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ASSEMBLY BILL NO. 205—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON EDUCATION)

MARCH 5, 2013

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Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.  
(BDR 34-200)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 the sponsor of a charter school to develop a performance framework for the charter school and incorporate that performance framework into the charter contract; revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter schools; making various other changes relating to charter schools; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the formation and operation of charter schools. (NRS  
2 386.490-386.610) **Section 3** of this bill requires the sponsor of a charter school to  
3 develop a written performance framework for the charter school which includes  
4 performance indicators, measures and metrics for: (1) the academic achievement  
5 and proficiency of pupils enrolled in the charter school and addressing disparities in  
6 achievement among those pupils; (2) the attendance rate of pupils enrolled in the  
7 charter school and the percentage of pupils who reenroll from year-to-year; (3) the  
8 financial condition and sustainability of the charter school; (4) the performance of  
9 the governing body of the charter school; and (5) if the charter school enrolls pupils  
10 at the high school grade level, the rate of graduation of those pupils. **Section 3**  
11 further requires that the performance framework be incorporated into the charter  
12 contract executed by the sponsor and the governing body of the charter school  
13 pursuant to **section 8** of this bill.



14 Existing law sets forth the process for review of an application to form a charter  
15 school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** of  
16 this bill requires the proposed sponsor to assemble a team of reviewers and to  
17 conduct a thorough evaluation of the application, including an in-person interview  
18 with the committee to form the charter school. Existing law further provides that a  
19 proposed sponsor may approve an application to form a charter school if the  
20 application is complete and complies with the applicable statutes and regulations.  
21 **Section 7** also requires that to approve an application, the proposed sponsor must  
22 determine that the applicant has demonstrated competence which will likely result  
23 in a successful opening and operation of the charter school.

24 Under existing law, if an application to form a charter school is approved by the  
25 proposed sponsor of the charter school, the charter school is issued a written charter  
26 for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the  
27 issuance of a written charter and instead requires the proposed sponsor of the  
28 charter school and the governing body of the charter school to execute a charter  
29 contract for a term of 6 years.

30 Existing law sets forth the procedures for renewal and revocation of written  
31 charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter  
32 and instead prescribes the procedure for renewal of a charter contract, which  
33 includes a requirement that the sponsor provide the charter school with a written  
34 report summarizing the charter school's performance during the term of the charter  
35 contract. **Section 10** of this bill prescribes the grounds for termination of a charter  
36 contract, which includes the ground that the charter school has persistently  
37 underperformed, as measured by the performance framework developed for the  
38 charter school.

39 Existing law provides that a charter school dedicated to providing educational  
40 programs and opportunities to pupils who are at risk may enroll a child who is the  
41 child of a full-time employee of the charter school before enrolling pupils who are  
42 otherwise eligible for enrollment. **Section 17** of this bill removes the provision that  
43 such a charter school must serve at-risk pupils and instead authorizes any charter  
44 school to, before enrolling children who are otherwise eligible for enrollment,  
45 enroll a child if the child is the child of: (1) an employee of the charter school; (2) a  
46 member of the committee to form the charter school; or (3) a member of the  
47 governing body of the charter school.

48 **Section 19** of this bill revises requirements for the annual report that the  
49 sponsor of a charter school is required to provide to the Department of Education  
50 by including a summary evaluating the performance of the charter school, as  
51 measured by the performance framework, and by removing the requirement that the  
52 sponsor of the charter school include a description of the administrative support and  
53 services provided by the sponsor. (NRS 386.610)

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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Charter contract” means the contract executed*  
4 *between the governing body of a charter school and the sponsor of*  
5 *the charter school pursuant to NRS 386.527.*



1       **Sec. 3. 1. Upon approval of an application to form a**  
2 *charter school, the sponsor of the charter school shall develop a*  
3 *written performance framework for the charter school.*

4       **2. The performance framework developed pursuant to**  
5 *subsection 1 must include, without limitation, performance*  
6 *indicators, measures and metrics for:*

7       **(a) The academic achievement and proficiency of pupils**  
8 *enrolled in the charter school, including, without limitation, the*  
9 *progress of pupils from year-to-year based upon the model to*  
10 *measure the achievement of pupils adopted by the Department*  
11 *pursuant to NRS 385.3595;*

12       **(b) Addressing disparities in the academic achievement and**  
13 *proficiency of pupils enrolled in the charter school;*

14       **(c) The rate of attendance of pupils enrolled in the charter**  
15 *school;*

16       **(d) The percentage of pupils who reenroll in the charter school**  
17 *from year-to-year;*

18       **(e) The financial condition and sustainability of the charter**  
19 *school;*

20       **(f) The performance of the governing body of the charter**  
21 *school, including, without limitation, compliance with the terms*  
22 *and conditions of the charter contract and the applicable statutes*  
23 *and regulations; and*

24       **(g) If the charter school enrolls pupils at the high school grade**  
25 *level, the rate of graduation of those pupils and the preparation of*  
26 *those pupils for success in postsecondary educational institutions*  
27 *and in career and workforce readiness.*

28       **3. In addition to the requirements for the performance**  
29 *framework set forth in subsection 2, the sponsor of the charter*  
30 *school may, upon request of the governing body of the charter*  
31 *school, include additional rigorous, valid and reliable*  
32 *performance indicators, measures and metrics in the performance*  
33 *framework that are consistent with NRS 386.490 to 386.610,*  
34 *inclusive, and sections 2 and 3 of this act.*

35       **4. The performance framework for a charter school must be**  
36 *incorporated into the charter contract of the charter school.*

37       **5. The governing body of a charter school shall, in**  
38 *consultation with the sponsor of the charter school, establish*  
39 *annual performance goals to ensure that the charter school is*  
40 *meeting the performance indicators, measures and metrics set*  
41 *forth in the charter contract.*

42       **6. If an application for renewal of a charter contract is**  
43 *approved, the sponsor of the charter school may review and, if*  
44 *necessary, revise the performance framework. Such a revised*



1 *performance framework must be incorporated into the renewed*  
2 *charter contract.*

3 *7. The sponsor of a charter school shall ensure the collection,*  
4 *analysis and reporting of all data from the results of pupils*  
5 *enrolled in the charter school on statewide examinations to*  
6 *determine whether the charter school is meeting the performance*  
7 *indicators, measures and metrics for the achievement and*  
8 *proficiency of pupils as set forth in the performance framework*  
9 *for the charter school.*

10 **Sec. 4.** NRS 386.490 is hereby amended to read as follows:

11 386.490 As used in NRS 386.490 to 386.610, inclusive, *and*  
12 *sections 2 and 3 of this act*, the words and terms defined in NRS  
13 386.495, 386.500 and 386.503 *and section 2 of this act* have the  
14 meanings ascribed to them in those sections.

15 **Sec. 5.** NRS 386.515 is hereby amended to read as follows:

16 386.515 1. The board of trustees of a school district may  
17 apply to the Department for authorization to sponsor charter schools  
18 within the school district. An application must be approved by the  
19 Department before the board of trustees may sponsor a charter  
20 school. Not more than 180 days after receiving approval to sponsor  
21 charter schools, the board of trustees shall provide public notice of  
22 its ability to sponsor charter schools and solicit applications for  
23 charter schools.

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

31 3. A college or university within the Nevada System of Higher  
32 Education may sponsor charter schools.

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

35 (a) Evaluating applications to form charter schools as prescribed  
36 by NRS 386.525;

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

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

43 (d) Negotiating and executing ~~written charters~~ *charter*  
44 *contracts* pursuant to NRS 386.527;



1 (e) Monitoring, in accordance with NRS 386.490 to 386.610,  
2 inclusive, *and sections 2 and 3 of this act*, and in accordance with  
3 the terms and conditions of the applicable ~~written~~ charter ~~the~~  
4 *contract*, the performance and compliance of each charter school  
5 sponsored by the entity; and

6 (f) Determining whether ~~each written~~ *the* charter *contract* of a  
7 charter school that the entity sponsors merits renewal or whether the  
8 renewal of the ~~written~~ charter *contract* should be denied or the  
9 ~~written~~ charter *contract* should be ~~revoked~~ *terminated* in  
10 accordance with NRS 386.530 or 386.535, as applicable.

11 5. Each sponsor of a charter school shall develop policies and  
12 practices that are consistent with state laws and regulations  
13 governing charter schools. In developing the policies and practices,  
14 the sponsor shall review and evaluate nationally recognized policies  
15 and practices for sponsoring organizations of charter schools. The  
16 policies and practices must include, without limitation:

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

20 (b) The procedure *and criteria* for evaluating charter school  
21 applications in accordance with NRS 386.525 ~~the~~ *and for the*  
22 *renewal of charter contracts pursuant to NRS 386.530;*

23 (c) A description of how the sponsor will maintain oversight of  
24 the charter schools it sponsors; and

25 (d) A description of the process of evaluation for *the* charter  
26 schools it sponsors in accordance with NRS 386.610.

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

31 **Sec. 6.** NRS 386.520 is hereby amended to read as follows:

32 386.520 1. A committee to form a charter school must  
33 consist of:

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

38 (b) One member who:

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

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

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



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

- 3 (1) Accounting;
- 4 (2) Financial services;
- 5 (3) Law; or
- 6 (4) Human resources.

7 2. In addition to the members who serve pursuant to subsection  
8 1, the committee to form a charter school may include, without  
9 limitation, not more than four additional members as follows:

- 10 (a) Members of the general public;
- 11 (b) Representatives of nonprofit organizations and businesses;

12 or

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

15 3. A majority of the persons who serve on the committee to  
16 form a charter school must be residents of this State at the time that  
17 the application to form the charter school is submitted to the  
18 Department.

19 4. *The committee to form a charter school shall ensure that*  
20 *the completed application:*

21 *(a) Presents the academic, financial and operational vision*  
22 *and plans for the proposed charter school; and*

23 *(b) Provides the proposed sponsor of the charter school with a*  
24 *clear basis for assessing the capacity of the applicant to carry out*  
25 *the vision and plans.*

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

28 (a) A written description of how the charter school will carry out  
29 the provisions of NRS 386.490 to 386.610, inclusive **H**, *and*  
30 *sections 2 and 3 of this act.*

31 (b) A written description of the mission and goals for the charter  
32 school. A charter school must have as its stated purpose at least one  
33 of the following goals:

- 34 (1) Improving the academic achievement of pupils;
- 35 (2) Encouraging the use of effective and innovative methods  
36 of teaching;
- 37 (3) Providing an accurate measurement of the educational  
38 achievement of pupils;
- 39 (4) Establishing accountability and transparency of public  
40 schools;
- 41 (5) Providing a method for public schools to measure  
42 achievement based upon the performance of the schools; or
- 43 (6) Creating new professional opportunities for teachers.

44 (c) The projected enrollment of pupils in the charter school.



- 1 (d) The proposed dates for accepting applications for enrollment  
2 in the initial year of operation of the charter school.
- 3 (e) The proposed system of governance for the charter school,  
4 including, without limitation, the number of persons who will  
5 govern, the method for nominating and electing the persons who  
6 will govern and the term of office for each person.
- 7 (f) The method by which disputes will be resolved between the  
8 governing body of the charter school and the sponsor of the charter  
9 school.
- 10 (g) The proposed curriculum for the charter school and, if  
11 applicable to the grade level of pupils who are enrolled in the  
12 charter school, the requirements for the pupils to receive a high  
13 school diploma, including, without limitation, whether those pupils  
14 will satisfy the requirements of the school district in which the  
15 charter school is located for receipt of a high school diploma.
- 16 (h) The textbooks that will be used at the charter school.
- 17 (i) The qualifications of the persons who will provide instruction  
18 at the charter school.
- 19 (j) Except as otherwise required by NRS 386.595, the process by  
20 which the governing body of the charter school will negotiate  
21 employment contracts with the employees of the charter school.
- 22 (k) A financial plan for the operation of the charter school. The  
23 plan must include, without limitation, procedures for the audit of the  
24 programs and finances of the charter school and guidelines for  
25 determining the financial liability if the charter school is  
26 unsuccessful.
- 27 (l) A statement of whether the charter school will provide for the  
28 transportation of pupils to and from the charter school. If the charter  
29 school will provide transportation, the application must include the  
30 proposed plan for the transportation of pupils. If the charter school  
31 will not provide transportation, the application must include a  
32 statement that the charter school will work with the parents and  
33 guardians of pupils enrolled in the charter school to develop a plan  
34 for transportation to ensure that pupils have access to transportation  
35 to and from the charter school.
- 36 (m) The procedure for the evaluation of teachers of the charter  
37 school, if different from the procedure prescribed in NRS 391.3125  
38 and 391.3128. If the procedure is different from the procedure  
39 prescribed in NRS 391.3125 and 391.3128, the procedure for the  
40 evaluation of teachers of the charter school must provide the same  
41 level of protection and otherwise comply with the standards for  
42 evaluation set forth in NRS 391.3125 and 391.3128.
- 43 (n) The time by which certain academic or educational results  
44 will be achieved.



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

4 (p) A statement of whether the charter school will enroll pupils  
5 who are in a particular category of at-risk pupils before enrolling  
6 other children who are eligible to attend the charter school pursuant  
7 to NRS 386.580 and the method for determining eligibility for  
8 enrollment in each such category of at-risk pupils served by the  
9 charter school.

10 ~~{5-}~~ 6. The proposed sponsor of a charter school may request  
11 that the Department review an application before review by the  
12 proposed sponsor to determine whether the application ~~is~~  
13 ~~substantially complete and compliant.~~ *satisfies the requirements of*  
14 *subsection 3 of NRS 386.525.* Upon such a request, the Department  
15 shall review an application to form a charter school to determine  
16 whether ~~it is substantially complete and compliant.~~ *the application*  
17 *satisfies the requirements of subsection 3 of NRS 386.525.* If an  
18 application proposes to convert an existing public school,  
19 homeschool or other program of home study into a charter school,  
20 the Department shall provide written notice to the applicant that the  
21 application is ineligible for consideration by the proposed sponsor.

22 ~~{6-}~~ 7. The Department shall provide written notice to the  
23 applicant and the proposed sponsor of the charter school of its  
24 determination whether the application ~~is substantially complete and~~  
25 ~~compliant.~~ *satisfies the requirements of subsection 3 of NRS*  
26 *386.525.* If the Department determines that an application ~~is not~~  
27 ~~substantially complete and compliant.~~ *does not satisfy the*  
28 *requirements of subsection 3 of NRS 386.525,* the Department shall  
29 include in the written notice the basis for that determination and the  
30 deficiencies in the application. The staff designated by the  
31 Department shall meet with the applicant to confer on the method to  
32 correct the identified deficiencies. The applicant must be granted 30  
33 days after receipt of the written notice to correct any deficiencies  
34 identified in the written notice and resubmit the application. If the  
35 Department determines an application ~~is substantially complete and~~  
36 ~~compliant.~~ *satisfies the requirements of subsection 3 of NRS*  
37 *386.525,* the Department shall transmit the application to the  
38 proposed sponsor for review pursuant to NRS 386.525.

39 ~~{7-}~~ 8. As used in subsection 1, “teacher” means a person who:

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

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

44 ➔ The term does not include a person who is employed as a  
45 substitute teacher.





1       **Sec. 7.** NRS 386.525 is hereby amended to read as follows:

2       386.525 1. Except as otherwise provided in this subsection, a  
3 committee to form a charter school may submit the application to  
4 the proposed sponsor of the charter school. If the proposed sponsor  
5 of a charter school requested that the Department review the  
6 application pursuant to NRS 386.520 and the Department  
7 determined that the application ~~{was not substantially complete and~~  
8 ~~compliant pursuant to that section,}~~ *does not satisfy the*  
9 *requirements of subsection 3*, the application may not be submitted  
10 to the proposed sponsor for review pursuant to this section. If an  
11 application proposes to convert an existing public school,  
12 homeschool or other program of home study into a charter school,  
13 the proposed sponsor shall deny the application.

14       2. *The proposed sponsor of a charter school shall, in*  
15 *reviewing an application to form a charter school:*

16       (a) *Assemble a team of reviewers who possess the appropriate*  
17 *knowledge and expertise with regard to the academic and*  
18 *operational experience of charter schools to review and evaluate*  
19 *the application;*

20       (b) *Conduct a thorough evaluation of the application, which*  
21 *includes an in-person interview with the committee to form the*  
22 *charter school;*

23       (c) *Base its determination on documented evidence collected*  
24 *through the process of reviewing the application; and*

25       (d) *Adhere to the policies and practices developed by the*  
26 *sponsor pursuant to subsection 5 of NRS 386.515.*

27       3. *The proposed sponsor of a charter school may approve an*  
28 *application to form a charter school only if the proposed sponsor*  
29 *determines that:*

30       (a) *The application:*

31       (1) *Complies with NRS 386.490 to 386.610, inclusive, and*  
32 *sections 2 and 3 of this act, and the regulations applicable to*  
33 *charter schools; and*

34       (2) *Is complete in accordance with the regulations of the*  
35 *Department; and*

36       (b) *The applicant has demonstrated competence in accordance*  
37 *with the criteria for approval prescribed by the sponsor pursuant*  
38 *to subsection 5 of NRS 386.515 that will likely result in a*  
39 *successful opening and operation of the charter school.*

40       4. If the board of trustees of a school district or a college or a  
41 university within the Nevada System of Higher Education, as  
42 applicable, receives an application to form a charter school, the  
43 board of trustees or the institution, as applicable, shall consider the  
44 application at a meeting that must be held not later than 45 days  
45 after the receipt of the application, or a period mutually agreed upon



1 by the committee to form the charter school and the board of  
2 trustees of the school district or the institution, as applicable, and  
3 ensure that notice of the meeting has been provided pursuant to  
4 chapter 241 of NRS. If the proposed sponsor requested that the  
5 Department review the application pursuant to NRS 386.520, the  
6 proposed sponsor shall be deemed to receive the application  
7 pursuant to this subsection upon transmittal of the application from  
8 the Department. The board of trustees, the college or the university,  
9 as applicable, shall review an application ~~to determine whether the~~  
10 ~~application:~~

11 ~~—(a) Complies with NRS 386.490 to 386.610, inclusive, and the~~  
12 ~~regulations applicable to charter schools; and~~

13 ~~—(b) Is complete in accordance with the regulations of the~~  
14 ~~Department.~~

15 ~~—3.1~~ *in accordance with the requirements for review set forth in*  
16 *subsections 2 and 3.*

17 **5.** The Department shall assist the board of trustees of a school  
18 district, the college or the university, as applicable, in the review of  
19 an application. The board of trustees, the college or the university,  
20 as applicable, may approve an application if it satisfies the  
21 requirements of ~~paragraphs (a) and (b) of~~ subsection ~~2.1~~ **3.**

22 **6.** The board of trustees, the college or the university, as  
23 applicable, shall provide written notice to the applicant of its  
24 approval or denial of the application.

25 ~~4.1~~ If the board of trustees, the college or the university, as  
26 applicable, denies an application, it shall include in the written  
27 notice the reasons for the denial and the deficiencies in the  
28 application. The applicant must be granted 30 days after receipt of  
29 the written notice to correct any deficiencies identified in the written  
30 notice and resubmit the application.

31 ~~5.1~~ **7.** If the board of trustees, the college or the university, as  
32 applicable, denies an application after it has been resubmitted  
33 pursuant to subsection ~~4.1~~ **6**, the applicant may submit a written  
34 request for sponsorship by the State Public Charter School  
35 Authority not more than 30 days after receipt of the written notice of  
36 denial. Any request that is submitted pursuant to this subsection  
37 must be accompanied by the application to form the charter school.

38 ~~6.1~~ **8.** If the State Public Charter School Authority receives an  
39 application pursuant to subsection 1 or ~~5.1~~ **7**, it shall consider the  
40 application at a meeting which must be held not later than ~~45~~ **60**  
41 days after receipt of the application ~~1~~ *or a later period mutually*  
42 *agreed upon by the committee to form the charter school and the*  
43 *State Public Charter School Authority.* If the State Public Charter  
44 School Authority requested that the Department review the  
45 application pursuant to NRS 386.520, the State Public Charter



1 School Authority shall be deemed to receive the application  
2 pursuant to this subsection upon transmittal of the application from  
3 the Department. Notice of the meeting must be posted in accordance  
4 with chapter 241 of NRS. The State Public Charter School  
5 Authority shall review the application in accordance with the  
6  ~~factors~~ **requirements for review** set forth in  ~~paragraphs (a) and (b)~~  
7  ~~of subsection~~ **subsections 2 and 3**. The Department shall assist  
8 the State Public Charter School Authority in the review of an  
9 application. The State Public Charter School Authority may approve  
10 an application **only** if it satisfies the requirements of  ~~paragraphs (a)~~  
11  ~~and (b) of~~ subsection  ~~2~~ **3**. Not more than 30 days after the  
12 meeting, the State Public Charter School Authority shall provide  
13 written notice of its determination to the applicant.

14  ~~7~~ **9**. If the State Public Charter School Authority denies or  
15 fails to act upon an application, the denial or failure to act must be  
16 based upon a finding that the applicant failed to  ~~adequately address~~  
17  ~~objective criteria established by regulation of the Department or the~~  
18  ~~State Board~~ **satisfy the requirements of subsection 3**. The State  
19 Public Charter School Authority shall include in the written notice  
20 the reasons for the denial or the failure to act and the deficiencies in  
21 the application. The staff designated by the State Public Charter  
22 School Authority shall meet with the applicant to confer on the  
23 method to correct the identified deficiencies. The applicant must be  
24 granted 30 days after receipt of the written notice to correct any  
25 deficiencies identified in the written notice and resubmit the  
26 application.

27  ~~8~~ **10**. If the State Public Charter School Authority denies an  
28 application after it has been resubmitted pursuant to subsection  ~~7~~  
29 **9**, the applicant may, not more than 30 days after the receipt of the  
30 written notice from the State Public Charter School Authority,  
31 appeal the final determination to the district court of the county in  
32 which the proposed charter school will be located.

33  ~~9~~ **11**. On or before January 1 of each odd-numbered year,  
34 the Superintendent of Public Instruction shall submit a written report  
35 to the Director of the Legislative Counsel Bureau for transmission to  
36 the next regular session of the Legislature. The report must include:

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

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

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

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



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

2 386.527 1. If the ~~{State Public Charter School Authority, the~~  
3 ~~board of trustees of a school district or a college or university within~~  
4 ~~the Nevada System of Higher Education}~~ *proposed sponsor of a*  
5 *charter school* approves an application to form a charter school, it  
6 shall ~~{grant a written}~~ *negotiate and execute a* charter ~~{to}~~ *contract*  
7 *with the {applicant,} governing body of the charter school. The*  
8 *charter contract must be executed not later than 60 days before*  
9 *the charter school commences operation. The charter contract*  
10 *must be in writing and include, without limitation:*

11 (a) *The performance framework developed by the sponsor for*  
12 *the charter school pursuant to section 3 of this act;*

13 (b) *A description of the administrative relationship between the*  
14 *sponsor of the charter school and the governing body of the*  
15 *charter school, including, without limitation, the rights and duties*  
16 *of the sponsor and the governing body; and*

17 (c) *Any pre-opening conditions which the sponsor has*  
18 *determined are necessary for the charter school to satisfy before*  
19 *the commencement of operation to ensure that the charter school*  
20 *meets all building, health, safety, insurance and other legal*  
21 *requirements.*

22 2. *The charter contract must be signed by a member of the*  
23 *governing body of the charter school and:*

24 (a) *If the board of trustees of a school district is the sponsor of*  
25 *the charter school, the signature of the president of the board of*  
26 *trustees of the school district;*

27 (b) *If the State Public Charter School Authority is the sponsor*  
28 *of the charter school, the signature of the Chair of the State*  
29 *Public Charter School Authority; or*

30 (c) *If a college or university within the Nevada System of*  
31 *Higher Education is the sponsor of the charter school, the*  
32 *signature of the president of the college or university; or*

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

36 4. The ~~{State Public Charter School Authority, the board of~~  
37 ~~trustees, the college or the university, as applicable,} *sponsor of the*~~  
38 *charter school* shall, not later than 10 days after the ~~{approval}~~  
39 *execution of the {application,} charter contract, provide {written*  
40 *notice}* to the Department :

41 (a) *Written notice of the {approval} charter contract and the*  
42 *date of {the approval,} execution; and*

43 (b) *A copy of the charter contract and any other*  
44 *documentation relevant to the charter contract.*



1       5. If the board of trustees ~~approves the application,~~ *executes*  
2 *a charter contract*, the board of trustees shall be deemed the  
3 sponsor of the charter school.

4       ~~2-~~ 6. If the State Public Charter School Authority ~~approves~~  
5 ~~the application,~~ *executes a charter contract*:

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

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

12       ~~3-~~ 7. If a college or university within the Nevada System of  
13 Higher Education ~~approves the application,~~ *executes a charter*  
14 *contract*:

15       (a) That institution shall be deemed the sponsor of the charter  
16 school.

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

20       ~~4-~~ 8. The governing body of a charter school may request, at  
21 any time, a change in the sponsorship of the charter school to an  
22 entity that is authorized to sponsor charter schools pursuant to NRS  
23 386.515. The State Board shall adopt:

24       (a) A process for a charter school that requests a change in the  
25 sponsorship of the charter school, which must not require the charter  
26 school to undergo all the requirements of an initial application to  
27 form a charter school; and

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

30       ~~5. Except as otherwise provided in subsection 7, a written~~  
31 ~~charter~~

32       9. *A charter contract* must be for a term of 6 years. ~~Unless the~~  
33 ~~governing body of a charter school renews its initial charter after 3~~  
34 ~~years of operation pursuant to subsection 2 of NRS 386.530. A~~  
35 ~~written charter must include all conditions of operation set forth in~~  
36 ~~subsection 4 of NRS 386.520 and include the kind of school, as~~  
37 ~~defined in subsections 1 to 4, inclusive, of NRS 388.020 for which~~  
38 ~~the charter school is authorized to operate. If the State Public~~  
39 ~~Charter School Authority or a college or university within the~~  
40 ~~Nevada System of Higher Education is the sponsor of the charter~~  
41 ~~school, the written charter must set forth the responsibilities of the~~  
42 ~~sponsor and the charter school with regard to the provision of~~  
43 ~~services and programs to pupils with disabilities who are enrolled in~~  
44 ~~the charter school in accordance with the Individuals with~~  
45 ~~Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS~~



~~388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.~~

~~6.]~~ *The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year, in which case the term of the charter contract is also delayed until the first day of operation.*

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the ~~written charter of the~~ charter ~~school.]~~ *contract*. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, *and sections 2 and 3 of this act*, and any other statute or regulation applicable to charter schools, the sponsor *and the governing body of the charter school* may amend the ~~written~~ charter *contract* in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

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

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

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

~~8. The holder of a written charter that is issued pursuant to subsection 7]~~

11. *A charter school* shall not commence operation ~~of the charter school]~~ and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the



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

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

11 (b) Charter school,

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

17 **Sec. 9.** NRS 386.530 is hereby amended to read as follows:

18 386.530 1. ~~Except as otherwise provided in subsection 2,]~~

19 *On or before June 30 immediately preceding the final school year*  
20 *in which a charter school is authorized to operate pursuant to its*  
21 *charter contract, the sponsor of the charter school shall submit to*  
22 *the governing body of the charter school a written report*  
23 *summarizing the performance of the charter school during the*  
24 *term of the charter contract, including, without limitation:*

25 (a) *A summary of the performance of the charter school based*  
26 *upon the terms of the charter contract and the requirements of*  
27 *NRS 386.490 to 386.610, inclusive, and sections 2 and 3 of this*  
28 *act;*

29 (b) *An identification of any deficiencies relating to the*  
30 *performance of the charter school which the sponsor has*  
31 *determined may result in nonrenewal of the charter contract if the*  
32 *deficiencies remain uncorrected;*

33 (c) *Requirements for the application for renewal of the charter*  
34 *contract submitted to the sponsor pursuant to subsection 2; and*

35 (d) *The criteria that the sponsor will apply in making a*  
36 *determination on the application for renewal based upon the*  
37 *performance framework developed pursuant to section 3 of this*  
38 *act and the requirements of NRS 386.490 to 386.610, inclusive,*  
39 *and sections 2 and 3 of this act.*

40 2. *The governing body of a charter school may submit a*  
41 *written response to the sponsor of the charter school concerning*  
42 *the performance report prepared by the sponsor pursuant to*  
43 *subsection 1 which may include any revisions or clarifications that*  
44 *the governing body seeks to make to the report.*



1 **3. If a charter school seeks to renew its charter contract, the**  
2 **governing body of the charter school shall submit** an application  
3 for renewal ~~[of a written charter may be submitted]~~ to the sponsor of  
4 the charter school ~~[not less than 120 days before the expiration of~~  
5 ~~the charter. The application must include the information prescribed~~  
6 ~~by the regulations of the Department. The sponsor shall conduct an~~  
7 ~~intensive review and evaluation of the charter school in accordance~~  
8 ~~with the regulations of the Department. The sponsor shall renew the~~  
9 ~~charter unless it finds the existence of any ground for revocation set~~  
10 ~~forth in NRS 386.535. The sponsor shall provide written notice of~~  
11 ~~its determination not fewer than 30 days before the expiration of the~~  
12 ~~charter. If the sponsor intends not to renew the charter, the written~~  
13 ~~notice must:~~

14 ~~—(a) Include a statement of the deficiencies or reasons upon~~  
15 ~~which the action of the sponsor is based; and~~

16 ~~—(b) Prescribe a period of not less than 30 days during which the~~  
17 ~~charter school may correct any such deficiencies.~~

18 ~~→ If the charter school corrects the deficiencies to the satisfaction of~~  
19 ~~the sponsor within the time prescribed in paragraph (b), the sponsor~~  
20 ~~shall renew the charter of the charter school.~~

21 ~~—2. A charter school may submit an application for renewal of~~  
22 ~~its initial charter after 3 years of operation of the charter school. The~~  
23 ~~application must include the information prescribed by the~~  
24 ~~regulations of the Department. The sponsor shall conduct an~~  
25 ~~intensive review and evaluation of the charter school in accordance~~  
26 ~~with the regulations of the Department. The sponsor shall renew the~~  
27 ~~charter unless it finds the existence of any ground for revocation set~~  
28 ~~forth in NRS 386.535. The sponsor shall provide written notice of~~  
29 ~~its determination. If the sponsor intends not to renew the charter, the~~  
30 ~~written notice must:~~

31 ~~—(a) Include a statement of the deficiencies or reasons upon~~  
32 ~~which the action of the sponsor is based; and~~

33 ~~—(b) Prescribe a period of not less than 30 days during which the~~  
34 ~~charter school may correct any such deficiencies.~~

35 ~~→ If the charter school corrects the deficiencies to the satisfaction of~~  
36 ~~the sponsor within the time prescribed in paragraph (b), the sponsor~~  
37 ~~shall renew the charter of the charter school.] on or before~~  
38 **October 15 of the final school year in which the charter school is**  
39 **authorized to operate pursuant to its charter contract. The**  
40 **application for renewal must include, without limitation:**

41 **(a) The requirements for the application identified by the**  
42 **sponsor in the performance report prepared by the sponsor**  
43 **pursuant to subsection 1;**

44 **(b) A description of the academic, financial and operational**  
45 **vision and plans for the charter school for the next charter term;**





1 (c) Any information or data that the governing body of the  
2 charter school determines supports the renewal of the charter  
3 contract in addition to the information contained in the  
4 performance report prepared by the sponsor pursuant to  
5 subsection 1 and any response submitted by the governing body  
6 pursuant to subsection 2; and

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

9 4. The sponsor of a charter school shall consider the  
10 application for renewal at a meeting held in accordance with  
11 chapter 241 of NRS. The sponsor shall provide written notice to  
12 the governing body of the charter school concerning its  
13 determination on the application for renewal of the charter  
14 contract not more than 60 days after receipt of the application for  
15 renewal from the governing body. The determination of the  
16 sponsor must be based upon:

17 (a) The criteria of the sponsor for the renewal of charter  
18 contracts; and

19 (b) Evidence of the performance of the charter school during  
20 the term of the charter contract in accordance with the  
21 performance framework developed for the charter school pursuant  
22 to section and 3 of this act.

23 5. The sponsor of the charter school shall:

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

26 (b) Post a report on the Internet website of the sponsor  
27 summarizing the decision of the sponsor on the application for  
28 renewal and the basis for its decision.

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

30 **Sec. 10.** NRS 386.535 is hereby amended to read as follows:

31 386.535 1. The sponsor of a charter school may ~~revoke the~~  
32 ~~written charter of the~~ terminate a charter ~~school~~ contract before  
33 the expiration of the charter contract if the sponsor determines that:

34 (a) The charter school, its officers or its employees : ~~have failed~~  
35 ~~to comply with;~~

36 (1) ~~The~~ Committed a material breach of the terms and  
37 conditions of the ~~written~~ charter ~~;~~

38 ~~— (2) Generally~~ contract;

39 (2) Failed to comply with generally accepted standards of  
40 ~~accounting and~~ fiscal management; ~~or~~

41 (3) ~~The~~ Failed to comply with the provisions of NRS  
42 386.490 to 386.610, inclusive, and sections 2 and 3 of this act, or  
43 any other statute or regulation applicable to charter schools; or

44 (4) Has persistently underperformed, as measured by the  
45 performance indicators, measures and metrics set forth in the



1 *performance framework developed by the sponsor pursuant to*  
2 *section 3 of this act and incorporated into the charter contract;*

3 (b) The charter school has filed for a voluntary petition of  
4 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise  
5 financially impaired such that the charter school cannot continue to  
6 operate; or

7 (c) There is reasonable cause to believe that ~~revocation~~  
8 *termination* is necessary to protect the health and safety of the  
9 pupils who are enrolled in the charter school or persons who are  
10 employed by the charter school from jeopardy, or to prevent damage  
11 to or loss of the property of the school district or the community in  
12 which the charter school is located.

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

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

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

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

28 (d) Prescribe the date on which the sponsor will hold a public  
29 hearing to consider whether to ~~revoke~~ *terminate* the charter ~~the~~  
30 *contract*.

31 3. Except as otherwise provided in subsection 4, not more than  
32 90 days after the notice is provided pursuant to subsection 2, the  
33 sponsor shall hold a public hearing to make a determination  
34 regarding whether to ~~revoke~~ *terminate* the ~~written~~ *charter* ~~the~~  
35 *contract*. If the charter school corrects the deficiencies to the  
36 satisfaction of the sponsor within the time prescribed in paragraph

37 (b) of subsection 2, the sponsor shall not ~~revoke~~ *terminate* the  
38 ~~written~~ *charter contract* of the charter school. The sponsor may not  
39 include in a written notice pursuant to subsection 2 any deficiency  
40 which was included in a previous written notice and which was  
41 corrected by the charter school, unless the deficiency recurred after  
42 being corrected.

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



1        **5. If the charter contract is terminated, the sponsor of the**  
2 **charter school shall submit a written report to the Department and**  
3 **the governing body of the charter school setting forth the reasons**  
4 **for the termination not later than 10 days after terminating the**  
5 **charter contract.**

6        **Sec. 11.** NRS 386.536 is hereby amended to read as follows:

7        386.536 1. Except as otherwise provided in subsections 2 and  
8 3, if a charter school ceases to operate voluntarily , **if a charter**  
9 **contract is not renewed** or upon ~~revocation~~ **termination** of ~~its~~  
10 ~~written~~ **a charter** ~~contract~~, the governing body of the charter  
11 school shall appoint an administrator of the charter school, subject  
12 to the approval of the sponsor of the charter school, to act as a  
13 trustee during the process of the closure of the charter school and for  
14 1 year after the date of closure. The administrator shall assume the  
15 responsibility for the records of the:

- 16        (a) Charter school;  
17        (b) Employees of the charter school; and  
18        (c) Pupils enrolled in the charter school.

19        2. If an administrator for the charter school is no longer  
20 available to carry out the duties set forth in subsection 1, the  
21 governing body of the charter school shall appoint a qualified  
22 person to assume those duties.

23        3. If the governing body of the charter school ceases to exist or  
24 is otherwise unable to appoint an administrator pursuant to  
25 subsection 1 or a qualified person pursuant to subsection 2, the  
26 sponsor of the charter school shall appoint an administrator or a  
27 qualified person to carry out the duties set forth in subsection 1.

28        4. The governing body of the charter school or the sponsor of  
29 the charter school may, to the extent practicable, provide financial  
30 compensation to the administrator or person appointed to carry out  
31 the provisions of this section. If the sponsor of the charter school  
32 provides such financial compensation, the sponsor is entitled to  
33 receive reimbursement from the charter school for the costs incurred  
34 by the sponsor in providing the financial compensation. Such  
35 reimbursement must not exceed costs incurred for a period longer  
36 than 6 months.

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

38        386.540 1. The Department shall adopt regulations that  
39 prescribe:

40        (a) The process for submission of an application by the board of  
41 trustees of a school district to the Department for authorization to  
42 sponsor charter schools and the contents of the application;

43        (b) The process for submission of an application to form a  
44 charter school to the board of trustees of a school district, the State  
45 Public Charter School Authority and a college or university within



1 the Nevada System of Higher Education, and the contents of the  
2 application;

3 (c) The process for submission of an application to renew a  
4 ~~{written}~~ charter ~~{}~~ *contract*;

5 (d) The criteria and type of investigation that must be applied by  
6 the board of trustees, the State Public Charter School Authority and  
7 a college or university within the Nevada System of Higher  
8 Education in determining whether to approve an application to form  
9 a charter school, an application to renew a ~~{written}~~ charter *contract*  
10 or a request for an amendment of a ~~{written}~~ charter ~~{}~~ *contract*;  
11 and

12 (e) The process for submission of an amendment of a ~~{written}~~  
13 charter *contract* pursuant to NRS 386.527 and the contents of the  
14 application.

15 2. The Department may adopt regulations as it determines are  
16 necessary to carry out the provisions of NRS 386.490 to 386.610,  
17 inclusive, *and sections 2 and 3 of this act*, including, without  
18 limitation, regulations that prescribe the:

19 (a) Procedures for accounting and budgeting;

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

23 (c) Requirements for performance audits every 3 years and  
24 financial audits on an annual basis for charter schools that satisfy the  
25 requirements of subsection 1 of NRS 386.5515.

26 **Sec. 13.** NRS 386.551 is hereby amended to read as follows:

27 386.551 The provisions of NRS 386.490 to 386.610, inclusive,  
28 *and sections 2 and 3 of this act*, and any other statute or regulation  
29 applicable to a charter school or its officers or employees govern the  
30 formation and operation of charter schools in this State. ~~{Upon the~~  
31 ~~first renewal of a written charter and each renewal thereafter, the~~  
32 ~~sponsor of a charter school shall not prescribe additional~~  
33 ~~requirements or otherwise require a charter school to comply with~~  
34 ~~additional terms or conditions unless the sponsor is specifically~~  
35 ~~authorized by statute, regulation or the written charter.}~~

36 **Sec. 14.** NRS 386.561 is hereby amended to read as follows:

37 386.561 1. The governing body of a charter school may  
38 contract with the sponsor of the charter school for the purchase of  
39 services, excluding those services which are covered by the  
40 sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the  
41 governing body of a charter school elects to purchase such services,  
42 the governing body and the sponsor shall enter into an annual  
43 service agreement which is separate from the ~~{written}~~ charter  
44 *contract* of the charter school.



1 2. If a service agreement is entered into pursuant to this  
2 section, the sponsor of the charter school shall, not later than  
3 August 1 after the completion of the school year, provide to the  
4 governing body of the charter school an itemized accounting of the  
5 actual costs of those services purchased by the charter school. Any  
6 difference between the amount paid by the charter school pursuant  
7 to the service agreement and the actual cost for those services must  
8 be reconciled and paid to the party to whom it is due. If the  
9 governing body or the sponsor disputes the amount due, the party  
10 making the dispute may request an independent review by the  
11 Department, whose determination is final.

12 3. The governing body of a charter school may not be required  
13 to enter into a service agreement pursuant to this section as a  
14 condition to approval of its ~~written~~ charter *contract* by the sponsor  
15 of the charter school or as a condition to renewal of the ~~written~~  
16 charter ~~contract~~.

17 **Sec. 15.** NRS 386.565 is hereby amended to read as follows:

18 386.565 The board of trustees of a school district in which a  
19 charter school is located shall not:

20 1. Assign any pupil who is enrolled in a public school in the  
21 school district or any employee who is employed in a public school  
22 in the school district to a charter school.

23 2. Interfere with the operation and management of the charter  
24 school except as authorized by the ~~written~~ charter ~~contract~~,  
25 NRS 386.490 to 386.610, inclusive, *and sections 2 and 3 of this*  
26 *act*, and any other statute or regulation applicable to charter schools  
27 or its officers or employees.

28 **Sec. 16.** NRS 386.578 is hereby amended to read as follows:

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

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

42 3. The State Board:

43 (a) Shall adopt regulations that prescribe the:



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

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

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

9 **Sec. 17.** NRS 386.580 is hereby amended to read as follows:

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

33 2. Before a charter school enrolls pupils who are eligible for  
34 enrollment, a charter school ~~{that is dedicated to providing~~  
35 ~~educational programs and opportunities to pupils who are at risk}~~  
36 may enroll a child who:

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

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

43 (c) Is a child of a person ~~{employed in a full-time position}~~ *who*  
44 *is:*

45 (1) *Employed* by the charter school;



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

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

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

7           (e) Resides within the school district and within 2 miles of the  
8 charter school if the charter school is located in an area that the  
9 sponsor of the charter school determines includes a high percentage  
10 of children who are at risk. If space is available after the charter  
11 school enrolls pupils pursuant to this paragraph, the charter school  
12 may enroll children who reside outside the school district but within  
13 2 miles of the charter school if the charter school is located within  
14 an area that the sponsor determines includes a high percentage of  
15 children who are at risk.

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

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

- 23           (a) Race;
- 24           (b) Gender;
- 25           (c) Religion;
- 26           (d) Ethnicity; or
- 27           (e) Disability,

28           ↳ of a pupil.

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

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

44           (a) Space for the child in the class or extracurricular activity is  
45 available;



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

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

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

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

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

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

32 (a) With disabilities;

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

37 (c) Who are at risk.

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

42 **Sec. 18.** NRS 386.595 is hereby amended to read as follows:

43 386.595 1. All employees of a charter school shall be deemed  
44 public employees.





1 2. The governing body of a charter school may make all  
2 decisions concerning the terms and conditions of employment with  
3 the charter school and any other matter relating to employment with  
4 the charter school. In addition, the governing body may make all  
5 employment decisions with regard to its employees pursuant to NRS  
6 391.311 to 391.3197, inclusive, unless a collective bargaining  
7 agreement entered into by the governing body pursuant to chapter  
8 288 of NRS contains separate provisions relating to the discipline of  
9 licensed employees of a school.

10 3. Upon the request of the governing body of a charter school,  
11 the board of trustees of a school district shall, with the permission of  
12 the licensed employee who is seeking employment with the charter  
13 school, transmit to the governing body a copy of the employment  
14 record of the employee that is maintained by the school district. The  
15 employment record must include, without limitation, each  
16 evaluation of the licensed employee conducted by the school district  
17 and any disciplinary action taken by the school district against the  
18 licensed employee.

19 4. Except as otherwise provided in this subsection, if the  
20 ~~written~~ charter *contract* of a charter school is ~~revoked~~  
21 *terminated* or if a charter school ceases to operate as a charter  
22 school, the licensed employees of the charter school must be  
23 reassigned to employment within the school district in accordance  
24 with the applicable collective bargaining agreement. A school  
25 district is not required to reassign a licensed employee of a charter  
26 school pursuant to this subsection if the employee:

27 (a) Was not granted a leave of absence by the school district to  
28 accept employment at the charter school pursuant to subsection 5;

29 (b) Was granted a leave of absence by the school district and did  
30 not submit a written request to return to employment with the school  
31 district in accordance with subsection 5; or

32 (c) Does not comply with or is otherwise not eligible to return to  
33 employment pursuant to subsection 6, including, without limitation,  
34 the refusal of the licensed employee to allow the school district to  
35 obtain the employment record of the employee that is maintained by  
36 the charter school.

37 5. The board of trustees of a school district shall grant a leave  
38 of absence, not to exceed 3 years, to any licensed employee who is  
39 employed by the board of trustees who requests such a leave of  
40 absence to accept employment with a charter school. After the first  
41 school year in which a licensed employee is on a leave of absence,  
42 the employee may return to a comparable teaching position with the  
43 board of trustees. After the third school year, a licensed employee  
44 shall either submit a written request to return to a comparable  
45 teaching position or resign from the position for which the



1 employee's leave was granted. The board of trustees shall grant a  
2 written request to return to a comparable position pursuant to this  
3 subsection even if the return of the licensed employee requires the  
4 board of trustees to reduce the existing workforce of the school  
5 district. The board of trustees is not required to accept the return of  
6 the licensed employee if the employee does not comply with or is  
7 otherwise not eligible to return to employment pursuant to  
8 subsection 6, including, without limitation, the refusal of the  
9 licensed employee to allow the school district to obtain the  
10 employment record of the employee that is maintained by  
11 the charter school. The board of trustees may require that a request  
12 to return to a comparable teaching position submitted pursuant to  
13 this subsection be submitted at least 90 days before the employee  
14 would otherwise be required to report to duty.

15 6. Upon the request of the board of trustees of a school district,  
16 the governing body of a charter school shall, with the permission of  
17 the licensed employee who is granted a leave of absence from the  
18 school district pursuant to this section, transmit to the school district  
19 a copy of the employment record of the employee that is maintained  
20 by the charter school before the return of the employee to  
21 employment with the school district pursuant to subsection 4 or 5.  
22 The employment record must include, without limitation, each  
23 evaluation of the licensed employee conducted by the charter school  
24 and any disciplinary action taken by the charter school against the  
25 licensed employee. Before the return of the licensed employee, the  
26 board of trustees of the school district may conduct an investigation  
27 into any misconduct of the licensed employee during the leave of  
28 absence from the school district and take any appropriate  
29 disciplinary action as to the status of the person as an employee of  
30 the school district, including, without limitation:

31 (a) The dismissal of the employee from employment with the  
32 school district; or

33 (b) Upon the employee's return to employment with the school  
34 district, documentation of the disciplinary action taken against the  
35 employee into the employment record of the employee that is  
36 maintained by the school district.

37 7. If a school district conducts an investigation pursuant to  
38 subsection 6:

39 (a) The licensed employee is not entitled to return to  
40 employment with the school district until the investigation is  
41 complete; and

42 (b) The investigation must be conducted within a reasonable  
43 time.

44 8. A licensed employee who is on a leave of absence from a  
45 school district pursuant to this section:



1 (a) Shall contribute to and be eligible for all benefits for which  
2 the employee would otherwise be entitled, including, without  
3 limitation, participation in the Public Employees' Retirement  
4 System and accrual of time for the purposes of leave and retirement.

5 (b) Continues, while the employee is on leave, to be covered by  
6 the collective bargaining agreement of the school district only with  
7 respect to any matter relating to his or her status or employment  
8 with the district.

9 ➔ The time during which such an employee is on a leave of absence  
10 and employed in a charter school does not count toward the  
11 acquisition of permanent status with the school district.

12 9. Upon the return of a teacher to employment in the school  
13 district, the teacher is entitled to the same level of retirement, salary  
14 and any other benefits to which the teacher would otherwise be  
15 entitled if the teacher had not taken a leave of absence to teach in a  
16 charter school.

17 10. An employee of a charter school who is not on a leave of  
18 absence from a school district is eligible for all benefits for which  
19 the employee would be eligible for employment in a public school,  
20 including, without limitation, participation in the Public Employees'  
21 Retirement System.

22 11. For all employees of a charter school:

23 (a) The compensation that a teacher or other school employee  
24 would have received if he or she were employed by the school  
25 district must be used to determine the appropriate levels of  
26 contribution required of the employee and employer for purposes of  
27 the Public Employees' Retirement System.

28 (b) The compensation that is paid to a teacher or other school  
29 employee that exceeds the compensation that the employee would  
30 have received if he or she were employed by the school district must  
31 not be included for the purposes of calculating future retirement  
32 benefits of the employee.

33 12. If the board of trustees of a school district in which a  
34 charter school is located manages a plan of group insurance for its  
35 employees, the governing body of the charter school may negotiate  
36 with the board of trustees to participate in the same plan of group  
37 insurance that the board of trustees offers to its employees. If the  
38 employees of the charter school participate in the plan of group  
39 insurance managed by the board of trustees, the governing body of  
40 the charter school shall:

41 (a) Ensure that the premiums for that insurance are paid to the  
42 board of trustees; and

43 (b) Provide, upon the request of the board of trustees, all  
44 information that is necessary for the board of trustees to provide the  
45 group insurance to the employees of the charter school.



1       **Sec. 19.** NRS 386.610 is hereby amended to read as follows:

2       386.610 ~~{1}~~ On or before ~~{August 15}~~ **October 1** of each  
3 year, the sponsor of a charter school shall submit a written report to  
4 the Department. The written report must include ~~{~~:

5       ~~—(a) An evaluation of the progress of~~ **for** each charter school that  
6 it sponsors ~~{in achieving the educational goals}~~ :

7       **1. A summary evaluating the academic, operational and**  
8 **financial performance of the charter school, as measured by the**  
9 **performance indicators, measures** and ~~{objectives of the charter~~  
10 ~~school.~~

11       ~~—(b) A description of all administrative support and services~~  
12 ~~provided by the sponsor to the charter school, including, without~~  
13 ~~limitation, an itemized accounting for the costs of the support and~~  
14 ~~services.~~

15       ~~—(c)~~ **metrics set forth in the performance framework developed**  
16 **by the sponsor pursuant to section 3 of this act.**

17       **2.** An identification of each charter school approved by the  
18 sponsor:

19       ~~{1}~~ **(a)** Which has not opened and the scheduled time for  
20 opening, if any;

21       ~~{2}~~ **(b)** Which is open and in operation;

22       ~~{3}~~ **(c)** Which has transferred sponsorship;

23       ~~{4}~~ **(d)** Whose ~~{written}~~ charter **contract** has been  
24 ~~{revoked}~~ **terminated** by the sponsor;

25       ~~{5}~~ **(e)** Whose ~~{written}~~ charter **contract** has not been  
26 renewed by the sponsor; and

27       ~~{6}~~ **(f)** Which has voluntarily ceased operation.

28       ~~{d}~~ **3.** A description of the strategic vision of the sponsor for  
29 the charter schools that it sponsors and the progress of the sponsor  
30 in achieving that vision.

31       ~~{e}~~ **4.** A description of the services provided by the sponsor  
32 pursuant to a service agreement entered into with the governing  
33 body of the charter school pursuant to NRS 386.561, including an  
34 itemized accounting of the actual costs of those services.

35       ~~{2. The governing body of a charter school shall, after 3 years~~  
36 ~~of operation under its initial charter, submit a written report to the~~  
37 ~~sponsor of the charter school. The written report must include a~~  
38 ~~description of the progress of the charter school in achieving its~~  
39 ~~educational goals and objectives. If the charter school submits an~~  
40 ~~application for renewal in accordance with the regulations of the~~  
41 ~~Department, the sponsor may renew the written charter of the school~~  
42 ~~pursuant to subsection 2 of NRS 386.530.~~

43       **5. The amount of any money from the Federal Government**  
44 **that was distributed to the charter school, any concerns regarding**  
45 **the equity of such distributions and any recommendations on how**



1 *to improve access to and distribution of money from the Federal*  
2 *Government.*

3 **Sec. 20.** 1. Except as otherwise provided in subsection 2, a  
4 charter school that is operating under a written charter issued before  
5 the effective date of this act shall continue to operate under the  
6 terms of the written charter until the expiration of the written  
7 charter, unless the written charter is revoked before the expiration of  
8 the current term. Before the expiration of the written charter, if the  
9 charter school seeks to continue operation, the charter school must  
10 apply to the sponsor of the charter school for a charter contract.

11 2. If a charter school that is operating under a written charter  
12 issued before the effective date of this act does not wish to continue  
13 operation under the written charter until its expiration, upon  
14 approval of the sponsor of the charter school, the charter school may  
15 apply to the sponsor for a charter contract.

16 3. Upon approval of an application for a charter contract  
17 pursuant to subsection 1 or 2:

18 (a) The sponsor of the charter school shall, in consultation with  
19 the governing body of the charter school, develop a written  
20 performance framework for the charter school in accordance with  
21 section 3 of this act, which must be incorporated into the charter  
22 contract executed pursuant to paragraph (b).

23 (b) The sponsor of the charter school and the governing body of  
24 the charter school shall execute a charter contract pursuant to NRS  
25 386.527, as amended by section 8 of this act.

26 **Sec. 21.** This act becomes effective upon passage and  
27 approval.

