most  
40 recent irregularity.

41 7. The Department shall provide as many notices pursuant to  
42 this section during 1 school year as are applicable to the  
43 irregularities occurring at a school. A school shall provide for  
44 additional administrations of examinations pursuant to this section





1 within 1 school year as applicable to the irregularities occurring at  
2 the school.

3 8. If a school is required to provide an additional  
4 administration of examinations pursuant to subsection 2 of NRS  
5 385.368 for a school year, the school is not required to provide for  
6 an additional administration pursuant to subsection 1 or 4 in that  
7 school year. The Department shall ensure that the information  
8 required pursuant to paragraph (b) of subsection 3 of NRS 389.648  
9 is included in its report for the additional administration provided by  
10 such a school pursuant to subsection 2 of NRS 385.368.

11 **Sec. 15.** NRS 391.033 is hereby amended to read as follows:

12 391.033 1. All licenses for teachers and other educational  
13 personnel are granted by the Superintendent of Public Instruction  
14 pursuant to regulations adopted by the Commission and as  
15 otherwise provided by law.

16 2. An application for the issuance of a license must include the  
17 social security number of the applicant.

18 3. Every applicant for a license must submit with his  
19 application a complete set of his fingerprints and written permission  
20 authorizing the Superintendent to forward the fingerprints to the  
21 Federal Bureau of Investigation and to the Central Repository for  
22 Nevada Records of Criminal History for their reports on the  
23 criminal history of the applicant.

24 4. The Superintendent may issue a provisional license pending  
25 receipt of the reports of the Federal Bureau of Investigation and the  
26 Central Repository for Nevada Records of Criminal History if he  
27 determines that the applicant is otherwise qualified.

28 5. A license must be issued to an applicant if:

29 (a) The Superintendent determines that the applicant is  
30 qualified;

31 (b) The reports on the criminal history of the applicant from the  
32 Federal Bureau of Investigation and the Central Repository for  
33 Nevada Records of Criminal History:

34 (1) Do not indicate that the applicant has been convicted of a  
35 felony or any offense involving moral turpitude; or

36 (2) Indicate that the applicant has been convicted of a felony  
37 or an offense involving moral turpitude but the Superintendent  
38 determines that the conviction is unrelated to the position within the  
39 county school district *or charter school* for which the applicant  
40 applied; and

41 (c) The applicant submits the statement required pursuant to  
42 NRS 391.034.



1       **Sec. 16.** NRS 179A.075 is hereby amended to read as follows:  
2       179A.075 1. The Central Repository for Nevada Records of  
3 Criminal History is hereby created within the Nevada Highway  
4 Patrol Division of the Department.

5       2. Each agency of criminal justice and any other agency  
6 dealing with crime or delinquency of children shall:

7       (a) Collect and maintain records, reports and compilations of  
8 statistical data required by the Department; and

9       (b) Submit the information collected to the Central Repository  
10 in the manner recommended by the Advisory Committee and  
11 approved by the Director of the Department.

12       3. Each agency of criminal justice shall submit the information  
13 relating to sexual offenses and other records of criminal history that  
14 it creates or issues, and any information in its possession relating to  
15 the genetic markers of a biological specimen of a person who is  
16 convicted of an offense listed in subsection 4 of NRS 176.0913, to  
17 the Division in the manner prescribed by the Director of the  
18 Department. The information must be submitted to the Division:

19       (a) Through an electronic network;

20       (b) On a medium of magnetic storage; or

21       (c) In the manner prescribed by the Director of the  
22 Department,

23 within the period prescribed by the Director of the Department. If an  
24 agency has submitted a record regarding the arrest of a person who  
25 is later determined by the agency not to be the person who  
26 committed the particular crime, the agency shall, immediately upon  
27 making that determination, so notify the Division. The Division  
28 shall delete all references in the Central Repository relating to that  
29 particular arrest.

30       4. The Division shall, in the manner prescribed by the Director  
31 of the Department:

32       (a) Collect, maintain and arrange all information submitted to it  
33 relating to:

34           (1) Sexual offenses and other records of criminal history; and

35           (2) The genetic markers of a biological specimen of a person  
36 who is convicted of an offense listed in subsection 4 of  
37 NRS 176.0913.

38       (b) When practicable, use a record of the personal identifying  
39 information of a subject as the basis for any records maintained  
40 regarding him.

41       (c) Upon request, provide the information that is contained in  
42 the Central Repository to the State Disaster Identification Team of  
43 the Division of Emergency Management of the Department.

44       5. The Division may:



- 1 (a) Disseminate any information which is contained in the  
2 Central Repository to any other agency of criminal justice;
- 3 (b) Enter into cooperative agreements with federal and state  
4 repositories to facilitate exchanges of information that may be  
5 disseminated pursuant to paragraph (a); and
- 6 (c) Request of and receive from the Federal Bureau of  
7 Investigation information on the background and personal history of  
8 any person whose record of fingerprints the Central Repository  
9 submits to the Federal Bureau of Investigation and:
- 10 (1) Who has applied to any agency of the State of Nevada or  
11 any political subdivision thereof for a license which it has the power  
12 to grant or deny;
- 13 (2) With whom any agency of the State of Nevada or any  
14 political subdivision thereof intends to enter into a relationship of  
15 employment or a contract for personal services;
- 16 (3) About whom any agency of the State of Nevada or any  
17 political subdivision thereof has a legitimate need to have accurate  
18 personal information for the protection of the agency or the persons  
19 within its jurisdiction; or
- 20 (4) For whom such information is required to be obtained  
21 pursuant to NRS 449.179.
- 22 6. The Central Repository shall:
- 23 (a) Collect and maintain records, reports and compilations of  
24 statistical data submitted by any agency pursuant to subsection 2.
- 25 (b) Tabulate and analyze all records, reports and compilations of  
26 statistical data received pursuant to this section.
- 27 (c) Disseminate to federal agencies engaged in the collection of  
28 statistical data relating to crime information which is contained in  
29 the Central Repository.
- 30 (d) Investigate the criminal history of any person who:
- 31 (1) Has applied to the Superintendent of Public Instruction  
32 for a license;
- 33 (2) Has applied to a county school district *or charter school*  
34 for employment; or
- 35 (3) Is employed by a county school district ~~or~~ *or charter*  
36 *school,*  
37 and notify the superintendent of each county school district *, the*  
38 *governing body of each charter school* and the Superintendent of  
39 Public Instruction if the investigation of the Central Repository  
40 indicates that the person has been convicted of a violation of NRS  
41 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a  
42 felony or any offense involving moral turpitude.
- 43 (e) Upon discovery, notify the superintendent of each county  
44 school district *and the governing body of each charter school* by  
45 providing ~~him with~~ a list of all persons:



1 (1) Investigated pursuant to paragraph (d); or  
2 (2) Employed by a county school district *or charter school*  
3 whose fingerprints were sent previously to the Central Repository  
4 for investigation,  
5 who the Central Repository's records indicate have been convicted  
6 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or  
7 453.3395, or convicted of a felony or any offense involving moral  
8 turpitude since the Central Repository's initial investigation. The  
9 superintendent of each county school district *or the governing body*  
10 *of a charter school, as applicable*, shall determine whether further  
11 investigation or action by the district *or governing body* is  
12 appropriate.

13 (f) Investigate the criminal history of each person who submits  
14 fingerprints or has his fingerprints submitted pursuant to NRS  
15 449.176 or 449.179.

16 (g) On or before July 1 of each year, prepare and present to the  
17 Governor a printed annual report containing the statistical data  
18 relating to crime received during the preceding calendar year.  
19 Additional reports may be presented to the Governor throughout the  
20 year regarding specific areas of crime if they are recommended by  
21 the Advisory Committee and approved by the Director of the  
22 Department.

23 (h) On or before July 1 of each year, prepare and submit to the  
24 Director of the Legislative Counsel Bureau, for submission to the  
25 Legislature, or the Legislative Commission when the Legislature is  
26 not in regular session, a report containing statistical data about  
27 domestic violence in this state.

28 (i) Identify and review the collection and processing of  
29 statistical data relating to criminal justice and the delinquency of  
30 children by any agency identified in subsection 2, and make  
31 recommendations for any necessary changes in the manner of  
32 collecting and processing statistical data by any such agency.

33 7. The Central Repository may:

34 (a) At the recommendation of the Advisory Committee and in  
35 the manner prescribed by the Director of the Department,  
36 disseminate compilations of statistical data and publish statistical  
37 reports relating to crime or the delinquency of children.

38 (b) Charge a reasonable fee for any publication or special report  
39 it distributes relating to data collected pursuant to this section. The  
40 Central Repository may not collect such a fee from an agency of  
41 criminal justice, any other agency dealing with crime or the  
42 delinquency of children which is required to submit information  
43 pursuant to subsection 2 or the State Disaster Identification Team of  
44 the Division of Emergency Management of the Department. All



1 money collected pursuant to this paragraph must be used to pay for  
2 the cost of operating the Central Repository.

3 (c) In the manner prescribed by the Director of the Department,  
4 use electronic means to receive and disseminate information  
5 contained in the Central Repository that it is authorized to  
6 disseminate pursuant to the provisions of this chapter.

7 8. As used in this section:

8 (a) "Advisory Committee" means the Committee established by  
9 the Director of the Department pursuant to NRS 179A.078.

10 (b) "Personal identifying information" means any information  
11 designed, commonly used or capable of being used, alone or in  
12 conjunction with any other information, to identify a person,  
13 including, without limitation:

14 (1) The name, driver's license number, social security  
15 number, date of birth and photograph or computer generated image  
16 of a person; and

17 (2) The fingerprints, voiceprint, retina image and iris image  
18 of a person.

19 **Sec. 17.** This act becomes effective on July 1, 2003.

