
SENATE BILL NO. 33—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
EDUCATION (NRS 218.5352))

PREFILED JANUARY 30, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing charter schools and
distance education programs. (BDR 34-642)

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

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

AN ACT relating to education; 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; revising provisions governing the
employment of teachers and administrators of charter
schools; revising provisions governing the
apportionments made to a charter school 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:

- 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



* S B 3 3 *

1 year, less than 90 percent of the pupils enrolled in the school who
2 are required to take the examinations administered pursuant to NRS
3 389.015 take the examinations, the Department shall designate the
4 school as demonstrating need for improvement and the provisions of
5 NRS 385.373 apply.

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

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

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

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

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

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

37 *Each applicant for employment with a charter school, except a*
38 *licensed teacher or other person licensed by the Superintendent of*
39 *Public Instruction, must, as a condition to employment, submit to*
40 *the governing body of the charter school a full set of his*
41 *fingerprints and written permission authorizing the governing*
42 *body to forward the fingerprints to the Federal Bureau of*
43 *Investigation and the Central Repository for Nevada Records of*
44 *Criminal History for their reports on the criminal history of the*
45 *applicant.*



1 **Sec. 3.** NRS 386.590 is hereby amended to read as follows:
2 386.590 1. Except as otherwise provided in this subsection,
3 at least 70 percent of the teachers who provide instruction at a
4 charter school must be licensed teachers. If a charter school is a
5 vocational school, the charter school shall, to the extent practicable,
6 ensure that at least 70 percent of the teachers who provide
7 instruction at the school are licensed teachers, but in no event may
8 more than 50 percent of the teachers who provide instruction at the
9 school be unlicensed teachers.
10 2. A governing body of a charter school shall employ:
11 (a) If the charter school offers instruction in kindergarten or
12 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are
13 enrolled in those grades.
14 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10,
15 11 or 12, a licensed teacher to teach pupils who are enrolled in those
16 grades for the following courses of study:
17 (1) English, including reading, composition and writing;
18 (2) Mathematics;
19 (3) Science; and
20 (4) Social studies, which includes only the subjects of
21 history, geography, economics and government.
22 (c) In addition to the requirements of paragraphs (a) and (b):
23 (1) If a charter school specializes in arts and humanities,
24 physical education or health education, a licensed teacher to teach
25 those courses of study.
26 (2) If a charter school specializes in the construction industry
27 or other building industry, licensed teachers to teach courses of
28 study relating to the industry if those teachers are employed full
29 time.
30 (3) If a charter school specializes in the construction industry
31 or other building industry and the school offers courses of study in
32 computer education, technology or business, licensed teachers to
33 teach those courses of study if those teachers are employed full
34 time.
35 3. A charter school may employ a person who is not licensed
36 pursuant to the provisions of chapter 391 of NRS to teach a course
37 of study for which a licensed teacher is not required pursuant to
38 subsection 2 if the person has:
39 (a) A degree, a license or a certificate in the field for which he is
40 employed to teach at the charter school; and
41 (b) At least 2 years of experience in that field.
42 4. A charter school may employ such administrators for the
43 school as it deems necessary. A person employed as an
44 administrator must possess:



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

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

5 5. *A charter school may employ a teacher or administrator*
6 *whose criminal history from the Federal Bureau of Investigation*
7 *and the Central Repository for Nevada Records of Criminal*
8 *History indicate that the applicant has been convicted of a felony*
9 *or an offense involving moral turpitude if the governing body of*
10 *the charter school determines that the conviction is unrelated to*
11 *the position with the charter school for which the applicant*
12 *applied.* A charter school shall not employ a person pursuant to this
13 section if his license to teach or provide other educational services
14 has been revoked or suspended in this state or another state.

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

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

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

23 **Sec. 4.** NRS 387.124 is hereby amended to read as follows:

24 387.124 Except as otherwise provided in this section and
25 NRS 387.528:

26 1. On or before August 1, November 1, February 1 and May 1
27 of each year, the Superintendent of Public Instruction shall
28 apportion the State Distributive School Account in the State General
29 Fund among the several county school districts and charter schools
30 in amounts approximating one-fourth of their respective yearly
31 apportionments less any amount set aside as a reserve. The
32 apportionment to a school district, computed on a yearly basis,
33 equals the difference between the basic support and the local funds
34 available pursuant to NRS 387.1235, minus all the funds attributable
35 to pupils who reside in the county but attend a charter school and all
36 the funds attributable to pupils who reside in the county and are
37 enrolled full time or part time in a program of distance education
38 provided by another school district or a charter school. No
39 apportionment may be made to a school district if the amount of the
40 local funds exceeds the amount of basic support. If an agreement is
41 not filed for a pupil who is enrolled in a program of distance
42 education as required by NRS 388.854, the Superintendent of Public
43 Instruction shall not apportion money for that pupil to the board of
44 trustees of the school district in which the pupil resides, or the board



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

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

17 3. Except as otherwise provided in this subsection, the
18 apportionment to a charter school that is sponsored by the State
19 Board, computed on a yearly basis, is equal to:

20 (a) The sum of the basic support per pupil in the county in
21 which the pupil resides plus the amount of local funds available per
22 pupil pursuant to NRS 387.1235 and all other funds available for
23 public schools in the county in which the pupil resides; or

24 (b) The statewide average per pupil amount for pupils who are
25 enrolled full time,

26 whichever is greater. If the calculation set forth in paragraph (a) is
27 less than the calculation pursuant to paragraph (b), the ~~school~~
28 ~~district in which the charter school is located~~ Department shall pay
29 the difference directly to the charter school. If a charter school
30 provides a program of distance education pursuant to NRS 388.820
31 to 388.874, inclusive, the apportionment to the charter school for
32 pupils who are enrolled in the program of distance education must
33 be calculated as set forth in subsection 2 or 4, as applicable.

34 4. In addition to the apportionments made pursuant to this
35 section, an apportionment must be made to a school district or
36 charter school that provides a program of distance education for
37 each pupil who is enrolled part time in the program if an agreement
38 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
39 applicable. The amount of the apportionment must be equal to the
40 percentage of the total time services are provided to the pupil
41 through the program of distance education per school day in
42 proportion to the total time services are provided during a school
43 day to pupils who are counted pursuant to subparagraph (2) of
44 paragraph (a) of subsection 1 of NRS 387.1233 for the school
45 district in which the pupil resides.



1 5. The governing body of a charter school may submit a
2 written request to the Superintendent of Public Instruction to
3 receive, in the first year of operation of the charter school, an
4 apportionment 30 days before the apportionment is required to be
5 made pursuant to subsection 1. Upon receipt of such a request, the
6 Superintendent of Public Instruction may make the apportionment
7 30 days before the apportionment is required to be made. A charter
8 school may receive all four apportionments in advance in its first
9 year of operation.

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

18 **Sec. 5.** NRS 388.838 is hereby amended to read as follows:

19 388.838 1. The board of trustees of a school district or the
20 governing body of a charter school may submit an application to the
21 Department to provide a program of distance education. *In addition,*
22 *a committee to form a charter school may submit an application to*
23 *the Department to provide a program of distance education if the*
24 *application to form the charter school submitted by the committee*
25 *pursuant to NRS 386.520 indicates that the charter school intends*
26 *to provide a program of distance education.*

27 2. An applicant to provide a program of distance education
28 may seek approval to provide a program that is comprised of one or
29 more courses of distance education included on the list of courses
30 approved by the Department pursuant to NRS 388.834 or a program
31 that is comprised of one or more courses of distance education
32 which have not been reviewed by the Department before submission
33 of the application.

34 3. An application to provide a program of distance education
35 must include:

36 (a) All the information prescribed by the State Board by
37 regulation.

38 (b) Except as otherwise provided in this paragraph, proof
39 satisfactory to the Department that the program satisfies all
40 applicable statutes and regulations. The proof required by this
41 paragraph shall be deemed satisfied if the program is comprised
42 only of courses of distance education approved by the Department
43 pursuant to NRS 388.834 before submission of the application.

44 4. ~~The~~ *Except as otherwise provided in this subsection, the*
45 Department shall approve an application submitted pursuant to this



1 section if the application satisfies the requirements of NRS 388.820
2 to 388.874, inclusive, and all other applicable statutes and
3 regulations. *The Department shall deny an application submitted*
4 *by a committee to form a charter school if the application to form*
5 *the charter school submitted by the committee has been denied.*

6 The Department shall provide written notice to the applicant of the
7 Department's approval or denial of the application.

8 5. If the Department denies an application, the Department
9 shall include in the written notice the reasons for the denial and the
10 deficiencies of the application. The applicant must be granted 30
11 days after receipt of the written notice to correct any deficiencies
12 identified in the written notice and resubmit the application. The
13 Department shall approve an application that has been resubmitted
14 pursuant to this subsection if the application satisfies the
15 requirements of NRS 388.820 to 388.874, inclusive, and all other
16 applicable statutes and regulations.

17 **Sec. 6.** NRS 388.854 is hereby amended to read as follows:

18 388.854 1. Except as otherwise provided in this subsection,
19 before a pupil may enroll full time or part time in a program of
20 distance education that is provided by a school district other than the
21 school district in which the pupil resides, the pupil must obtain the
22 written permission of the board of trustees of the school district in
23 which the pupil resides. Before a pupil who is enrolled in a public
24 school of a school district may enroll part time in a program of
25 distance education that is provided by a charter school, the pupil
26 must obtain the written permission of the board of trustees of the
27 school district in which the pupil resides. A pupil who enrolls full
28 time in a program of distance education that is provided by a charter
29 school is not required to obtain the approval of the board of trustees
30 of the school district in which the pupil resides.

31 2. If the board of trustees of a school district grants permission
32 pursuant to subsection 1, the board of trustees shall enter into a
33 written agreement with the board of trustees or governing body, as
34 applicable, that provides the program of distance education. A
35 separate agreement must be prepared for each year that a pupil
36 enrolls in a program of distance education. The written agreement
37 must:

38 (a) Contain a statement prepared by the board of trustees of the
39 school district in which the pupil resides indicating that the board of
40 trustees understands that the Superintendent of Public Instruction
41 will make appropriate adjustments in the apportionments to the
42 school district pursuant to NRS 387.124 to account for the pupil's
43 enrollment in the program of distance education;

44 (b) If the pupil plans to enroll part time in the program of
45 distance education, contain a statement prepared by the board of



1 trustees of the school district in which the pupil resides and the
2 board of trustees or governing body that provides the program of
3 distance education setting forth the percentage of the total time
4 services will be provided to the pupil through the program of
5 distance education per school day in proportion to the total time
6 services are provided during a school day to pupils who are counted
7 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of
8 NRS 387.1233 for the school district in which the pupil resides;

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

12 (d) Include any other information required by the State Board by
13 regulation.

14 3. On or before ~~September~~ *October* 1 of each year or
15 ~~January~~ *February* 1 of each year, as applicable for the semester of
16 enrollment, a written agreement must be filed with the
17 Superintendent of Public Instruction for each pupil who is enrolled
18 full time in a program of distance education provided by a school
19 district other than the school district in which the pupil resides. On
20 or before ~~September~~ *October* 1 or ~~January~~ *February* 1 of each
21 year, as applicable for the semester of enrollment, a written
22 agreement must be filed with the Superintendent of Public
23 Instruction for each pupil who is enrolled in a public school of the
24 school district and who is enrolled part time in a program of
25 distance education provided by a charter school. If an agreement is
26 not filed for a pupil who is enrolled in a program of distance
27 education as required by this section, the Superintendent of Public
28 Instruction shall not apportion money for that pupil to the board of
29 trustees of the school district in which the pupil resides, or the board
30 of trustees or governing body that provides the program of distance
31 education.

32 **Sec. 7.** NRS 388.858 is hereby amended to read as follows:

33 388.858 1. If a pupil is enrolled in a charter school, he may
34 enroll full time in a program of distance education only if the charter
35 school in which he is enrolled provides the program of distance
36 education.

37 2. Before a pupil who is enrolled in a charter school may enroll
38 part time in a program of distance education that is provided by a
39 school district or another charter school, the pupil must obtain the
40 written permission of the governing body of the charter school in
41 which the pupil is enrolled.

42 3. If the governing body of a charter school grants permission
43 pursuant to subsection 2, the governing body shall enter into a
44 written agreement with the board of trustees or governing body, as
45 applicable, that provides the program of distance education. A



1 separate agreement must be prepared for each year that a pupil
2 enrolls in a program of distance education. The written agreement
3 must:

4 (a) Contain a statement prepared by the governing body of the
5 charter school in which the pupil is enrolled indicating that the
6 governing body understands that the Superintendent of Public
7 Instruction will make appropriate adjustments in the apportionments
8 to the charter school pursuant to NRS 387.124 to account for the
9 pupil's enrollment in the program of distance education;

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

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

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

24 4. On or before ~~September~~ *October* 1 or ~~January~~ *February*
25 1 of each year, as applicable for the semester of enrollment, a
26 written agreement must be filed with the Superintendent of Public
27 Instruction for each pupil who is enrolled in a charter school and
28 who is enrolled part time in a program of distance education
29 provided by a school district or another charter school. If an
30 agreement is not filed for such a pupil, the Superintendent of Public
31 Instruction shall not apportion money for that pupil to the governing
32 body of the charter school in which the pupil is enrolled, or the
33 board of trustees or governing body that provides the program of
34 distance education.

35 **Sec. 8.** NRS 388.866 is hereby amended to read as follows:

36 388.866 1. The board of trustees of a school district or the
37 governing body of a charter school that provides a program of
38 distance education shall ensure that, for each course offered through
39 the program, a teacher:

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

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



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

- 5 (a) *Licensed teacher; or*
6 (b) *Teacher, instructor or professor who provides instruction*
7 *at a community college or university.*

8 **Sec. 9.** NRS 388.874 is hereby amended to read as follows:

9 388.874 1. The State Board shall adopt regulations that
10 prescribe:

11 (a) The process for submission of an application by a person or
12 entity for inclusion of a course of distance education on the list
13 prepared by the Department pursuant to NRS 388.834 and the
14 contents of the application;

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

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

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

25 (e) The requirements for assessing the achievement of pupils
26 who are enrolled in a program of distance education, which must
27 include, without limitation, the administration of the achievement
28 and proficiency examinations required pursuant to NRS 389.015 and
29 389.550; and

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

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

36 **Sec. 10.** NRS 389.632 is hereby amended to read as follows:

37 389.632 1. Except as otherwise provided in subsection 8, if
38 the Department determines:

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



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

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

23 2. If the Department determines that:

24 (a) At least one irregularity in testing administration occurred at
25 a school, including, without limitation, a charter school, during 1
26 school year on the examinations administered pursuant to
27 NRS 389.550;

28 (b) In the immediately succeeding school year, at least one
29 additional irregularity in testing administration occurred at that
30 school on the examinations administered pursuant to NRS 389.550;
31 and

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



1 *administer examinations pursuant to this subsection, the charter*
2 *school shall pay for all costs related to the administration of the*
3 *examinations to pupils enrolled in the charter school.*

4 3. If the Department determines that:

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

9 (b) In the immediately succeeding school year, at least one
10 additional irregularity in testing administration occurred at that
11 school on the examinations administered pursuant to NRS 389.550;
12 and

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

16 the Department shall notify the school and the school district in
17 which the school is located that the school is required to provide for
18 an additional administration of the examinations to pupils who are
19 enrolled in a grade that is required to take the examinations pursuant
20 to NRS 389.550 or to the pupils the Department determines must
21 take the additional administration pursuant to subsection 6. The
22 additional administration must occur in the same school year in
23 which the irregularity described in paragraph (b) occurred. ~~The~~

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

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

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

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

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

43 the Department shall notify the school and the school district in
44 which the school is located that the school is required to provide for
45 an additional administration of the examinations to pupils who are



1 enrolled in a grade that is required to take the examinations pursuant
2 to NRS 389.015, excluding the high school proficiency
3 examination, or to the pupils the Department determines must take
4 the additional administration pursuant to subsection 6. The
5 additional administration must occur in the same school year in
6 which the irregularity described in paragraph (b) occurred. ~~The~~
7 *Except as otherwise provided in this subsection, the* school district
8 shall pay for all costs related to the administration of examinations
9 pursuant to this subsection. *If a charter school is required to*
10 *administer examinations pursuant to this subsection, the charter*
11 *school shall pay for all costs related to the administration of the*
12 *examinations to pupils enrolled in the charter school.*

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

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

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

21 6. If the Department determines pursuant to subsection 5 that a
22 school must provide for an additional administration of
23 examinations, the Department may consider whether the most recent
24 irregularity in testing administration affected the test scores of a
25 limited number of pupils and require the school to provide an
26 additional administration of examinations pursuant to this section
27 only to those pupils whose test scores were affected by the most
28 recent irregularity.

29 7. The Department shall provide as many notices pursuant to
30 this section during 1 school year as are applicable to the
31 irregularities occurring at a school. A school shall provide for
32 additional administrations of examinations pursuant to this section
33 within 1 school year as applicable to the irregularities occurring at
34 the school.

35 8. If a school is required to provide an additional
36 administration of examinations pursuant to subsection 2 of NRS
37 385.368 for a school year, the school is not required to provide for
38 an additional administration pursuant to subsection 1 or 4 in that
39 school year. The Department shall ensure that the information
40 required pursuant to paragraph (b) of subsection 3 of NRS 389.648
41 is included in its report for the additional administration provided by
42 such a school pursuant to subsection 2 of NRS 385.368.

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

44 391.033 1. All licenses for teachers and other educational
45 personnel are granted by the Superintendent of Public Instruction



1 pursuant to regulations adopted by the Commission and as
2 otherwise provided by law.

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

5 3. Every applicant for a license must submit with his
6 application a complete set of his fingerprints and written permission
7 authorizing the Superintendent to forward the fingerprints to the
8 Federal Bureau of Investigation and to the Central Repository for
9 Nevada Records of Criminal History for their reports on the
10 criminal history of the applicant.

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

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

16 (a) The Superintendent determines that the applicant is
17 qualified;

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

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

23 (2) Indicate that the applicant has been convicted of a felony
24 or an offense involving moral turpitude but the Superintendent
25 determines that the conviction is unrelated to the position within the
26 county school district *or charter school* for which the applicant
27 applied; and

28 (c) The applicant submits the statement required pursuant to
29 NRS 391.034.

30 **Sec. 12.** NRS 179A.075 is hereby amended to read as follows:

31 179A.075 1. The Central Repository for Nevada Records of
32 Criminal History is hereby created within the Nevada Highway
33 Patrol Division of the Department.

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

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

38 (b) Submit the information collected to the Central Repository
39 in the manner recommended by the Advisory Committee and
40 approved by the Director of the Department.

41 3. Each agency of criminal justice shall submit the information
42 relating to sexual offenses and other records of criminal history that
43 it creates or issues, and any information in its possession relating to
44 the genetic markers of a biological specimen of a person who is
45 convicted of an offense listed in subsection 4 of NRS 176.0913, to



1 the Division in the manner prescribed by the Director of the
2 Department. The information must be submitted to the Division:
3 (a) Through an electronic network;
4 (b) On a medium of magnetic storage; or
5 (c) In the manner prescribed by the Director of the
6 Department,
7 within the period prescribed by the Director of the Department. If an
8 agency has submitted a record regarding the arrest of a person who
9 is later determined by the agency not to be the person who
10 committed the particular crime, the agency shall, immediately upon
11 making that determination, so notify the Division. The Division
12 shall delete all references in the Central Repository relating to that
13 particular arrest.

14 4. The Division shall, in the manner prescribed by the Director
15 of the Department:
16 (a) Collect, maintain and arrange all information submitted to it
17 relating to:
18 (1) Sexual offenses and other records of criminal history; and
19 (2) The genetic markers of a biological specimen of a person
20 who is convicted of an offense listed in subsection 4 of
21 NRS 176.0913.
22 (b) When practicable, use a record of the personal identifying
23 information of a subject as the basis for any records maintained
24 regarding him.
25 (c) Upon request, provide the information that is contained in
26 the Central Repository to the State Disaster Identification Team of
27 the Division of Emergency Management of the Department.

28 5. The Division may:
29 (a) Disseminate any information which is contained in the
30 Central Repository to any other agency of criminal justice;
31 (b) Enter into cooperative agreements with federal and state
32 repositories to facilitate exchanges of information that may be
33 disseminated pursuant to paragraph (a); and
34 (c) Request of and receive from the Federal Bureau of
35 Investigation information on the background and personal history of
36 any person whose record of fingerprints the Central Repository
37 submits to the Federal Bureau of Investigation and:
38 (1) Who has applied to any agency of the State of Nevada or
39 any political subdivision thereof for a license which it has the power
40 to grant or deny;
41 (2) With whom any agency of the State of Nevada or any
42 political subdivision thereof intends to enter into a relationship of
43 employment or a contract for personal services;



- 1 (3) About whom any agency of the State of Nevada or any
2 political subdivision thereof has a legitimate need to have accurate
3 personal information for the protection of the agency or the persons
4 within its jurisdiction; or
5 (4) For whom such information is required to be obtained
6 pursuant to NRS 449.179.
- 7 6. The Central Repository shall:
- 8 (a) Collect and maintain records, reports and compilations of
9 statistical data submitted by any agency pursuant to subsection 2.
- 10 (b) Tabulate and analyze all records, reports and compilations of
11 statistical data received pursuant to this section.
- 12 (c) Disseminate to federal agencies engaged in the collection of
13 statistical data relating to crime information which is contained in
14 the Central Repository.
- 15 (d) Investigate the criminal history of any person who:
- 16 (1) Has applied to the Superintendent of Public Instruction
17 for a license;
- 18 (2) Has applied to a county school district *or charter school*
19 for employment; or
- 20 (3) Is employed by a county school district ~~or~~ *or charter*
21 *school,*
22 and notify the superintendent of each county school district , *the*
23 *governing body of each charter school* and the Superintendent of
24 Public Instruction if the investigation of the Central Repository
25 indicates that the person has been convicted of a violation of NRS
26 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a
27 felony or any offense involving moral turpitude.
- 28 (e) Upon discovery, notify the superintendent of each county
29 school district *and the governing body of each charter school* by
30 providing ~~him with~~ a list of all persons:
- 31 (1) Investigated pursuant to paragraph (d); or
- 32 (2) Employed by a county school district *or charter school*
33 whose fingerprints were sent previously to the Central Repository
34 for investigation,
35 who the Central Repository's records indicate have been convicted
36 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or
37 453.3395, or convicted of a felony or any offense involving moral
38 turpitude since the Central Repository's initial investigation. The
39 superintendent of each county school district *or the governing body*
40 *of a charter school, as applicable,* shall determine whether further
41 investigation or action by the district *or governing body* is
42 appropriate.
- 43 (f) Investigate the criminal history of each person who submits
44 fingerprints or has his fingerprints submitted pursuant to NRS
45 449.176 or 449.179.



1 (g) On or before July 1 of each year, prepare and present to the
2 Governor a printed annual report containing the statistical data
3 relating to crime received during the preceding calendar year.
4 Additional reports may be presented to the Governor throughout the
5 year regarding specific areas of crime if they are recommended by
6 the Advisory Committee and approved by the Director of the
7 Department.

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

13 (i) Identify and review the collection and processing of
14 statistical data relating to criminal justice and the delinquency of
15 children by any agency identified in subsection 2, and make
16 recommendations for any necessary changes in the manner of
17 collecting and processing statistical data by any such agency.

18 7. The Central Repository may:

19 (a) At the recommendation of the Advisory Committee and in
20 the manner prescribed by the Director of the Department,
21 disseminate compilations of statistical data and publish statistical
22 reports relating to crime or the delinquency of children.

23 (b) Charge a reasonable fee for any publication or special report
24 it distributes relating to data collected pursuant to this section. The
25 Central Repository may not collect such a fee from an agency of
26 criminal justice, any other agency dealing with crime or the
27 delinquency of children which is required to submit information
28 pursuant to subsection 2 or the State Disaster Identification Team of
29 the Division of Emergency Management of the Department. All
30 money collected pursuant to this paragraph must be used to pay for
31 the cost of operating the Central Repository.

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

36 8. As used in this section:

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

39 (b) "Personal identifying information" means any information
40 designed, commonly used or capable of being used, alone or in
41 conjunction with any other information, to identify a person,
42 including, without limitation:

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



1 (2) The fingerprints, voiceprint, retina image and iris image
2 of a person.
3 **Sec. 13.** This act becomes effective on July 1, 2003.

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