

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.

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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; prohibiting the governing body of a charter school from employing certain nonlicensed persons under certain circumstances; 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



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



1 *Federal Bureau of Investigation for its report on the criminal*  
2 *history of the applicant.*

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

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

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

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

42 **Sec. 3.** NRS 386.590 is hereby amended to read as follows:

43 386.590 1. Except as otherwise provided in this subsection,  
44 at least 70 percent of the teachers who provide instruction at a  
45 charter school must be licensed teachers. If a charter school is a



1 vocational school, the charter school shall, to the extent practicable,  
2 ensure that at least 70 percent of the teachers who provide  
3 instruction at the school are licensed teachers, but in no event may  
4 more than 50 percent of the teachers who provide instruction at the  
5 school be unlicensed teachers.

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

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

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

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

14 (2) Mathematics;

15 (3) Science; and

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

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

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

22 (2) If a charter school specializes in the construction industry  
23 or other building industry, licensed teachers to teach courses of  
24 study relating to the industry if those teachers are employed full  
25 time.

26 (3) If a charter school specializes in the construction industry  
27 or other building industry and the school offers courses of study in  
28 computer education, technology or business, licensed teachers to  
29 teach those courses of study if those teachers are employed full  
30 time.

31 3. ~~1A~~ *Except as otherwise provided in section 2 of this act, a*  
32 charter school may employ a person who is not licensed pursuant to  
33 the provisions of chapter 391 of NRS to teach a course of study for  
34 which a licensed teacher is not required pursuant to subsection 2 if  
35 the person has:

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

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

39 4. ~~1A~~ *Except as otherwise provided in section 2 of this act, a*  
40 charter school may employ such administrators for the school as it  
41 deems necessary. A person employed as an administrator must  
42 possess:

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



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

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

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

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

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

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

15 387.124 Except as otherwise provided in this section and  
16 NRS 387.528:

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

38 2. Except as otherwise provided in subsection 3, the  
39 apportionment to a charter school, computed on a yearly basis, is  
40 equal to the sum of the basic support per pupil in the county in  
41 which the pupil resides plus the amount of local funds available per  
42 pupil pursuant to NRS 387.1235 and all other funds available for  
43 public schools in the county in which the pupil resides minus all the  
44 funds attributable to pupils who are enrolled in the charter school  
45 but are concurrently enrolled part time in a program of distance



1 education provided by a school district or another charter school. If  
2 the apportionment per pupil to a charter school is more than the  
3 amount to be apportioned to the school district in which a pupil who  
4 is enrolled in the charter school resides, the school district in which  
5 the pupil resides shall pay the difference directly to the charter  
6 school.

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

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

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

16 whichever is greater. If the calculation set forth in paragraph (a) is  
17 less than the calculation pursuant to paragraph (b), the ~~school~~  
18 ~~district in which the charter school is located~~ Department shall pay  
19 the difference directly to the charter school. If a charter school  
20 provides a program of distance education pursuant to NRS 388.820  
21 to 388.874, inclusive, the apportionment to the charter school for  
22 pupils who are enrolled in the program of distance education must  
23 be calculated as set forth in subsection 2 or 4, as applicable.

24 4. In addition to the apportionments made pursuant to this  
25 section, an apportionment must be made to a school district or  
26 charter school that provides a program of distance education for  
27 each pupil who is enrolled part time in the program if an agreement  
28 is filed for that pupil pursuant to NRS 388.854 or 388.858, as  
29 applicable. The amount of the apportionment must be equal to the  
30 percentage of the total time services are provided to the pupil  
31 through the program of distance education per school day in  
32 proportion to the total time services are provided during a school  
33 day to pupils who are counted pursuant to subparagraph (2) of  
34 paragraph (a) of subsection 1 of NRS 387.1233 for the school  
35 district in which the pupil resides.

36 5. The governing body of a charter school may submit a  
37 written request to the Superintendent of Public Instruction to  
38 receive, in the first year of operation of the charter school, an  
39 apportionment 30 days before the apportionment is required to be  
40 made pursuant to subsection 1. Upon receipt of such a request, the  
41 Superintendent of Public Instruction may make the apportionment  
42 30 days before the apportionment is required to be made. A charter  
43 school may receive all four apportionments in advance in its first  
44 year of operation.



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

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

10 388.838 1. The board of trustees of a school district or the  
11 governing body of a charter school may submit an application to the  
12 Department to provide a program of distance education. *In addition,*  
13 *a committee to form a charter school may submit an application to*  
14 *the Department to provide a program of distance education if the*  
15 *application to form the charter school submitted by the committee*  
16 *pursuant to NRS 386.520 indicates that the charter school intends*  
17 *to provide a program of distance education.*

18 2. An applicant to provide a program of distance education  
19 may seek approval to provide a program that is comprised of one or  
20 more courses of distance education included on the list of courses  
21 approved by the Department pursuant to NRS 388.834 or a program  
22 that is comprised of one or more courses of distance education  
23 which have not been reviewed by the Department before submission  
24 of the application.

25 3. An application to provide a program of distance education  
26 must include:

27 (a) All the information prescribed by the State Board by  
28 regulation.

29 (b) Except as otherwise provided in this paragraph, proof  
30 satisfactory to the Department that the program satisfies all  
31 applicable statutes and regulations. The proof required by this  
32 paragraph shall be deemed satisfied if the program is comprised  
33 only of courses of distance education approved by the Department  
34 pursuant to NRS 388.834 before submission of the application.

35 4. ~~[[The]~~ *Except as otherwise provided in this subsection, the*  
36 Department shall approve an application submitted pursuant to this  
37 section if the application satisfies the requirements of NRS 388.820  
38 to 388.874, inclusive, and all other applicable statutes and  
39 regulations. *The Department shall deny an application submitted*  
40 *by a committee to form a charter school if the application to form*  
41 *the charter school submitted by the committee has been denied.*  
42 The Department shall provide written notice to the applicant of the  
43 Department's approval or denial of the application.

44 5. If the Department denies an application, the Department  
45 shall include in the written notice the reasons for the denial and the



1 deficiencies of the application. The applicant must be granted 30  
2 days after receipt of the written notice to correct any deficiencies  
3 identified in the written notice and resubmit the application. The  
4 Department shall approve an application that has been resubmitted  
5 pursuant to this subsection if the application satisfies the  
6 requirements of NRS 388.820 to 388.874, inclusive, and all other  
7 applicable statutes and regulations.

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

9 388.854 1. Except as otherwise provided in this subsection,  
10 before a pupil may enroll full time or part time in a program of  
11 distance education that is provided by a school district other than the  
12 school district in which the pupil resides, the pupil must obtain the  
13 written permission of the board of trustees of the school district in  
14 which the pupil resides. Before a pupil who is enrolled in a public  
15 school of a school district may enroll part time in a program of  
16 distance education that is provided by a charter school, the pupil  
17 must obtain the written permission of the board of trustees of the  
18 school district in which the pupil resides. A pupil who enrolls full  
19 time in a program of distance education that is provided by a charter  
20 school is not required to obtain the approval of the board of trustees  
21 of the school district in which the pupil resides.

22 2. If the board of trustees of a school district grants permission  
23 pursuant to subsection 1, the board of trustees shall enter into a  
24 written agreement with the board of trustees or governing body, as  
25 applicable, that provides the program of distance education. A  
26 separate agreement must be prepared for each year that a pupil  
27 enrolls in a program of distance education. The written agreement  
28 must:

29 (a) Contain a statement prepared by the board of trustees of the  
30 school district in which the pupil resides indicating that the board of  
31 trustees understands that the Superintendent of Public Instruction  
32 will make appropriate adjustments in the apportionments to the  
33 school district pursuant to NRS 387.124 to account for the pupil's  
34 enrollment in the program of distance education;

35 (b) If the pupil plans to enroll part time in the program of  
36 distance education, contain a statement prepared by the board of  
37 trustees of the school district in which the pupil resides and the  
38 board of trustees or governing body that provides the program of  
39 distance education setting forth the percentage of the total time  
40 services will be provided to the pupil through the program of  
41 distance education per school day in proportion to the total time  
42 services are provided during a school day to pupils who are counted  
43 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of  
44 NRS 387.1233 for the school district in which the pupil resides;





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

4 (d) Include any other information required by the State Board by  
5 regulation.

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

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

26 388.858 1. If a pupil is enrolled in a charter school, he may  
27 enroll full time in a program of distance education only if the charter  
28 school in which he is enrolled provides the program of distance  
29 education.

30 2. Before a pupil who is enrolled in a charter school may enroll  
31 part time in a program of distance education that is provided by a  
32 school district or another charter school, the pupil must obtain the  
33 written permission of the governing body of the charter school in  
34 which the pupil is enrolled.

35 3. If the governing body of a charter school grants permission  
36 pursuant to subsection 2, the governing body shall enter into a  
37 written agreement with the board of trustees or governing body, as  
38 applicable, that provides the program of distance education. A  
39 separate agreement must be prepared for each year that a pupil  
40 enrolls in a program of distance education. The written agreement  
41 must:

42 (a) Contain a statement prepared by the governing body of the  
43 charter school in which the pupil is enrolled indicating that the  
44 governing body understands that the Superintendent of Public  
45 Instruction will make appropriate adjustments in the apportionments



1 to the charter school pursuant to NRS 387.124 to account for the  
2 pupil's enrollment in the program of distance education;

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

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

15 (d) Include any other information required by the State Board by  
16 regulation.

17 4. On or before ~~September 1 or January~~ *the last day of the*  
18 *first school month of each school year or February* 1 of each  
19 *school* year, as applicable for the semester of enrollment, a written  
20 agreement must be filed with the Superintendent of Public  
21 Instruction for each pupil who is enrolled in a charter school and  
22 who is enrolled part time in a program of distance education  
23 provided by a school district or another charter school. If an  
24 agreement is not filed for such a pupil, the Superintendent of Public  
25 Instruction shall not apportion money for that pupil to the governing  
26 body of the charter school in which the pupil is enrolled, or the  
27 board of trustees or governing body that provides the program of  
28 distance education.

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

30 388.866 1. The board of trustees of a school district or the  
31 governing body of a charter school that provides a program of  
32 distance education shall ensure that, for each course offered through  
33 the program, a teacher:

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

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

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

42 (a) *Licensed teacher; or*

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



1     **Sec. 9.** NRS 388.874 is hereby amended to read as follows:  
2     388.874 1. The State Board shall adopt regulations that  
3 prescribe:

4     (a) The process for submission of an application by a person or  
5 entity for inclusion of a course of distance education on the list  
6 prepared by the Department pursuant to NRS 388.834 and the  
7 contents of the application;

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

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

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

18     (e) The requirements for assessing the achievement of pupils  
19 who are enrolled in a program of distance education, which must  
20 include, without limitation, the administration of the achievement  
21 and proficiency examinations required pursuant to NRS 389.015 and  
22 389.550; and

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

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

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

30     389.632 1. Except as otherwise provided in subsection 8, if  
31 the Department determines:

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

36     (b) That 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 2. If the Department determines that:

14 (a) At least one irregularity in testing administration occurred at  
15 a school, including, without limitation, a charter school, during 1  
16 school year on the examinations administered pursuant to  
17 NRS 389.550;

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

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

39 3. If the Department determines that:

40 (a) At least one irregularity in testing administration occurred at  
41 a school, including, without limitation, a charter school, during 1  
42 school year on the examinations administered pursuant to NRS  
43 389.015, excluding the high school proficiency examination;

44 (b) In the immediately succeeding school year, at least one  
45 additional irregularity in testing administration occurred at that



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

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

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

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

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

30 (c) Based upon the criteria set forth in subsection 5, that the  
31 irregularities described in paragraphs (a) and (b) warrant an  
32 additional administration of the examinations,  
33 the Department shall notify the school and the school district in  
34 which the school is located that the school is required to provide for  
35 an additional administration of the examinations to pupils who are  
36 enrolled in a grade that is required to take the examinations pursuant  
37 to NRS 389.015, excluding the high school proficiency  
38 examination, or to the pupils the Department determines must take  
39 the additional administration pursuant to subsection 6. The  
40 additional administration must occur in the same school year in  
41 which the irregularity described in paragraph (b) occurred. ~~The~~  
42 *Except as otherwise provided in this subsection, the* school district  
43 shall pay for all costs related to the administration of examinations  
44 pursuant to this subsection. *If a charter school is required to*  
45 *administer examinations pursuant to this subsection, the charter*



1 *school shall pay for all costs related to the administration of the*  
2 *examinations to pupils enrolled in the charter school.*

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

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

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

11 6. If the Department determines pursuant to subsection 5 that a  
12 school must provide for an additional administration of  
13 examinations, the Department may consider whether the most recent  
14 irregularity in testing administration affected the test scores of a  
15 limited number of pupils and require the school to provide an  
16 additional administration of examinations pursuant to this section  
17 only to those pupils whose test scores were affected by the most  
18 recent irregularity.

19 7. The Department shall provide as many notices pursuant to  
20 this section during 1 school year as are applicable to the  
21 irregularities occurring at a school. A school shall provide for  
22 additional administrations of examinations pursuant to this section  
23 within 1 school year as applicable to the irregularities occurring at  
24 the school.

25 8. If a school is required to provide an additional  
26 administration of examinations pursuant to subsection 2 of NRS  
27 385.368 for a school year, the school is not required to provide for  
28 an additional administration pursuant to subsection 1 or 4 in that  
29 school year. The Department shall ensure that the information  
30 required pursuant to paragraph (b) of subsection 3 of NRS 389.648  
31 is included in its report for the additional administration provided by  
32 such a school pursuant to subsection 2 of NRS 385.368.

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

34 391.033 1. All licenses for teachers and other educational  
35 personnel are granted by the Superintendent of Public Instruction  
36 pursuant to regulations adopted by the Commission and as  
37 otherwise provided by law.

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

40 3. Every applicant for a license must submit with his  
41 application a complete set of his fingerprints and written permission  
42 authorizing the Superintendent to forward the fingerprints to the  
43 Federal Bureau of Investigation and to the Central Repository for  
44 Nevada Records of Criminal History for their reports on the  
45 criminal history of the applicant.



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

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

6 (a) The Superintendent determines that the applicant is  
7 qualified;

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

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

13 (2) Indicate that the applicant has been convicted of a felony  
14 or an offense involving moral turpitude but the Superintendent  
15 determines that the conviction is unrelated to the position within the  
16 county school district *or charter school* for which the applicant  
17 applied; and

18 (c) The applicant submits the statement required pursuant to  
19 NRS 391.034.

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

21 179A.075 1. The Central Repository for Nevada Records of  
22 Criminal History is hereby created within the Nevada Highway  
23 Patrol Division of the Department.

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

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

28 (b) Submit the information collected to the Central Repository  
29 in the manner recommended by the Advisory Committee and  
30 approved by the Director of the Department.

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

38 (a) Through an electronic network;

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

40 (c) In the manner prescribed by the Director of the  
41 Department,

42 within the period prescribed by the Director of the Department. If an  
43 agency has submitted a record regarding the arrest of a person who  
44 is later determined by the agency not to be the person who  
45 committed the particular crime, the agency shall, immediately upon



1 making that determination, so notify the Division. The Division  
2 shall delete all references in the Central Repository relating to that  
3 particular arrest.

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

6 (a) Collect, maintain and arrange all information submitted to it  
7 relating to:

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

9 (2) The genetic markers of a biological specimen of a person  
10 who is convicted of an offense listed in subsection 4 of  
11 NRS 176.0913.

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

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

18 5. The Division may:

19 (a) Disseminate any information which is contained in the  
20 Central Repository to any other agency of criminal justice;

21 (b) Enter into cooperative agreements with federal and state  
22 repositories to facilitate exchanges of information that may be  
23 disseminated pursuant to paragraph (a); and

24 (c) Request of and receive from the Federal Bureau of  
25 Investigation information on the background and personal history of  
26 any person whose record of fingerprints the Central Repository  
27 submits to the Federal Bureau of Investigation and:

28 (1) Who has applied to any agency of the State of Nevada or  
29 any political subdivision thereof for a license which it has the power  
30 to grant or deny;

31 (2) With whom any agency of the State of Nevada or any  
32 political subdivision thereof intends to enter into a relationship of  
33 employment or a contract for personal services;

34 (3) About whom any agency of the State of Nevada or any  
35 political subdivision thereof has a legitimate need to have accurate  
36 personal information for the protection of the agency or the persons  
37 within its jurisdiction; or

38 (4) For whom such information is required to be obtained  
39 pursuant to NRS 449.179.

40 6. The Central Repository shall:

41 (a) Collect and maintain records, reports and compilations of  
42 statistical data submitted by any agency pursuant to subsection 2.

43 (b) Tabulate and analyze all records, reports and compilations of  
44 statistical data received pursuant to this section.





- 1 (c) Disseminate to federal agencies engaged in the collection of  
2 statistical data relating to crime information which is contained in  
3 the Central Repository.
- 4 (d) Investigate the criminal history of any person who:  
5 (1) Has applied to the Superintendent of Public Instruction  
6 for a license;  
7 (2) Has applied to a county school district *or charter school*  
8 for employment; or  
9 (3) Is employed by a county school district ~~or~~ *or charter*  
10 *school,*  
11 and notify the superintendent of each county school district , *the*  
12 *governing body of each charter school* and the Superintendent of  
13 Public Instruction if the investigation of the Central Repository  
14 indicates that the person has been convicted of a violation of NRS  
15 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a  
16 felony or any offense involving moral turpitude.
- 17 (e) Upon discovery, notify the superintendent of each county  
18 school district *and the governing body of each charter school* by  
19 providing ~~him with~~ a list of all persons:  
20 (1) Investigated pursuant to paragraph (d); or  
21 (2) Employed by a county school district *or charter school*  
22 whose fingerprints were sent previously to the Central Repository  
23 for investigation,  
24 who the Central Repository's records indicate have been convicted  
25 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or  
26 453.3395, or convicted of a felony or any offense involving moral  
27 turpitude since the Central Repository's initial investigation. The  
28 superintendent of each county school district *or the governing body*  
29 *of a charter school, as applicable,* shall determine whether further  
30 investigation or action by the district *or governing body* is  
31 appropriate.
- 32 (f) Investigate the criminal history of each person who submits  
33 fingerprints or has his fingerprints submitted pursuant to NRS  
34 449.176 or 449.179.
- 35 (g) On or before July 1 of each year, prepare and present to the  
36 Governor a printed annual report containing the statistical data  
37 relating to crime received during the preceding calendar year.  
38 Additional reports may be presented to the Governor throughout the  
39 year regarding specific areas of crime if they are recommended by  
40 the Advisory Committee and approved by the Director of the  
41 Department.
- 42 (h) On or before July 1 of each year, prepare and submit to the  
43 Director of the Legislative Counsel Bureau, for submission to the  
44 Legislature, or the Legislative Commission when the Legislature is



1 not in regular session, a report containing statistical data about  
2 domestic violence in this state.

3 (i) Identify and review the collection and processing of  
4 statistical data relating to criminal justice and the delinquency of  
5 children by any agency identified in subsection 2, and make  
6 recommendations for any necessary changes in the manner of  
7 collecting and processing statistical data by any such agency.

8 7. The Central Repository may:

9 (a) At the recommendation of the Advisory Committee and in  
10 the manner prescribed by the Director of the Department,  
11 disseminate compilations of statistical data and publish statistical  
12 reports relating to crime or the delinquency of children.

13 (b) Charge a reasonable fee for any publication or special report  
14 it distributes relating to data collected pursuant to this section. The  
15 Central Repository may not collect such a fee from an agency of  
16 criminal justice, any other agency dealing with crime or the  
17 delinquency of children which is required to submit information  
18 pursuant to subsection 2 or the State Disaster Identification Team of  
19 the Division of Emergency Management of the Department. All  
20 money collected pursuant to this paragraph must be used to pay for  
21 the cost of operating the Central Repository.

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

26 8. As used in this section:

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

29 (b) "Personal identifying information" means any information  
30 designed, commonly used or capable of being used, alone or in  
31 conjunction with any other information, to identify a person,  
32 including, without limitation:

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

36 (2) The fingerprints, voiceprint, retina image and iris image  
37 of a person.

38 **Sec. 13.** This act becomes effective on July 1, 2003.

