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ASSEMBLY BILL NO. 49—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC  
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 17, 2016

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Referred to Committee on Education

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

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

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

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AN ACT relating to education; revising the requirements for a charter school to be eligible to be rated using the alternative performance framework; prohibiting certain actions relating to written charters and charter contracts; creating a process for filing complaints regarding charter schools; establishing a process for a charter school to have an expedited review to become a qualified provider of an alternative route to licensure; prohibiting a member of the State Public Charter School Authority from engaging in certain acts; revising provisions relating to the appointment and powers of the Executive Director of the Authority; exempting the Authority from the requirements of the Nevada Administrative Procedure Act in certain circumstances; revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the sponsor of a charter school to amend a written  
2 charter or charter contract upon the request of the governing body of a charter  
3 school. (NRS 388A.276) Existing law also requires the State Board of Education to  
4 adopt regulations which prescribe an alternative performance framework to  
5 evaluate certain schools which serve certain populations and prescribes eligibility  
6 requirements for a school to be rated using the alternative performance framework.  
7 (NRS 385A.730, 385A.740) **Sections 1 and 2** of this bill establish additional



8 eligibility requirements for a charter school to be rated using the alternative  
9 performance framework. **Section 11** of this bill provides for the amendment of a  
10 written charter or charter contract or the execution of a charter contract of a charter  
11 school to comply with the requirements of **sections 1 and 2**. **Section 25** of this bill  
12 allows the formation of a charter school dedicated to providing educational services  
13 exclusively to pupils described in **section 1**.

14 Existing law provides for the formation and operation of charter schools in this  
15 State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter  
16 School Authority or, with the approval of the Department of Education, the board  
17 of trustees of a school district or a college or university within the Nevada System  
18 of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter  
19 school approved before June 11, 2013, existing law requires the sponsor of the  
20 charter school to grant a written charter to the governing body of the charter school.  
21 For any charter school approved on or after that date, existing law requires the  
22 sponsor to enter into a charter contract with the governing body of the charter  
23 school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or  
24 charter contract is not assignable or transferable and that the duties, responsibilities  
25 or obligations imposed by a written charter or charter contract may not be delegated  
26 to a third party; and (2) prohibits the use of a written charter or charter contract as  
27 security for a loan. **Section 5** of this bill makes certain financial information of an  
28 educational management organization or other person who provides educational or  
29 management services to a charter school confidential in certain circumstances.  
30 **Sections 6-10** of this bill provide for the filing, investigation and resolution of  
31 complaints regarding charter schools. **Section 13** of this bill requires the  
32 Department of Education to satisfy certain requirements before submitting an  
33 application for a grant which may result in the distribution of money to a charter  
34 school or a sponsor of a charter school.

35 Existing law requires the Commission on Professional Standards in Education  
36 to adopt regulations providing for an alternative route to licensure for teachers and  
37 other educational personnel and establishing the requirements for approval as a  
38 qualified provider of such an alternate route. (NRS 391.019) **Section 12** of this bill  
39 authorizes a charter school or charter management organization that meets certain  
40 requirements to request its sponsor or proposed sponsor to submit a request for an  
41 expedited review from the Commission of the application of the charter school or  
42 charter management organization to become a qualified provider. **Section 12** also  
43 authorizes the sponsor or proposed sponsor of the charter school to include a  
44 request for a waiver by the Commission of any requirement not prescribed by  
45 existing law for the charter school or charter management organization.

46 Existing law creates the State Public Charter School Authority, requires the  
47 Authority to appoint an Executive Director and authorizes the Authority to sponsor  
48 charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill  
49 prohibits a member of the Authority from actively engaging in business with or  
50 holding a direct pecuniary interest relating to charter schools. **Section 16** of this bill  
51 revises the process for appointing and the qualifications required of the Executive  
52 Director of the Authority. **Section 17** of this bill authorizes the Executive Director,  
53 rather than the Authority, to employ such persons as he or she deems necessary.  
54 **Section 17** also authorizes the Authority to delegate to the Executive Director or his  
55 or her staff the authority to carry out any responsibility assigned to it as a sponsor  
56 of a charter school or as a local educational agency.

57 Existing law authorizes the proposed sponsor of a charter school to review an  
58 application to form a charter school and approve the application if it satisfies  
59 certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the  
60 identity of each member of a team of reviewers assembled by the proposed sponsor  
61 of a charter school to review an application to form a charter school is confidential  
62 for a certain period of time after review of the application. **Section 22** of this bill



63 prohibits the appeal of a final determination of the Authority to deny an application  
64 to form a charter school if the Authority has approved an application to form a  
65 charter school or increased the total number of pupils enrolled in charter schools  
66 sponsored by the Authority in 3 of the immediately preceding 5 years. **Sections 14,**  
67 **19, 20, 23, 24 and 26** of this bill make various other changes relating to charter  
68 schools.

69 Existing law generally requires an agency that adopts a provision of general  
70 applicability which effectuates or interprets law or policy or describes the  
71 organization, procedure or practice requirements of the agency or holds a  
72 proceeding in which the legal rights, duties or privileges of a party are required by  
73 law to be determined by the agency to satisfy the requirements of the Nevada  
74 Administrative Procedure Act. (Chapter 233B of NRS) **Section 27** of this bill  
75 provides that certain actions of the sponsor of a charter school for the purpose of  
76 carrying out its duties or powers as a sponsor of a charter school are not regulations  
77 subject to the provisions of the Nevada Administrative Procedure Act. **Section 28**  
78 of this bill exempts the Authority from the requirements of the Nevada  
79 Administrative Procedure Act for any contested case of the Authority.

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

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

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

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

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

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

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

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

23 (3) Are academically disadvantaged;

24 (4) Have been adjudicated delinquent;

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



1 (6) Have an individualized education program; and  
2 (b) At least 75 percent of the pupils enrolled at the school fall  
3 within one or more of the categories listed in paragraph (a).

4 4. *A charter school is eligible to be rated using the alternative*  
5 *performance framework if the charter school specifies in its*  
6 *written charter or charter contract that:*

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

10 (b) *The admissions policy of the charter school only allows the*  
11 *pupils identified in its mission statement to enroll in the charter*  
12 *school.*

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

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

18 385A.740 1. A public school, including, without limitation, a  
19 charter school, that wishes to be rated using the alternative  
20 performance framework prescribed by the State Board pursuant to  
21 NRS 385A.730 must request the board of trustees of the school  
22 district or sponsor of the charter school, as applicable, to apply to  
23 the State Board on behalf of the school for approval to be rated  
24 using the alternative performance framework.

25 2. The board of trustees of a school district or the sponsor of a  
26 charter school, as applicable, may apply to the State Board on behalf  
27 of a school for the school to be rated using the alternative  
28 performance framework by submitting a form prescribed by the  
29 Department.

30 3. A public school other than a charter school is eligible to be  
31 rated using the alternative performance framework if:

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

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

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

38 (3) Are academically disadvantaged;

39 (4) Have been adjudicated delinquent;

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

42 (6) Have an individualized education program; and

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



1 4. A charter school is eligible to be rated using the alternative  
2 performance framework if the charter school specifies in its ~~written~~  
3 ~~charter or~~ charter contract that:

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

7 (b) The admissions policy of the charter school only allows the  
8 pupils identified in its mission statement to enroll in the charter  
9 school.

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

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

17 **Sec. 4. 1.** *A written charter issued by the sponsor of a*  
18 *charter school to the governing body of the charter school is not*  
19 *assignable or transferable and neither the sponsor of the charter*  
20 *school nor the governing body of the charter school may delegate*  
21 *any duty, responsibility or obligation under the written charter to a*  
22 *third party.*

23 **2.** *A charter contract entered into between the governing body*  
24 *of a charter school and the sponsor of the charter school is not*  
25 *assignable or transferable and neither party to the contract may*  
26 *delegate any duty, responsibility or obligation under the charter*  
27 *contract to a third party.*

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

31 **4.** *For the purpose of this section, an amendment to a written*  
32 *charter or charter contract which consolidates two or more*  
33 *charter schools, the restart of a charter school pursuant to NRS*  
34 *388A.300 and the reconstitution of the governing body of a*  
35 *charter school pursuant to NRS 388A.330 do not constitute the*  
36 *assignment or transfer of a written charter or charter contract or*  
37 *the delegation of any duty, responsibility or obligation under a*  
38 *written charter or charter contract to a third party.*

39 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, any*  
40 *information relating to an educational management organization*  
41 *or other person who provides educational or management services*  
42 *to a charter school that is contained in an application to form a*  
43 *charter school or a request to amend a written charter or charter*  
44 *contract of a charter school is not confidential and may be*  
45 *disclosed to any member of the general public upon request.*



1       2. *Except as otherwise provided in NRS 239.0115, if an*  
2 *educational management organization or other person who*  
3 *provides educational or management services to a charter school*  
4 *is not a publicly traded company or exempt from taxation*  
5 *pursuant to 26 U.S.C. § 501(c)(3), an audited financial statement*  
6 *and any other internal financial information of the educational*  
7 *management organization or other person contained in an*  
8 *application to form a charter school or a request to amend a*  
9 *written charter or charter contract of a charter school are*  
10 *confidential and must not be disclosed.*

11       **Sec. 6.** 1. *A person may file a written complaint with the*  
12 *governing body of a charter school which alleges a violation of the*  
13 *provisions of this chapter, the written charter or charter contract*  
14 *of the charter school or any other provision of law or regulation*  
15 *relating to the management or operation of the charter school.*

16       2. *Upon receipt of a complaint filed pursuant to subsection 1,*  
17 *the governing body of the charter school shall investigate the*  
18 *allegations contained within the complaint, conduct a review to*  
19 *determine whether the charter school has complied with the*  
20 *provisions of this chapter, the written charter or charter contract*  
21 *and respond in writing to the complaining party within 30 days*  
22 *after receipt of the complaint. The staff of the charter school and*  
23 *any other person named in the complaint shall cooperate with the*  
24 *governing body of the charter school during such an investigation.*

25       3. *If the complaining party does not believe the governing*  
26 *body of the charter school has adequately addressed a complaint*  
27 *filed pursuant to subsection 1, the complaining party may submit*  
28 *the complaint in writing to the sponsor of the charter school. Upon*  
29 *receipt of such a complaint, the sponsor of the charter school shall*  
30 *investigate and respond to the complaint in writing within 30 days*  
31 *after receipt of the complaint.*

32       **Sec. 7.** 1. *A person who believes that a charter school has*  
33 *violated any state or federal law or regulation relating to special*  
34 *education or pupils who are limited English proficient may file a*  
35 *complaint directly with the Department and notify the sponsor of*  
36 *the charter school in writing. The Department shall investigate the*  
37 *complaint and notify the sponsor of the charter school of its*  
38 *findings.*

39       2. *A person who believes that a charter school or an employee*  
40 *or vendor of a charter school has committed a crime may file a*  
41 *complaint directly with a law enforcement agency and notify the*  
42 *sponsor of the charter school in writing. The law enforcement*  
43 *agency shall investigate the complaint and notify the sponsor of*  
44 *the charter school of its findings.*



1       3. *A person who believes that a charter school has violated*  
2 *any law or regulation which is within the jurisdiction of an agency*  
3 *of this State other than the Department may file a complaint*  
4 *directly with the appropriate agency and notify the sponsor of the*  
5 *charter school in writing. If the agency determines that credible*  
6 *evidence exists to support the complaint, the agency shall*  
7 *investigate the complaint and notify the sponsor of the charter*  
8 *school of its findings.*

9       **Sec. 8.** *1. A person may file a complaint directly with the*  
10 *sponsor of a charter school if the person believes that the charter*  
11 *school has:*

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

14       (b) *Violated any law or regulation relating to the civil rights of*  
15 *pupils;*

16       (c) *Violated any law or regulation or policy of the sponsor of*  
17 *the charter school relating to the enrollment, suspension or*  
18 *expulsion of pupils;*

19       (d) *Committed fraud, financial mismanagement or financial*  
20 *malfeasance; or*

21       (e) *Committed academic dishonesty, including, without*  
22 *limitation, engaging in a policy or practice that has the intent or*  
23 *effect of inappropriately increasing the graduation rate or*  
24 *inappropriately increasing performance on assessments mandated*  
25 *by this State or the sponsor of the charter school.*

26       2. *If the sponsor of the charter school determines that*  
27 *credible evidence exists to support a complaint submitted pursuant*  
28 *to subsection 1, the sponsor of the charter school shall investigate*  
29 *the complaint and respond to the complaining party in writing.*

30       **Sec. 9.** *1. If the sponsor of a charter school determines that*  
31 *external expertise is necessary to conduct an investigation of a*  
32 *complaint filed pursuant to sections 6 to 10, inclusive, of this act,*  
33 *the sponsor of the charter school may select an investigator to*  
34 *conduct the investigation and make any appropriate*  
35 *determinations or recommendations to the sponsor of the charter*  
36 *school.*

37       2. *If the sponsor of a charter school determines that it:*

38       (a) *Has money available to pay the costs of an investigator and*  
39 *the circumstances of the complaint do not require an expedited*  
40 *timeline, the sponsor of the charter school shall enter into a*  
41 *contract with an investigator and indemnify the investigator*  
42 *against any liability which may arise from the investigation.*

43       (b) *Does not have money available to pay the costs of an*  
44 *investigator or the circumstances of the complaint require an*  
45 *expedited timeline, the sponsor of the charter school may require*



1 *the charter school to enter into a contract with an investigator*  
2 *selected by the sponsor of the charter school and indemnify the*  
3 *investigator against any liability which may arise from the*  
4 *investigation.*

5 *3. If an investigator who enters into a contract with a charter*  
6 *school pursuant to paragraph (b) of subsection 1 determines that*  
7 *no violation has occurred, the sponsor of the charter school shall,*  
8 *to the extent possible as determined by the sponsor, reimburse the*  
9 *charter school for the cost of the investigator, including, without*  
10 *limitation, by reducing the sponsorship fees paid to the sponsor of*  
11 *the charter school.*

12 *4. If the sponsor of a charter school determines that the*  
13 *governing body of the charter school, a current member of the*  
14 *governing body of the charter school, a member of the governing*  
15 *body of the charter school who served on the date of a complaint,*  
16 *a current employee of the charter school or an employee of the*  
17 *charter school on the date of a complaint failed to cooperate with*  
18 *any investigation conducted pursuant to this section, the sponsor*  
19 *of the charter school may begin a proceeding to revoke the written*  
20 *charter or terminate the charter contract of the charter school*  
21 *pursuant to NRS 388A.330.*

22 *5. If the sponsor of a charter school determines that the*  
23 *charter school or an employee of the charter school has violated*  
24 *any provision of this chapter or another statute or regulation*  
25 *applicable to charter schools or has materially breached the terms*  
26 *and conditions of the written charter or charter contract of the*  
27 *charter school, the sponsor of the charter school may:*

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

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

34 *6. If the sponsor of a charter school determines that the*  
35 *current operations of the charter school pose an imminent danger*  
36 *to the health and safety of the pupils or staff of the charter school,*  
37 *the sponsor of the charter school may order the charter school to*  
38 *suspend its operations at any or all of its facilities until*  
39 *appropriate corrective action has been taken.*

40 **Sec. 10.** *The governing body of a charter school shall*  
41 *develop a policy for accepting, investigating and responding to*  
42 *complaints and submit the policy to the sponsor of the charter*  
43 *school for review and approval. Such a policy may allow for a*  
44 *complaint not described in sections 6 to 10, inclusive, of this act to*  
45 *be delegated to the staff of the charter school or an educational*



1 *management organization if the policy allows a complaining party*  
2 *who does not believe the staff of the charter school or educational*  
3 *management organization has adequately addressed a complaint*  
4 *to submit the complaint to the governing body of the charter*  
5 *school for its investigation and response.*

6 **Sec. 11. 1.** *If a charter school wishes to be rated using the*  
7 *alternative performance framework prescribed by the State Board*  
8 *pursuant to NRS 385A.730, the governing body of the charter*  
9 *school may submit to the sponsor of the charter school a request to*  
10 *amend the written charter or charter contract, as applicable, of the*  
11 *charter school pursuant to NRS 388A.276 to include the mission*  
12 *statement and admissions policy required by subsection 4 of*  
13 *NRS 385A.740.*

14 **2.** *The sponsor of a charter school may require that a request*  
15 *to amend a written charter or charter contract described in*  
16 *subsection 1 also include such changes to the academic program,*  
17 *organizational plan and financial model of the charter school as*  
18 *the sponsor of the charter school determines are necessary for a*  
19 *charter school rated using the alternative performance framework.*

20 **3.** *The sponsor of a charter school shall evaluate a request to*  
21 *amend a written charter or charter contract described in*  
22 *subsection 1 by reviewing the academic, organizational and*  
23 *financial performance of the charter school. If the sponsor of the*  
24 *charter school determines that the charter school is unlikely to*  
25 *achieve academic, organizational or financial success if the*  
26 *request to amend its written charter or charter contract is*  
27 *approved, the sponsor of the charter school must deny the request.*

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

33 **5.** *If a proposed sponsor of a charter school approves an*  
34 *application to form a charter school and the proposed sponsor of*  
35 *the charter school determines that the charter school has a*  
36 *mission statement and an admissions policy which satisfy the*  
37 *requirements of subsection 4 of NRS 385A.740, the proposed*  
38 *sponsor of the charter school shall include language in the charter*  
39 *contract entered into with the charter school which provides that:*

40 **(a)** *The proposed sponsor of the charter school will submit an*  
41 *application to the State Board on behalf of the charter school for*  
42 *the charter school to be rated using the alternative performance*  
43 *framework within 2 years after the charter school commences*  
44 *operation; and*



1       ***(b) Upon approval of such an application by the State Board,***  
2 ***the performance framework adopted by the proposed sponsor of***  
3 ***the charter school will be replaced by the alternative performance***  
4 ***framework.***

5       **Sec. 12. 1. A charter school that has received, within the**  
6 ***immediately preceding 2 consecutive school years, one of the three***  
7 ***highest ratings of performance pursuant to the statewide system of***  
8 ***accountability for public schools may request that its sponsor***  
9 ***submit a request to the Commission on Professional Standards in***  
10 ***Education for an expedited review of an application to become a***  
11 ***qualified provider of an alternative route to licensure pursuant to***  
12 ***subparagraph (1) of paragraph (a) of subsection 1 of***  
13 ***NRS 391.019.***

14       **2. A charter management organization which operates a**  
15 ***charter school that has received, within the immediately preceding***  
16 ***2 consecutive school years, one of the three highest ratings of***  
17 ***performance pursuant to the statewide system of accountability for***  
18 ***public schools, or equivalent ratings in another state, as***  
19 ***determined by the Department, and which intends to form a new***  
20 ***charter school in this State may request that its proposed sponsor***  
21 ***submit a request to the Commission on Professional Standards in***  
22 ***Education for an expedited review of an application to become a***  
23 ***qualified provider of an alternative route to licensure pursuant to***  
24 ***subparagraph (1) of paragraph (a) of subsection 1 of***  
25 ***NRS 391.019.***

26       **3. If a sponsor or proposed sponsor receives a request**  
27 ***pursuant to subsection 1 or 2 and determines that the charter***  
28 ***school or charter management organization, as applicable, is***  
29 ***eligible to become a qualified provider, the sponsor or proposed***  
30 ***sponsor may submit a request for an expedited review of the***  
31 ***appropriate application to the Commission on Professional***  
32 ***Standards in Education.***

33       **4. A charter school or charter management organization may**  
34 ***include in a request made pursuant to subsection 1 or 2 a request***  
35 ***for the Commission on Professional Standards in Education to***  
36 ***waive any requirement which may apply to a program for an***  
37 ***alternative route to licensure that is not prescribed by NRS***  
38 ***391.019. If the sponsor or proposed sponsor, as applicable,***  
39 ***approves the request made pursuant to this subsection, the sponsor***  
40 ***or proposed sponsor may include the request for a waiver with***  
41 ***the request for an expedited review submitted pursuant to***  
42 ***subsection 3.***

43       **5. Upon receipt of the written request of a sponsor of a**  
44 ***charter school or a proposed sponsor of a charter management***  
45 ***organization for an expedited review submitted pursuant to***



1 *subsection 3 and an application to become a qualified provider,*  
2 *the Commission on Professional Standards in Education shall*  
3 *review the application to become a qualified provider and approve*  
4 *or deny the application within 45 days after receipt of the*  
5 *application and the written request. If the request for an expedited*  
6 *review includes a request for a waiver pursuant to subsection 4,*  
7 *the Commission on Professional Standards in Education shall*  
8 *wave any requirement which may apply to a program for an*  
9 *alternative route to licensure that is not prescribed by*  
10 *NRS 391.019.*

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

14 *1. Consider the definitions and measures of school*  
15 *performance specified in the grant and make any necessary*  
16 *adjustments to the information submitted by the Department to*  
17 *conform to the definitions and measures of school performance*  
18 *specified in the grant;*

19 *2. Separately determine the academic performance for each*  
20 *campus of the charter school and the charter school as a whole;*  
21 *and*

22 *3. If the State Board has approved an application by a charter*  
23 *school to be rated using the alternative performance framework*  
24 *prescribed by the State Board pursuant to NRS 385A.730, apply*  
25 *the alternative performance framework to evaluate the*  
26 *performance of the charter school.*

27 **Sec. 14.** NRS 388A.150 is hereby amended to read as follows:

28 388A.150 *1.* The State Public Charter School Authority is  
29 hereby created. The purpose of the State Public Charter School  
30 Authority is to:

31 ~~1-1~~ *(a) Authorize charter schools of high-quality throughout*  
32 *this State with the goal of expanding the opportunities for pupils in*  
33 *this State, including, without limitation, pupils who are at risk.*

34 ~~1-2~~ *(b) Provide oversight to the charter schools that it sponsors*  
35 *to ensure that those charter schools maintain high educational and*  
36 *operational standards, preserve autonomy and safeguard the*  
37 *interests of pupils and the community.*

38 ~~1-3~~ *(c) Serve as a model of the best practices in sponsoring*  
39 *charter schools . ~~and foster a climate in this State in which all~~*  
40 *~~charter schools, regardless of sponsor, can flourish.~~*

41 *2. The provisions of this section shall not be construed to*  
42 *create a duty for the State Public Charter School Authority to*  
43 *provide any assistance, support or services to a charter school not*  
44 *sponsored by the Authority which is not otherwise required by law.*



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

2 388A.153 1. The State Public Charter School Authority  
3 consists of seven members. The membership of the State Public  
4 Charter School Authority consists of:

5 (a) Two members appointed by the Governor in accordance with  
6 subsection 2;

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

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

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

13 2. The Governor, the Majority Leader of the Senate and the  
14 Speaker of the Assembly shall ensure that the membership of the  
15 State Public Charter School Authority:

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

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

21 (c) Includes persons with specific knowledge of:

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

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

24 (3) Management practices;

25 (4) Assessments required in elementary and secondary  
26 education;

27 (5) Educational technology;

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

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

31 (e) Insofar as practicable, consists of persons who are experts on  
32 best practices for authorizing charter schools and developing and  
33 operating high-quality charter schools and charter management  
34 organizations.

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

37 4. *A member of the State Public Charter School Authority*  
38 *must not be actively engaged in business with or hold a direct*  
39 *pecuniary interest relating to charter schools, including, without*  
40 *limitation, serving as a vendor, contractor, employee, officer,*  
41 *director or member of the governing body of a charter school,*  
42 *educational management organization or charter management*  
43 *organization.*

44 5. After the initial terms, the term of each member of the State  
45 Public Charter School Authority is 3 years, commencing on July 1



1 of the year in which he or she is appointed. A vacancy in the  
2 membership of the State Public Charter School Authority must be  
3 filled for the remainder of the unexpired term in the same manner as  
4 the original appointment. A member shall continue to serve on the  
5 State Public Charter School Authority until his or her successor is  
6 appointed.

7 ~~15-~~ 6. The members of the State Public Charter School  
8 Authority shall select a Chair and Vice Chair from among its  
9 members. After the initial selection of those officers, each of those  
10 officers holds the position for a term of 2 years commencing on  
11 July 1 of each odd-numbered year. If a vacancy occurs in the Chair  
12 or Vice Chair, the vacancy must be filled in the same manner as the  
13 original selection for the remainder of the unexpired term.

14 ~~16-~~ 7. Each member of the State Public Charter School  
15 Authority is entitled to receive:

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

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

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

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

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

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

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

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

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

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



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

4       **Sec. 17.** NRS 388A.199 is hereby amended to read as follows:

5       388A.199 1. The ~~{State Public Charter School Authority}~~  
6 ***Executive Director*** may employ such persons as ~~##~~ ***he or she***  
7 deems necessary to carry out the provisions of this chapter. The staff  
8 employed by the ~~{State Public Charter School Authority}~~ ***Executive***  
9 ***Director*** must be qualified to carry out the daily responsibilities of  
10 sponsoring charter schools, including, without limitation, oversight  
11 of written charters and charter contracts, in accordance with the  
12 provisions of this chapter.

13       2. The staff must include:

14       (a) Attorneys with experience with laws concerning education,  
15 special education and nonprofit organizations;

16       (b) Persons with experience overseeing the annual audits and  
17 financial operations of school districts, nonprofit organizations or  
18 corporations;

19       (c) Persons with experience conducting assessments and  
20 evaluations for a school district;

21       (d) Administrators with significant experience overseeing  
22 special education programs and programs while employed by a  
23 school district, charter management organization, educational  
24 management organization or other operator of charter schools;

25       (e) Policy analysts with significant experience in the areas of  
26 charter schools and education policy; and

27       (f) Any other persons that the ~~{State Public Charter School~~  
28 ***Authority}* ***Executive Director*** determines are necessary.**

29       3. The ~~{State Public Charter School Authority}~~ ***Executive***  
30 ***Director*** shall periodically evaluate and make decisions concerning  
31 the number of persons employed by the ~~{State Public Charter School~~  
32 ***Authority}* ***Executive Director*** and the qualifications and  
33 compensation of such persons based on guidance from the National  
34 Association of Charter School Authorizers, or its successor  
35 organization, an assessment of the strategic plan for recruiting  
36 operators of charter schools prepared pursuant to NRS 388A.223  
37 and the needs of the charter schools sponsored by the State Public  
38 Charter School Authority.**

39       4. ***Except as otherwise provided in this subsection, the State***  
40 ***Public Charter School Authority may delegate to the Executive***  
41 ***Director or the staff employed by the Executive Director authority***  
42 ***to carry out any responsibility assigned to it as a sponsor of a***  
43 ***charter school or as a local educational agency pursuant to NRS***  
44 ***388A.159. The State Public Charter School Authority shall not***  
45 ***delegate its authority to:***



- 1 (a) *Perform any duty which requires a public hearing;*
- 2 (b) *Approve or deny an application to form a charter school;*
- 3 (c) *Approve or deny an application for renewal of a charter*
- 4 *contract;*
- 5 (d) *Approve or deny an amendment to a written charter or*
- 6 *charter contract to expand the enrollment of a charter school,*
- 7 *serve additional grade levels at a charter school, consolidate with*
- 8 *another charter school or add an additional facility to a charter*
- 9 *school; or*
- 10 (e) *Revoke a written charter or terminate a charter contract.*

11 **Sec. 18.** NRS 388A.199 is hereby amended to read as follows:

12 388A.199 1. The ~~{State Public Charter School Authority}~~

13 *Executive Director* may employ such persons as ~~{it}~~ *he or she*

14 deems necessary to carry out the provisions of this chapter. The staff

15 employed by the ~~{State Public Charter School Authority}~~ *Executive*

16 *Director* must be qualified to carry out the daily responsibilities of

17 sponsoring charter schools, including, without limitation, oversight

18 of charter contracts, in accordance with the provisions of this

19 chapter.

20 2. The staff must include:

- 21 (a) Attorneys with experience with laws concerning education,
- 22 special education and nonprofit organizations;
- 23 (b) Persons with experience overseeing the annual audits and
- 24 financial operations of school districts, nonprofit organizations or
- 25 corporations;
- 26 (c) Persons with experience conducting assessments and
- 27 evaluations for a school district;
- 28 (d) Administrators with significant experience overseeing
- 29 special education programs and programs while employed by a
- 30 school district, charter management organization, educational
- 31 management organization or other operator of charter schools;
- 32 (e) Policy analysts with significant experience in the areas of
- 33 charter schools and education policy; and

34 (f) Any other persons that the ~~{State Public Charter School~~

35 ~~Authority}~~ *Executive Director* determines are necessary.

36 3. The ~~{State Public Charter School Authority}~~ *Executive*

37 *Director* shall periodically evaluate and make decisions concerning

38 the number of persons employed by the ~~{State Public Charter School~~

39 ~~Authority}~~ *Executive Director* and the qualifications and

40 compensation of such persons based on guidance from the National

41 Association of Charter School Authorizers, or its successor

42 organization, an assessment of the strategic plan for recruiting

43 operators of charter schools prepared pursuant to NRS 388A.223

44 and the needs of the charter schools sponsored by the State Public

45 Charter School Authority.



1       4. *Except as otherwise provided in this subsection, the State*  
2 *Public Charter School Authority may delegate to the Executive*  
3 *Director or the staff employed by the Executive Director authority*  
4 *to carry out any responsibility assigned to it as a sponsor of a*  
5 *charter school or as a local educational agency pursuant to NRS*  
6 *388A.159. The State Public Charter School Authority shall not*  
7 *delegate its authority to:*

8       (a) *Perform any duty which requires a public hearing;*

9       (b) *Approve or deny an application to form a charter school;*

10       (c) *Approve or deny an application for renewal of a charter*  
11 *contract;*

12       (d) *Approve or deny an amendment to a charter contract to*  
13 *expand the enrollment of a charter school, serve additional grade*  
14 *levels at a charter school, consolidate with another charter school*  
15 *or add an additional facility to a charter school; or*

16       (e) *Terminate a charter contract.*

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

18       388A.223 1. Each sponsor of a charter school shall carry out  
19 the following duties and powers:

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

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

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

28       (d) ~~Negotiating~~ **Developing** and executing charter contracts  
29 pursuant to NRS 388A.270;

30       (e) Monitoring, in accordance with this chapter and in  
31 accordance with the terms and conditions of the applicable charter  
32 contract, the performance and compliance of each charter school  
33 sponsored by the entity;

34       (f) Determining whether the charter contract of a charter school  
35 that the entity sponsors merits renewal or whether the renewal of the  
36 charter contract should be denied or whether the written charter  
37 should be revoked or the charter contract terminated or restarted, as  
38 applicable, in accordance with NRS 388A.285, 388A.300 or  
39 388A.330, as applicable;

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

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



1 2. Each sponsor of a charter school shall develop policies and  
2 practices that are consistent with state laws and regulations  
3 governing charter schools. In developing the policies and practices,  
4 the sponsor shall review and evaluate nationally recognized policies  
5 and practices for sponsoring organizations of charter schools. The  
6 policies and practices must include, without limitation:

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

10 (b) The procedure and criteria for soliciting and evaluating  
11 charter school applications in accordance with NRS 388A.249,  
12 which must include, without limitation:

13 (1) Specific application procedures and timelines for  
14 committees to form a charter school that plan to enter into a contract  
15 with an educational management organization to operate the charter  
16 school, committees to form a charter school that do not plan to enter  
17 into such a contract and charter management organizations; and

18 (2) A description of the manner in which the sponsor will  
19 evaluate the previous performance of an educational management  
20 organization or other person with whom a committee to form a  
21 charter school plans to enter into a contract to operate a charter  
22 school or a charter management organization that submits an  
23 application to form a charter school;

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

26 (d) The procedure for amending a written charter or charter  
27 contract and the criteria for determining whether a request for such  
28 an amendment will be approved which must include, without  
29 limitation, any manner in which such procedures and criteria will  
30 differ if the sponsor determines that the amendment is material or  
31 strategically important;

32 (e) If deemed appropriate by the sponsor, a strategic plan for  
33 recruiting charter management organizations, educational  
34 management organizations or other persons to operate charter  
35 schools based on the priorities of the sponsor and the needs of the  
36 pupils that will be served by the charter schools that will be  
37 sponsored by the sponsor;

38 (f) A description of how the sponsor will maintain oversight of  
39 the charter schools it sponsors, which must include, without  
40 limitation:

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

44 (2) A strategic plan for the oversight and provision of  
45 technical support to charter schools that are sponsored by the



1 sponsor in the areas of academic, fiscal and organizational  
2 performance; and

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

5 3. Evidence of material or persistent failure to carry out the  
6 powers and duties of a sponsor prescribed by this section constitutes  
7 grounds for revocation of the entity's authority to sponsor charter  
8 schools.

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

11 **Sec. 20.** NRS 388A.246 is hereby amended to read as follows:

12 388A.246 An application to form a charter school must include  
13 all information prescribed by the Department by regulation and:

14 1. A summary of the plan for the proposed charter school.

15 2. A clear written description of the mission of the charter  
16 school and the goals for the charter school. A charter school must  
17 have as its stated purpose at least one of the following goals:

18 (a) Improving the academic achievement of pupils;

19 (b) Encouraging the use of effective and innovative methods of  
20 teaching;

21 (c) Providing an accurate measurement of the educational  
22 achievement of pupils;

23 (d) Establishing accountability and transparency of public  
24 schools;

25 (e) Providing a method for public schools to measure  
26 achievement based upon the performance of the schools; or

27 (f) Creating new professional opportunities for teachers.

28 3. A clear description of the indicators, measures and metrics  
29 for the categories of academics, finances and organization that the  
30 charter school proposes to use, the external assessments that will be  
31 used to assess performance in those categories and the objectives  
32 that the committee to form a charter school plans to achieve in those  
33 categories, which must be expressed in terms of the objectives,  
34 measures and metrics. The objectives and the indicators, measures  
35 and metrics used by the charter school must be consistent with the  
36 performance framework adopted by the sponsor pursuant to  
37 NRS 388A.270.

38 4. A resume and background information for each person who  
39 serves on the board of the charter management organization or the  
40 committee to form a charter school, as applicable, which must  
41 include the name, telephone number, electronic mail address,  
42 background, qualifications, any past or current affiliation with any  
43 charter school in this State or any other state, any potential conflicts  
44 of interest and any other information required by the sponsor.



1 5. The proposed location of, or the geographic area to be  
2 served by, the charter school and evidence of a need and community  
3 support for the charter school in that area.

4 6. The minimum, planned and maximum projected enrollment  
5 of pupils in each grade in the charter school for each year that the  
6 charter school would operate under the proposed charter contract.

7 7. The procedure for applying for enrollment in the proposed  
8 charter school, which must include, without limitation, the proposed  
9 dates for accepting applications for enrollment in each year of  
10 operation under the proposed charter contract and a statement of  
11 whether the charter school will enroll pupils who are in a particular  
12 category of at-risk pupils before enrolling other children who are  
13 eligible to attend the charter school pursuant to NRS 388A.456 and  
14 the method for determining eligibility for enrollment in each such  
15 category of at-risk pupils served by the charter school.

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

21 9. A description of the proposed instructional design of the  
22 charter school and the type of learning environment the charter  
23 school will provide, including, without limitation, whether the  
24 charter school will provide a program of distance education, the  
25 planned class size and structure, the proposed curriculum for  
26 the charter school and the teaching methods that will be used at the  
27 charter school.

28 10. The manner in which the charter school plans to identify  
29 and serve the needs of pupils with disabilities, pupils who are  
30 English language learners, pupils who are academically behind their  
31 peers and gifted pupils.

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

35 12. Any uniform or dress code policy that the charter school  
36 plans to use.

37 13. Plans and timelines for recruiting and enrolling students,  
38 including procedures for any lottery for admission that the charter  
39 school plans to conduct.

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

44 15. A chart that clearly presents the proposed organizational  
45 structure of the charter school and a clear description of the roles



1 and responsibilities of the governing body, administrators and any  
2 other persons included on the chart and a table summarizing the  
3 decision-making responsibilities of the staff and governing body of  
4 the charter school and, if applicable, the charter management  
5 organization that operates the charter school. The table must also  
6 identify the person responsible for each activity conducted by the  
7 charter school, including, without limitation, the person responsible  
8 for establishing curriculum and culture, providing professional  
9 development to employees of the charter school and making  
10 determinations concerning the staff of the charter school.

11 16. The names of any external organizations that will play a  
12 role in operating the charter school and the role each such  
13 organization will play.

14 17. The manner in which the governing body of the charter  
15 school will be chosen.

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

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

21 20. Proposed bylaws for the governing body, a description of  
22 the manner in which the charter school will be governed, including,  
23 without limitation, any governance training that will be provided to  
24 the governing body, and a code of ethics for members and  
25 employees of the governing body. The code of ethics must be  
26 prepared with guidance from the Nevada Commission on Ethics and  
27 must not conflict with any policy adopted by the sponsor.

28 21. Explanations of any partnerships or contracts central to the  
29 operations or mission of the charter school.

30 22. A statement of whether the charter school will provide for  
31 the transportation of pupils to and from the charter school. If the  
32 charter school will provide transportation, the application must  
33 include the proposed plan for the transportation of pupils. If the  
34 charter school will not provide transportation, the application must  
35 include a statement that the charter school will work with the  
36 parents and guardians of pupils enrolled in the charter school to  
37 develop a plan for transportation to ensure that pupils have access to  
38 transportation to and from the charter school.

39 23. The procedure for the evaluation of teachers of the charter  
40 school, if different from the procedure prescribed in NRS 391.680  
41 and 391.725. If the procedure is different from the procedure  
42 prescribed in NRS 391.680 and 391.725, the procedure for the  
43 evaluation of teachers of the charter school must provide the same  
44 level of protection and otherwise comply with the standards for  
45 evaluation set forth in NRS 391.680 and 391.725.



1 24. A statement of the charter school's plans for food service  
2 and other significant operational services, including a statement of  
3 whether the charter school will provide food service or participate in  
4 the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If  
5 the charter school will not provide food service or participate in the  
6 National School Lunch Program, the application must include an  
7 explanation of the manner in which the charter school will ensure  
8 that the lack of such food service or participation does not prevent  
9 pupils from attending the charter school.

10 25. Opportunities and expectations for involving the parents of  
11 pupils enrolled in the charter school in instruction at the charter  
12 school and the operation of the charter school, including, without  
13 limitation, the manner in which the charter school will solicit input  
14 concerning the governance of the charter school from such parents.

15 26. A detailed plan for starting operation of the charter school  
16 that identifies necessary tasks, the persons responsible for  
17 performing them and the dates by which such tasks will be  
18 accomplished.

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

21 28. A description of the insurance coverage the charter school  
22 will obtain.

23 29. Budgets for starting operation at the charter school, the first  
24 year of operation of the charter school and the first 5 years of  
25 operation of the charter school, with any assumptions inherent in the  
26 budgets clearly stated.

27 30. Evidence of any money pledged or contributed to the  
28 budget of the charter school.

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

33 32. If the charter school ~~is~~ *operates* a vocational school, a  
34 description of the career and technical education program that will  
35 be used by the charter school.

36 33. If the charter school will provide a program of distance  
37 education, a description of the system of course credits that the  
38 charter school will use and the manner in which the charter school  
39 will:

40 (a) Monitor and verify the participation in and completion of  
41 courses by pupils;

42 (b) Require pupils to participate in assessments and submit  
43 coursework;

44 (c) Conduct parent-teacher conferences; and



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

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

8 (a) The proposed duration of the relationship between the  
9 charter school and the college or university and the conditions for  
10 renewal and termination of the relationship;

11 (b) The roles and responsibilities of the governing body of the  
12 charter school, the employees of the charter school and the college  
13 or university;

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

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

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

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

25 35. If the applicant currently operates a charter school in  
26 another state, evidence of the performance of such charter schools  
27 and the capacity of the applicant to operate the proposed charter  
28 school.

29 36. If the applicant proposes to contract with an educational  
30 management organization or any other person to provide  
31 educational or management services:

32 (a) Evidence of the performance of the educational management  
33 organization or other person when providing such services to a  
34 population of pupils similar to the population that will be served by  
35 the proposed charter school;

36 (b) A term sheet that sets forth:

37 (1) The proposed duration of the proposed contract between  
38 the governing body of the charter school and the educational  
39 management organization;

40 (2) A description of the responsibilities of the governing  
41 body of the charter school, employees of the charter school and the  
42 educational management organization or other person;

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



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

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

8 (6) The conditions for renewal and termination of the  
9 contract; and

10 (c) A disclosure of any conflicts of interest concerning the  
11 applicant and the educational management organization or other  
12 person, including, without limitation, any past or current  
13 employment, business or familial relationship between any  
14 prospective employee of the charter school and a member of the  
15 committee to form a charter school or the board of directors of the  
16 charter management organization, as applicable.

17 37. Any additional information that the sponsor determines is  
18 necessary to evaluate the ability of the proposed charter school to  
19 serve pupils in the school district in which the proposed charter  
20 school will be located.

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

22 388A.249 1. A committee to form a charter school or charter  
23 management organization may submit the application to the  
24 proposed sponsor of the charter school. Except as otherwise  
25 provided in NRS 388B.290, if an application proposes to convert an  
26 existing public school, homeschool or other program of home study  
27 into a charter school, the proposed sponsor shall deny the  
28 application.

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

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

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

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

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



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

4 (a) The application:

5 (1) Complies with this chapter and the regulations applicable  
6 to charter schools; and

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

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

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

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

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

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

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

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

31 **Sec. 22.** NRS 388A.255 is hereby amended to read as follows:

32 388A.255 1. If the State Public Charter School Authority  
33 receives an application pursuant to subsection 1 of NRS 388A.249  
34 or subsection 4 of NRS 388A.252, it shall consider the application  
35 at a meeting which must be held not later than 60 days after receipt  
36 of the application or a later period mutually agreed upon by the  
37 committee to form the charter school and the State Public Charter  
38 School Authority. Notice of the meeting must be posted in  
39 accordance with chapter 241 of NRS. The State Public Charter  
40 School Authority shall review the application in accordance with the  
41 requirements for review set forth in subsections 2 and 3 of NRS  
42 388A.249. The State Public Charter School Authority may approve  
43 an application only if it satisfies the requirements of subsection 3 of  
44 NRS 388A.249. Not more than 30 days after the meeting, the State



1 Public Charter School Authority shall provide written notice of its  
2 determination to the applicant.

3 2. If the State Public Charter School Authority denies or fails  
4 to act upon an application, the denial or failure to act must be based  
5 upon a finding that the applicant failed to satisfy the requirements of  
6 subsection 3 of NRS 388A.249. The State Public Charter School  
7 Authority shall include in the written notice the reasons for the  
8 denial or the failure to act and the deficiencies in the application.  
9 The staff designated by the State Public Charter School Authority  
10 shall meet with the applicant to confer on the method to correct the  
11 identified deficiencies. The applicant must be granted 30 days after  
12 receipt of the written notice to correct any deficiencies identified in  
13 the written notice and resubmit the application.

14 3. ~~HF~~ *Except as otherwise provided in subsection 4, if* the  
15 State Public Charter School Authority denies an application after it  
16 has been resubmitted pursuant to subsection 2, the applicant may,  
17 not more than 30 days after the receipt of the written notice from the  
18 State Public Charter School Authority, appeal the final  
19 determination to the district court of the county in which the  
20 proposed charter school will be located.

21 *4. If the State Public Charter School Authority has approved*  
22 *an application or has increased the total number of pupils enrolled*  
23 *in the charter schools sponsored by the State Public Charter*  
24 *School Authority in any 3 of the immediately preceding 5 years,*  
25 *the applicant may not appeal the final determination of the State*  
26 *Public Charter School Authority.*

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

28 388A.270 1. If the proposed sponsor of a charter school  
29 approves an application to form a charter school, it shall, before  
30 June 11, 2013, grant a written charter to the governing body of the  
31 charter school or, on or after June 11, 2013, ~~negotiate~~ *develop* and  
32 execute a charter contract with the governing body of the charter  
33 school. A charter contract must be executed not later than 60 days  
34 before the charter school commences operation. The charter contract  
35 must be in writing and incorporate, without limitation:

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

37 (b) A description of the administrative relationship between the  
38 sponsor of the charter school and the governing body of the charter  
39 school, including, without limitation, the rights and duties of the  
40 sponsor and the governing body; and

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



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

3 (a) If the board of trustees of a school district is the sponsor of  
4 the charter school, the superintendent of schools of the school  
5 district;

6 (b) If the State Public Charter School Authority is the sponsor of  
7 the charter school, the Chair of the State Public Charter School  
8 Authority; or

9 (c) If a college or university within the Nevada System of  
10 Higher Education is the sponsor of the charter school, the president  
11 of the college or university.

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

15 4. The sponsor of the charter school shall, not later than 10  
16 days after the execution of the charter contract, provide to the  
17 Department:

18 (a) Written notice of the charter contract and the date of  
19 execution; and

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

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

24 6. If the State Public Charter School Authority approves the  
25 application:

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

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

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

34 (a) That institution shall be deemed the sponsor of the charter  
35 school.

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

39 8. A written charter or a charter contract, as applicable, must be  
40 for a term of 6 years. The term of the charter contract begins on the  
41 first day of operation of the charter school after the charter contract  
42 has been executed. The sponsor of the charter school may require, or  
43 the governing body of the charter school may request that the  
44 sponsor authorize, the charter school to delay commencement of  
45 operation for 1 school year.



1     **Sec. 24.** NRS 388A.330 is hereby amended to read as follows:  
2     388A.330 Except as otherwise provided in NRS 388A.300:

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

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

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

10        (2) Failed to comply with generally accepted standards of  
11 fiscal management;

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

14        (4) If the charter school holds a charter contract, has  
15 persistently underperformed, as measured by the performance  
16 indicators, measures and metrics set forth in the performance  
17 framework for the charter school;

18     (b) The charter school has filed for a voluntary petition of  
19 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise  
20 financially impaired such that the charter school cannot continue to  
21 operate;

22     (c) There is reasonable cause to believe that reconstitution,  
23 revocation or termination is necessary to protect the health and  
24 safety of the pupils who are enrolled in the charter school or persons  
25 who are employed by the charter school from jeopardy, or to  
26 prevent damage to or loss of the property of the school district or the  
27 community in which the charter school is located;

28     (d) The committee to form the charter school or charter  
29 management organization, as applicable, or any member of the  
30 committee to form the charter school or charter management  
31 organization, as applicable, or the governing body of the charter  
32 school has at any time made a material misrepresentation or  
33 omission concerning any information disclosed to the sponsor;

34     (e) The charter school ~~is~~ *operates* a high school that has a  
35 graduation rate for the immediately preceding school year that is  
36 less than 60 percent;

37     (f) The charter school ~~is~~ *operates* an elementary or middle  
38 school or junior high school that is rated in the lowest 5 percent of  
39 elementary schools, middle schools or junior high schools in the  
40 State in pupil achievement and school performance, as determined  
41 by the Department pursuant to the statewide system of  
42 accountability for public schools; or

43     (g) Pupil achievement and school performance at the charter  
44 school is unsatisfactory as determined by the Department pursuant  
45 to criteria prescribed by regulation by the Department to measure



1 the performance of any public school **H** *pursuant to the statewide*  
2 *system of accountability for public schools.*

3 2. Before the sponsor reconstitutes a governing body, revokes a  
4 written charter or terminates a charter contract, the sponsor shall  
5 provide written notice of its intention to the governing body of the  
6 charter school. The written notice must:

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

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

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

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

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

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

39 5. If the governing body of a charter school is reconstituted, the  
40 written charter is revoked or the charter contract is terminated, the  
41 sponsor of the charter school shall submit a written report to  
42 the Department and the governing body of the charter school setting  
43 forth the reasons for the reconstitution, revocation or termination, as  
44 applicable, not later than 10 days after reconstituting the governing



1 body, revoking the written charter or terminating the charter  
2 contract.

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

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

6 388A.453 1. An application for enrollment in a charter  
7 school may be submitted annually to the governing body of the  
8 charter school by the parent or legal guardian of any child who  
9 resides in this State.

10 2. Except as otherwise provided in subsections 1 to 5,  
11 inclusive, NRS 388A.336 and subsections 1 and 2 of NRS  
12 388A.456, a charter school shall enroll pupils who are eligible for  
13 enrollment in the order in which the applications are received.

14 3. If the board of trustees of the school district in which the  
15 charter school is located has established zones of attendance  
16 pursuant to NRS 388.040, the charter school shall, if practicable,  
17 ensure that the racial composition of pupils enrolled in the charter  
18 school does not differ by more than 10 percent from the racial  
19 composition of pupils who attend public schools in the zone in  
20 which the charter school is located.

21 4. If a charter school is sponsored by the board of trustees of a  
22 school district located in a county whose population is 100,000 or  
23 more, except for a program of distance education provided by the  
24 charter school, the charter school shall enroll pupils who are eligible  
25 for enrollment who reside in the school district in which the charter  
26 school is located before enrolling pupils who reside outside the  
27 school district.

28 5. Except as otherwise provided in subsections 1 and 2 of NRS  
29 388A.456, if more pupils who are eligible for enrollment apply for  
30 enrollment in the charter school than the number of spaces which  
31 are available, the charter school shall determine which applicants to  
32 enroll pursuant to subsections 1 to 4, inclusive, on the basis of a  
33 lottery system.

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

- 37 (a) Race;  
38 (b) Gender;  
39 (c) Religion;  
40 (d) Ethnicity; or  
41 (e) Disability,  
42 ↪ of a pupil.

43 7. A lottery held pursuant to subsection 5 must be held not  
44 sooner than 45 days after the date on which a charter school begins



1 accepting applications for enrollment unless the sponsor of the  
2 charter school determines there is good cause to hold it sooner.

3 8. If the governing body of a charter school determines that the  
4 charter school is unable to provide an appropriate special education  
5 program and related services for a particular disability of a pupil  
6 who is enrolled in the charter school, the governing body may  
7 request that the board of trustees of the school district of the county  
8 in which the pupil resides transfer that pupil to an appropriate  
9 school.

10 9. This section does not preclude the formation of a charter  
11 school that is dedicated to provide educational services exclusively  
12 to pupils:

13 (a) With disabilities;

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

18 (c) Who are at risk ~~††~~ *or, for a charter school that is eligible to  
19 be rated using the alternative performance framework pursuant to  
20 subsection 4 of NRS 385A.740, who are described in  
21 subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection  
22 3 of NRS 385A.740.*

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

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

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

36 2. If a charter school specializes in:

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

39 (b) The construction industry or other building industry,  
40 teachers must be highly qualified to teach courses of study relating  
41 to the industry if those teachers are employed full-time.

42 (c) The construction industry or other building industry and the  
43 school offers courses of study in computer education, technology or  
44 business, teachers must be highly qualified to teach those courses of  
45 study if those teachers are employed full-time.



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

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

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

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

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

27 6. A teacher who is employed by a charter school to teach  
28 special education or English as a second language must be licensed  
29 to teach special education or English as a second language, as  
30 applicable.

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

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

37 ~~(1) Meets the qualifications prescribed in 20 U.S.C. §~~  
38 ~~7801(23)(B) or (C), as applicable; and~~

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

40 (b) If employed by a charter school that has received, within the  
41 immediately preceding 2 consecutive school years, one of the three  
42 highest ratings of performance pursuant to the statewide system of  
43 accountability for public schools, or equivalent ratings in another  
44 state, as determined by the Department, if the teacher ~~†meets the~~  
45 ~~qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as~~



1 ~~applicable,~~ holds a bachelor's degree or a graduate degree from  
2 an accredited college or university and has demonstrated expertise  
3 in the subject area for which the teacher provides instruction on  
4 an assessment approved by the Department, in consultation with  
5 sponsors of charter schools described in this paragraph, regardless  
6 of whether the teacher is licensed to teach pursuant to chapter 391 of  
7 NRS.

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

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

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

21 **Sec. 27.** NRS 233B.038 is hereby amended to read as follows:

22 233B.038 1. "Regulation" means:

23 (a) An agency rule, standard, directive or statement of general  
24 applicability which effectuates or interprets law or policy, or  
25 describes the organization, procedure or practice requirements of  
26 any agency;

27 (b) A proposed regulation;

28 (c) The amendment or repeal of a prior regulation; and

29 (d) The general application by an agency of a written policy,  
30 interpretation, process or procedure to determine whether a person is  
31 in compliance with a federal or state statute or regulation in order to  
32 assess a fine, monetary penalty or monetary interest.

33 2. The term does not include:

34 (a) A statement concerning only the internal management of an  
35 agency and not affecting private rights or procedures available to the  
36 public;

37 (b) A declaratory ruling;

38 (c) An intraagency memorandum;

39 (d) A manual of internal policies and procedures or audit  
40 procedures of an agency which is used solely to train or provide  
41 guidance to employees of the agency and which is not used as  
42 authority in a contested case to determine whether a person is in  
43 compliance with a federal or state statute or regulation;

44 (e) An agency decision or finding in a contested case;



- 1 (f) An advisory opinion issued by an agency that is not of  
2 general applicability;
- 3 (g) A published opinion of the Attorney General;
- 4 (h) An interpretation of an agency that has statutory authority to  
5 issue interpretations;
- 6 (i) Letters of approval, concurrence or disapproval issued in  
7 relation to a permit for a specific project or activity;
- 8 (j) A contract or agreement into which an agency has entered;
- 9 (k) The provisions of a federal law, regulation or guideline;
- 10 (l) An emergency action taken by an agency that is necessary to  
11 protect public health and safety;
- 12 (m) The application by an agency of a policy, interpretation,  
13 process or procedure to a person who has sufficient prior actual  
14 notice of the policy, interpretation, process or procedure to  
15 determine whether the person is in compliance with a federal or  
16 state statute or regulation in order to assess a fine, monetary penalty  
17 or monetary interest;
- 18 (n) A regulation concerning the use of public roads or facilities  
19 which is indicated to the public by means of signs, signals and other  
20 traffic-control devices that conform with the manual and  
21 specifications for a uniform system of official traffic-control devices  
22 adopted pursuant to NRS 484A.430;
- 23 (o) The classification of wildlife or the designation of seasons  
24 for hunting, fishing or trapping by regulation of the Board of  
25 Wildlife Commissioners pursuant to the provisions of title 45 of  
26 NRS; ~~for~~
- 27 (p) A technical bulletin prepared pursuant to NRS 360.133 ~~H~~ ;  
28 *or*
- 29 *(q) A policy, practice, procedure, plan, standard, criterion,*  
30 *directive, performance framework, form or any standard*  
31 *provisions or form of a charter contract adopted by a sponsor of a*  
32 *charter school for the purpose of carrying out the duties and*  
33 *powers of the sponsor of a charter school pursuant to NRS*  
34 *388A.223 for any charter school sponsored by the sponsor of a*  
35 *charter school.*
- 36 **Sec. 28.** NRS 233B.039 is hereby amended to read as follows:  
37 233B.039 1. The following agencies are entirely exempted  
38 from the requirements of this chapter:
- 39 (a) The Governor.
- 40 (b) Except as otherwise provided in NRS 209.221, the  
41 Department of Corrections.
- 42 (c) The Nevada System of Higher Education.
- 43 (d) The Office of the Military.
- 44 (e) The Nevada Gaming Control Board.



- 1 (f) Except as otherwise provided in NRS 368A.140 and 463.765,  
2 the Nevada Gaming Commission.
- 3 (g) The Division of Welfare and Supportive Services of the  
4 Department of Health and Human Services.
- 5 (h) Except as otherwise provided in NRS 422.390, the Division  
6 of Health Care Financing and Policy of the Department of Health  
7 and Human Services.
- 8 (i) The State Board of Examiners acting pursuant to chapter 217  
9 of NRS.
- 10 (j) Except as otherwise provided in NRS 533.365, the Office of  
11 the State Engineer.
- 12 (k) The Division of Industrial Relations of the Department of  
13 Business and Industry acting to enforce the provisions of  
14 NRS 618.375.
- 15 (l) The Administrator of the Division of Industrial Relations of  
16 the Department of Business and Industry in establishing and  
17 adjusting the schedule of fees and charges for accident benefits  
18 pursuant to subsection 2 of NRS 616C.260.
- 19 (m) The Board to Review Claims in adopting resolutions to  
20 carry out its duties pursuant to NRS 445C.310.
- 21 (n) The Silver State Health Insurance Exchange.
- 22 2. Except as otherwise provided in subsection 5 and NRS  
23 391.323, the Department of Education, *the State Public Charter*  
24 *School Authority*, the Board of the Public Employees' Benefits  
25 Program and the Commission on Professional Standards in  
26 Education are subject to the provisions of this chapter for the  
27 purpose of adopting regulations but not with respect to any  
28 contested case.
- 29 3. The special provisions of:
- 30 (a) Chapter 612 of NRS for the distribution of regulations by  
31 and the judicial review of decisions of the Employment Security  
32 Division of the Department of Employment, Training and  
33 Rehabilitation;
- 34 (b) Chapters 616A to 617, inclusive, of NRS for the  
35 determination of contested claims;
- 36 (c) Chapter 91 of NRS for the judicial review of decisions of the  
37 Administrator of the Securities Division of the Office of the  
38 Secretary of State; and
- 39 (d) NRS 90.800 for the use of summary orders in contested  
40 cases,  
41 ➤ prevail over the general provisions of this chapter.
- 42 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and  
43 233B.126 do not apply to the Department of Health and Human  
44 Services in the adjudication of contested cases involving the  
45 issuance of letters of approval for health facilities and agencies.



1 5. The provisions of this chapter do not apply to:

2 (a) Any order for immediate action, including, but not limited  
3 to, quarantine and the treatment or cleansing of infected or infested  
4 animals, objects or premises, made under the authority of the State  
5 Board of Agriculture, the State Board of Health, or any other agency  
6 of this State in the discharge of a responsibility for the preservation  
7 of human or animal health or for insect or pest control;

8 (b) An extraordinary regulation of the State Board of Pharmacy  
9 adopted pursuant to NRS 453.2184;

10 (c) A regulation adopted by the State Board of Education  
11 pursuant to NRS 388.255 or 394.1694; or

12 (d) The judicial review of decisions of the Public Utilities  
13 Commission of Nevada.

14 6. The State Board of Parole Commissioners is subject to the  
15 provisions of this chapter for the purpose of adopting regulations but  
16 not with respect to any contested case.

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

18 239.010 1. Except as otherwise provided in this section and  
19 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,  
20 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,  
21 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,  
22 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,  
23 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,  
24 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
25 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,  
26 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
27 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,  
28 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
29 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
30 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
31 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
32 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
33 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
34 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
35 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
36 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
37 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
38 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,  
39 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
40 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
41 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
42 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
43 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
44 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
45 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,



1 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
2 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
3 388.501, 388.503, 388.513, 388.750, **388A.249**, 391.035, 392.029,  
4 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447,  
5 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403,  
6 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070,  
7 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,  
8 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,  
9 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420,  
10 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
11 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,  
12 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
13 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
14 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063,  
15 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,  
16 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,  
17 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
18 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
19 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,  
20 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,  
21 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665,  
22 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,  
23 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,  
24 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
25 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
26 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
27 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,  
28 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
29 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
30 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
31 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
32 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
33 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
34 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
35 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
36 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
37 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
38 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,  
39 710.159, 711.600, **and section 5 of this act**, sections 35, 38 and 41  
40 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter  
41 391, Statutes of Nevada 2013 and unless otherwise declared by law  
42 to be confidential, all public books and public records of a  
43 governmental entity must be open at all times during office hours to  
44 inspection by any person, and may be fully copied or an abstract or  
45 memorandum may be prepared from those public books and public



1 records. Any such copies, abstracts or memoranda may be used to  
2 supply the general public with copies, abstracts or memoranda of the  
3 records or may be used in any other way to the advantage of the  
4 governmental entity or of the general public. This section does not  
5 supersede or in any manner affect the federal laws governing  
6 copyrights or enlarge, diminish or affect in any other manner the  
7 rights of a person in any written book or record which is  
8 copyrighted pursuant to federal law.

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

11 3. A governmental entity that has legal custody or control of a  
12 public book or record shall not deny a request made pursuant to  
13 subsection 1 to inspect or copy or receive a copy of a public book or  
14 record on the basis that the requested public book or record contains  
15 information that is confidential if the governmental entity can  
16 redact, delete, conceal or separate the confidential information from  
17 the information included in the public book or record that is not  
18 otherwise confidential.

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

23 (a) Shall not refuse to provide a copy of that public record in a  
24 readily available medium because the officer, employee or agent has  
25 already prepared or would prefer to provide the copy in a different  
26 medium.

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

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

33 Sec. 4. 1. ~~{A written charter issued by the sponsor of a~~  
34 ~~charter school to the governing body of the charter school is~~  
35 ~~not assignable or transferable and neither the sponsor of the~~  
36 ~~charter school nor the governing body of the charter school~~  
37 ~~may delegate any duty, responsibility or obligation under the~~  
38 ~~written charter to a third party.~~

39 ~~—2.}~~ A charter contract entered into between the  
40 governing body of a charter school and the sponsor of the  
41 charter school is not assignable or transferable and neither  
42 party to the contract may delegate any duty, responsibility or  
43 obligation under the charter contract to a third party.



1           ~~3.~~ 2. A ~~{written charter or}~~ charter contract may not be  
2 used as security for any loan and shall be deemed to have no  
3 monetary value.

4           ~~4.~~ 3. For the purpose of this section, an amendment to  
5 a ~~{written charter or}~~ charter contract which consolidates two  
6 or more charter schools, the restart of a charter school  
7 pursuant to NRS 388A.300 and the reconstitution of the  
8 governing body of a charter school pursuant to NRS  
9 388A.330 do not constitute the assignment or transfer of a  
10 ~~{written charter or}~~ charter contract or the delegation of any  
11 duty, responsibility or obligation under a ~~{written charter or}~~  
12 charter contract to a third party.

13       **Sec. 31.** Section 5 of this act is hereby amended to read as  
14 follows:

15           Sec. 5. 1. Except as otherwise provided in subsection  
16 2, any information relating to an educational management  
17 organization or other person who provides educational or  
18 management services to a charter school that is contained in  
19 an application to form a charter school or a request to amend  
20 a ~~{written charter or}~~ charter contract of a charter school is not  
21 confidential and may be disclosed to any member of the  
22 general public upon request.

23           2. Except as otherwise provided in NRS 239.0115, if an  
24 educational management organization or other person who  
25 provides educational or management services to a charter  
26 school is not a publicly traded company or exempt from  
27 taxation pursuant to 26 U.S.C. § 501(c)(3), an audited  
28 financial statement and any other internal financial  
29 information of the educational management organization or  
30 other person contained in an application to form a charter  
31 school or a request to amend a ~~{written charter or}~~ charter  
32 contract of a charter school are confidential and must not be  
33 disclosed.

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

36           Sec. 6. 1. A person may file a written complaint with  
37 the governing body of a charter school which alleges a  
38 violation of the provisions of this chapter, the ~~{written charter  
39 or}~~ charter contract of the charter school or any other  
40 provision of law or regulation relating to the management or  
41 operation of the charter school.

42           2. Upon receipt of a complaint filed pursuant to  
43 subsection 1, the governing body of the charter school shall  
44 investigate the allegations contained within the complaint,  
45 conduct a review to determine whether the charter school has



1 complied with the provisions of this chapter, the ~~written~~  
2 ~~charter or~~ charter contract and respond in writing to the  
3 complaining party within 30 days after receipt of the  
4 complaint. The staff of the charter school and any other  
5 person named in the complaint shall cooperate with the  
6 governing body of the charter school during such an  
7 investigation.

8 3. If the complaining party does not believe the  
9 governing body of the charter school has adequately  
10 addressed a complaint filed pursuant to subsection 1, the  
11 complaining party may submit the complaint in writing to the  
12 sponsor of the charter school. Upon receipt of such a  
13 complaint, the sponsor of the charter school shall investigate  
14 and respond to the complaint in writing within 30 days after  
15 receipt of the complaint.

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

18 Sec. 9. 1. If the sponsor of a charter school determines  
19 that external expertise is necessary to conduct an  
20 investigation of a complaint filed pursuant to sections 6 to 10,  
21 inclusive, of this act, the sponsor of the charter school may  
22 select an investigator to conduct the investigation and make  
23 any appropriate determinations or recommendations to the  
24 sponsor of the charter school.

25 2. If the sponsor of a charter school determines that it:

26 (a) Has money available to pay the costs of an  
27 investigator and the circumstances of the complaint do not  
28 require an expedited timeline, the sponsor of the charter  
29 school shall enter into a contract with an investigator and  
30 indemnify the investigator against any liability which may  
31 arise from the investigation.

32 (b) Does not have money available to pay the costs of an  
33 investigator or the circumstances of the complaint require an  
34 expedited timeline, the sponsor of the charter school may  
35 require the charter school to enter into a contract with an  
36 investigator selected by the sponsor of the charter school and  
37 indemnify the investigator against any liability which may  
38 arise from the investigation.

39 3. If an investigator who enters into a contract with a  
40 charter school pursuant to paragraph (b) of subsection 7  
41 determines that no violation has occurred, the sponsor of the  
42 charter school shall, to the extent possible as determined by  
43 the sponsor, reimburse the charter school for the cost of the  
44 investigator, including, without limitation, by reducing the  
45 sponsorship fees paid to the sponsor of the charter school.



1           4. If the sponsor of a charter school determines that the  
2 governing body of the charter school, a current member of  
3 the governing body of the charter school, a member of the  
4 governing body of the charter school who served on the date  
5 of a complaint, a current employee of the charter school or an  
6 employee of the charter school on the date of a complaint  
7 failed to cooperate with any investigation conducted pursuant  
8 to this section, the sponsor of the charter school may begin a  
9 proceeding to ~~revoke the written charter or~~ terminate the  
10 charter contract of the charter school pursuant to  
11 NRS 388A.330.

12           5. If the sponsor of a charter school determines that the  
13 charter school or an employee of the charter school has  
14 violated any provision of this chapter or another statute or  
15 regulation applicable to charter schools or has materially  
16 breached the terms and conditions of the ~~written charter or~~  
17 charter contract of the charter school, the sponsor of the  
18 charter school may:

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

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

25           6. If the sponsor of a charter school determines that the  
26 current operations of the charter school pose an imminent  
27 danger to the health and safety of the pupils or staff of the  
28 charter school, the sponsor of the charter school may order  
29 the charter school to suspend its operations at any or all of its  
30 facilities until appropriate corrective action has been taken.

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

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

42           2. The sponsor of a charter school may require that a  
43 request to amend a ~~written charter or~~ charter contract  
44 described in subsection 1 also include such changes to the  
45 academic program, organizational plan and financial model of



1 the charter school as the sponsor of the charter school  
2 determines are necessary for a charter school rated using the  
3 alternative performance framework.

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

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

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

26 (a) The proposed sponsor of the charter school will  
27 submit an application to the State Board on behalf of the  
28 charter school for the charter school to be rated using the  
29 alternative performance framework within 2 years after  
30 the charter school commences operation; and

31 (b) Upon approval of such an application by the State  
32 Board, the performance framework adopted by the proposed  
33 sponsor of the charter school will be replaced by the  
34 alternative performance framework.

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

41 **Sec. 36.** 1. This section and sections 1, 3 to 17, inclusive, 19,  
42 20, 22 to 29, inclusive, and 35 of this act become effective on  
43 July 1, 2017.



1        2. Sections 2, 18, 21 and 30 to 34, inclusive, of this act become  
2 effective on January 1, 2020.

⑩



\* A B 4 9 \*