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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 which are sponsored by the State Public Charter School Authority; requiring a charter school to give written notice to the parent or legal guardian of each pupil and take certain actions after the occurrence of certain events; 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 of the Executive Director of the Authority; revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 388A.276) Existing law also requires the State Board of Education to adopt regulations which prescribe an alternative performance framework to evaluate certain schools which serve certain populations and prescribes eligibility requirements for a school to be rated using the alternative performance framework. (NRS 385A.730, 385A.740) **Sections 1 and 2** of this bill establish additional eligibility requirements for a charter school to be rated using the alternative performance framework. **Section 11** of this bill provides for the amendment of a written charter or charter contract or the execution of a charter contract of a charter school to comply with the requirements of **sections 1 and 2**. **Section 25** of this bill allows the formation of a charter school dedicated to providing educational services exclusively to pupils described in **section 1**.

Existing law provides for the formation and operation of charter schools in this State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter School Authority or, with the approval of the Department of Education, the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body of the charter school. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body of the charter school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or charter contract is not assignable or transferable and may not be delegated to a third party; and (2) prohibits the use of a written charter or charter contract as security for a loan. **Section 5** of this bill requires a charter school to designate any



information submitted to the sponsor of the charter school that is intended to remain confidential and requires the sponsor to determine whether such information should be declared confidential. **Sections 5.5-10** of this bill provide for the filing, investigation and resolution of complaints regarding charter schools sponsored by the State Public Charter School Authority. **Section 11.5** of this bill requires a charter school to give written notice to the parent or legal guardian of each pupil and take certain actions upon the occurrence of certain events. **Section 12.3** of this bill authorizes the governing body of a high-achieving charter school to submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model at the school. **Section 12.5** of this bill deems a charter school to be a political subdivision of this State for certain purposes relating to purchasing or leasing public land. **Section 12.7** of this bill authorizes the State Public Charter School Authority to select not more than two charter schools sponsored by the Authority to act as a local educational agency for certain purposes. **Section 13** of this bill requires the Department of Education to satisfy certain requirements before submitting an application for a grant which may result in the distribution of money to a charter school or a sponsor of a charter school.

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

Existing law creates the State Public Charter School Authority, requires the Authority to appoint an Executive Director and authorizes the Authority to sponsor charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill, with the exception of allowing not more than two members of the Authority to be teachers or administrators employed by certain charter schools or charter management organizations, prohibits a member of the Authority from actively engaging in business with or holding a direct pecuniary interest relating to charter schools. **Section 16** of this bill revises the process for appointing and the qualifications required of the Executive Director of the Authority.

Existing law authorizes the proposed sponsor of a charter school to review an application to form a charter school and approve the application if it satisfies certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the identity of each member of a team of reviewers assembled by the proposed sponsor of a charter school to review an application to form a charter school is confidential for a certain period of time after review of the application. **Sections 14, 19, 20, 23, 24 and 26** of this bill make various other changes relating to charter schools.



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

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

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

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

3. A *public* school is eligible to be rated using the alternative performance framework if:

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

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

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

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

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

(6) Have an individualized education program; and

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

4. *In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:*

(a) Specifies in its written charter or charter contract that:

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



(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school;

(b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and

(c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

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

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

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

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

3. A public school is eligible to be rated using the alternative performance framework if:

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

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

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

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

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

(6) Have an individualized education program; and

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



4. In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:

(a) Specifies in its ~~{written charter or}~~ charter contract that:

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

(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school;

(b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and

(c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

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

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

Sec. 4. 1. *A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and may not be delegated to a third party.*

2. *A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and may not be delegated to a third party.*

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

4. *For the purpose of this section, an amendment to a written charter or charter contract which consolidates two or more charter schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment, transfer or delegation of a written charter or charter contract.*

Sec. 5. 1. *Except as otherwise provided in subsection 2, any information that is provided to the sponsor of the charter school*



by a charter management organization, a committee to form a charter school or a charter school is a public record that is subject to the provisions of chapter 239 of NRS.

2. A charter school must designate any information contained in a submission by the charter school to the sponsor of the charter school that is intended to remain confidential and request for the sponsor to declare such information confidential. Upon receipt of such a request, the sponsor of the charter school shall determine whether the designated information should be declared confidential. If the sponsor of the charter school determines the information should not be declared confidential, the sponsor must give the charter school an opportunity to redact such information. Except as otherwise provided in NRS 239.0115, if the sponsor of the charter school determines that the information should be declared confidential, the information is confidential and must not be disclosed.

Sec. 5.5. The provisions of sections 5.5 to 10, inclusive, of this act apply only to a charter school which is sponsored by the State Public Charter School Authority.

Sec. 6. 1. Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint relating to that charter school with the State Public Charter School Authority which alleges a violation of the provisions of this chapter, the written charter or charter contract of the charter school or any other provision of law or regulation relating to the management or operation of the charter school.

2. Upon receipt of a complaint filed pursuant to subsection 1, the State Public Charter School Authority shall investigate the allegations contained within the complaint, conduct a review to determine whether the charter school has complied with the provisions of this chapter, the written charter or charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the State Public Charter School Authority during such an investigation.

Sec. 7. 1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school who has evidence that a



charter school has violated any state or federal law or regulation relating to special education or pupils who are limited English proficient may file a complaint relating to that charter school directly with the Department and notify the State Public Charter School Authority in writing. The Department shall investigate the complaint and notify the State Public Charter School Authority of its findings.

2. A person who has evidence that a charter school or an employee or vendor of a charter school has committed a crime shall file a complaint directly with a law enforcement agency and notify the State Public Charter School Authority in writing. The law enforcement agency may investigate the complaint and notify the State Public Charter School Authority of its findings.

3. A person who has evidence that a charter school has violated any law or regulation which is within the jurisdiction of an agency of this State other than the Department may file a complaint directly with the appropriate agency and notify the State Public Charter School Authority in writing. If the agency determines that credible evidence exists to support the complaint, the agency shall investigate the complaint and notify the State Public Charter School Authority of its findings.

4. The State Public Charter School Authority shall accept the findings of the Department, a law enforcement agency or an agency pursuant to subsection 1, 2 or 3, as applicable, as conclusive unless it is shown that the Department, law enforcement agency or agency acted with fraud or a gross abuse of discretion.

Sec. 8. 1. *A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:*

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

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of section 7 of this act;

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



(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

Sec. 9. *1. If the State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections 5.5 to 10, inclusive, of this act, the State Public Charter School Authority may select an investigator to conduct the investigation and make any appropriate determinations or recommendations to the State Public Charter School Authority.*

2. If the State Public Charter School Authority determines that a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation. If the court confirms that a violation has occurred, the court may order the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation in an amount the court determines to be reasonable under the circumstances. A charter school subject to such an order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the State Public Charter School Authority determines that a current or former member of the governing body of the charter school or a current or former employee of the charter school failed to cooperate with any investigation conducted pursuant to this section, the State Public Charter School Authority may begin a proceeding to revoke the written charter or terminate the charter contract of the charter school pursuant to NRS 388A.330.



4. If the State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the written charter or charter contract of the charter school, the State Public Charter School Authority may:

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

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

5. If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

Sec. 10. *The governing body of a charter school shall develop a policy for accepting, investigating and responding to complaints and submit the policy to the State Public Charter School Authority for review and approval. Such a policy may allow for a complaint to be delegated to the staff of the charter school or an educational management organization if the policy allows a complaining party who does not believe the staff of the charter school or educational management organization has adequately addressed a complaint to submit the complaint to the governing body of the charter school for its investigation and response.*

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

2. *The sponsor of a charter school may require that:*

(a) A request to amend a written charter or charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are



necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a written charter or charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

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

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

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

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

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



Sec. 11.5. 1. A charter school shall mail a written notification to the parent or legal guardian of each pupil enrolled in the charter school and post a notice prominently on the Internet website of the charter school within 5 business days after:

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the written charter or charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to revoke the written charter or terminate the charter contract of the charter school; or

(f) The sponsor of the charter school revokes the written charter or terminates the charter contract of the charter school.

2. Within 10 days after a charter school provides all notices required by subsection 1, the charter school shall certify compliance with that subsection to the sponsor of the charter school.

3. A written notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

4. Within 30 days after a charter school provides the notice required by subsection 1 and on a date determined by the sponsor of the charter school, the charter school shall hold a public hearing to discuss a plan to correct any issue which caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.



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

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

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

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

5. Upon receipt of the written request of a sponsor of a charter school or a proposed sponsor of a charter management organization for an expedited review submitted pursuant to subsection 3 and an application to become a qualified provider, the Commission on Professional Standards in Education shall



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

Sec. 12.3. *1. The governing body of a charter school that receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model in the charter school. If the sponsor of the charter school approves the request, such a program or model must be established in the charter school. Enrollment in such a program or model:*

(a) Must not exceed 50 pupils during the first year in which the program or model is in operation.

(b) Must not exceed 100 pupils during the second year in which the program or model is in operation.

(c) Must not exceed 150 pupils during the third year in which the program or model is in operation.

(d) Must not exceed any number prescribed by the sponsor of the charter school during the fourth year in which the program or model is in operation, or any year thereafter.

2. If an experimental academic program or new school model established pursuant to subsection 1 receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, the governing body of the charter school in which the program or model is established may:

(a) Submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable, to divide the charter school into multiple charter schools operating under the same governing body; or

(b) Establish a committee to form a charter school and submit to a proposed sponsor an application to form a charter school using the experimental academic program or new school model.

3. If the sponsor of a charter school grants a request for an amendment of the written charter or charter contract submitted pursuant to subsection 2, the sponsor shall negotiate and execute a charter contract with the governing body of the charter school for each experimental academic program or new school model.



4. *Before a charter school formed pursuant to this section enrolls any pupil who is eligible for enrollment pursuant to NRS 388A.453 and 388A.456, the charter school may enroll a child who was enrolled in the experimental academic program or new school model before the charter school was formed.*

Sec. 12.5. *1. A charter school is deemed to be a political subdivision of this State for the purposes of 43 U.S.C. §§ 869 et seq. and any law of this State relating to purchasing or leasing public land.*

2. Any property acquired by a charter school as a result of subsection 1 may only be transferred to this State or a political subdivision of this State.

3. If a charter school which has acquired property as a result of subsection 1 relocates, closes or otherwise ceases operations, the ownership of all such property must be transferred to this State or a political subdivision of this State.

Sec. 12.7. *1. The State Public Charter School Authority may select not more than two charter schools sponsored by the State Public Charter School Authority to act as a local educational agency for the purposes described in subsection 2.*

2. A charter school selected pursuant to subsection 1 is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. A charter school that receives money pursuant to such a program shall comply with any applicable reporting requirements to receive the grant.

3. If a charter school selected pursuant to subsection 1 is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

4. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

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

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

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



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

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

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

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

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

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

2. *The provisions of this section shall not be construed to create a duty for the State Public Charter School Authority to provide any assistance, support or services to a charter school other than to carry out its purpose as described in subsection 1.*

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

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

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

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

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

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

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

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

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



- (c) Includes persons with specific knowledge of:
 - (1) Issues relating to elementary and secondary education;
 - (2) School finance or accounting, or both;
 - (3) Management practices;
 - (4) Assessments required in elementary and secondary education;
 - (5) Educational technology; and
 - (6) The laws and regulations applicable to charter schools;
- (d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and
- (e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

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

4. *Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.*

5. *Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.*

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



~~15.1~~ 7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

~~16.1~~ 8. Each member of the State Public Charter School Authority is entitled to receive:

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

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

Sec. 15.5. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. ~~The~~ *Except as otherwise provided in section 12.7 of this act, the* State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

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

388A.190 1. The ~~State Public Charter School Authority shall appoint an~~ Executive Director of the State Public Charter School Authority ~~for a term of 3 years. The State Public Charter School Authority shall ensure that the Executive Director has a demonstrated understanding of charter schools and a commitment to~~



~~using charter schools as a way to strengthen public education in this State.~~

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

~~3. The Executive Director is] :~~

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

~~(b) Is in the unclassified service of the State.~~

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

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

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

~~Secs. 17 and 18. (Deleted by amendment.)~~

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

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

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

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

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

~~(d) Negotiating , **developing** and executing charter contracts pursuant to NRS 388A.270;~~

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

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

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



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

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

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

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

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

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

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

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

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

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



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

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

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

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

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

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

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

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

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

(a) Improving the academic achievement of pupils;

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

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

(d) Establishing accountability and transparency of public schools;

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

(f) Creating new professional opportunities for teachers.

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



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

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

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

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

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

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

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

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

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



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

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

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

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

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

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

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

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

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

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must



include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

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

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

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

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

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

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

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

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

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



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

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

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

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

(c) Conduct parent-teacher conferences; and

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

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

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

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

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

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

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

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

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

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



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

(b) A term sheet that sets forth:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

(a) The application:

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

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

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

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

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

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

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

(c) The current status of the application; and



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

Sec. 22. (Deleted by amendment.)

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

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

(a) The performance framework for the charter school;

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 24. NRS 388A.330 is hereby amended to read as follows:

388A.330 Except as otherwise provided in NRS 388A.300:

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

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

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

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

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

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

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



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

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

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

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

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school ~~is~~ *pursuant to the statewide system of accountability for public schools.*

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

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

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

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



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

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

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

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

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

7. If the sponsor of a charter school determines that not all of the grade levels in the charter school meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the grade levels which do not meet the criteria described in those paragraphs, the sponsor may amend the written charter or charter contract, as applicable, to eliminate the grade levels that meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and limit the enrollment in all other grade levels in the charter school.



Sec. 24.5. NRS 388A.330 is hereby amended to read as follows:

388A.330 Except as otherwise provided in NRS 388A.300:

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

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

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

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

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

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

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

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

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

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

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



(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school pursuant to the statewide system of accountability for public schools.

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

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

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

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

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

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

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

5. If the governing body of a charter school is reconstituted, the written charter is revoked or the charter contract is terminated,



the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution, revocation or termination, as applicable, not later than 10 days after reconstituting the governing body, revoking the written charter or terminating the charter contract.

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

7. If the sponsor of a charter school determines that not all of the grade levels in the charter school meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the grade levels which do not meet the criteria described in those paragraphs, the sponsor may amend the ~~written charter or~~ charter contract ~~[- as applicable,]~~ to eliminate the grade levels that meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and limit the enrollment in all other grade levels in the charter school.

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

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

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

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

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

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for



enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

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

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

↳ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

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

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

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

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

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



Sec. 25.5. NRS 388A.456 is hereby amended to read as follows:

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

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

(c) Is a child of a person:

(1) Who is employed by the charter school;

(2) Who is a member of the committee to form the charter school;

(3) Who is a member of the governing body of the charter school; or

(4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) *Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.*

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

~~(e)~~ (f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

~~(e)~~ (g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the immediately preceding school year. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment,



the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

~~f(e)~~ *(h)* Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

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

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

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

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

2. If a charter school specializes in:

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

(b) The construction industry or other building industry, teachers *at the school who are employed full-time* must ~~be highly qualified~~ *hold a license issued by the Superintendent of Public*



Instruction which contains an endorsement to teach courses of study relating to ~~the~~ *business and* industry . ~~if those teachers are employed full-time.~~

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

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

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

- (a) English language arts;
- (b) Mathematics;
- (c) Science;
- (d) A foreign or world language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

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

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

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

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

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



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

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

(b) If employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher ~~meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable,~~ **holds a bachelor's degree or a graduate degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in this paragraph,** regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

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

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

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

Secs. 27 and 28. (Deleted by amendment.)

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,



178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.249, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,



645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has



already prepared or would prefer to provide the copy in a different medium.

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

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

Sec. 4. 1. ~~{A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and may not be delegated to a third party.~~

~~—2.}~~ A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and may not be delegated to a third party.

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

~~{4.}~~ 3. For the purpose of this section, an amendment to a ~~{written charter or}~~ charter contract which consolidates two or more charter schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment, transfer or delegation of a ~~{written charter or}~~ charter contract.

Sec. 31. (Deleted by amendment.)

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

Sec. 6. 1. Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint relating to that charter school with the State Public Charter School Authority which alleges a violation of the provisions of this chapter, the ~~{written charter or}~~ charter contract of the charter school or any other provision of law or regulation relating to the management or operation of the charter school.

2. Upon receipt of a complaint filed pursuant to subsection 1, the State Public Charter School Authority shall investigate the allegations contained within the complaint,



conduct a review to determine whether the charter school has complied with the provisions of this chapter, the ~~written charter of~~ charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the State Public Charter School Authority during such an investigation.

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

Sec. 9. 1. If the State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections 5.5 to 10, inclusive, of this act, the State Public Charter School Authority may select an investigator to conduct the investigation and make any appropriate determinations or recommendations to the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation. If the court confirms that a violation has occurred, the court may order the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation in an amount the court determines to be reasonable under the circumstances. A charter school subject to such an order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the State Public Charter School Authority determines that a current or former member of the governing body of the charter school or a current or former employee of the charter school failed to cooperate with any investigation conducted pursuant to this section, the State Public Charter School Authority may begin a proceeding to ~~revoke the written charter of~~ terminate the charter contract of the charter school pursuant to NRS 388A.330.



4. If the State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the ~~{written charter or}~~ charter contract of the charter school, the State Public Charter School Authority may:

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

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

5. If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

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

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

2. The sponsor of a charter school may require that:

(a) A request to amend a ~~{written charter or}~~ charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a ~~{written charter or}~~ charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.



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

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

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

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

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

Sec. 34.5. Section 11.5 of this act is hereby amended to read as follows:

Sec. 11.5. 1. A charter school shall mail a written notification to the parent or legal guardian of each pupil enrolled in the charter school and post a notice prominently



on the Internet website of the charter school within 5 business days after:

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the ~~written charter or~~ charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to ~~revoke the written charter or~~ terminate the charter contract of the charter school; or

(f) The sponsor of the charter school ~~revokes the written charter or~~ terminates the charter contract of the charter school.

2. Within 10 days after a charter school provides all notices required by subsection 1, the charter school shall certify compliance with that subsection to the sponsor of the charter school.

3. A written notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

4. Within 30 days after a charter school provides the notice required by subsection 1 and on a date determined by the sponsor of the charter school, the charter school shall hold a public hearing to discuss a plan to correct any issue which



caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.

Sec. 34.6. Section 12.3 of this act is hereby amended to read as follows:

Sec. 12.3. 1. The governing body of a charter school that receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model in the charter school. If the sponsor of the charter school approves the request, such a program or model must be established in the charter school. Enrollment in such a program or model:

(a) Must not exceed 50 pupils during the first year in which the program or model is in operation.

(b) Must not exceed 100 pupils during the second year in which the program or model is in operation.

(c) Must not exceed 150 pupils during the third year in which the program or model is in operation.

(d) Must not exceed any number prescribed by the sponsor of the charter school during the fourth year in which the program or model is in operation, or any year thereafter.

2. If an experimental academic program or new school model established pursuant to subsection 1 receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, the governing body of the charter school in which the program or model is established may:

(a) Submit to the sponsor of the charter school a written request for an amendment of the ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ to divide the charter school into multiple charter schools operating under the same governing body; or

(b) Establish a committee to form a charter school and submit to a proposed sponsor an application to form a charter school using the experimental academic program or new school model.

3. If the sponsor of a charter school grants a request for an amendment of the ~~{written charter or}~~ charter contract submitted pursuant to subsection 2, the sponsor shall negotiate and execute a charter contract with the governing body of the charter school for each experimental academic program or new school model.



4. Before a charter school formed pursuant to this section enrolls any pupil who is eligible for enrollment pursuant to NRS 388A.453 and 388A.456, the charter school may enroll a child who was enrolled in the experimental academic program or new school model before the charter school was formed.

Sec. 34.7. Section 1 of Senate Bill No. 132 of this session is hereby amended to read as follows:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall, and the governing body of each charter school that operates as a high school and is in good standing with its sponsor may, adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who:

(a) Are deficient in credits and not likely to graduate according to schedule;

(b) Have performed poorly on the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Have attended or will attend school in another country as a foreign exchange student for at least one semester.

2. In addition to the conditions set forth in paragraphs (a), (b) and (c) of subsection 1, the Superintendent of Public Instruction may establish other conditions for a pupil to be eligible for an individual graduation plan.

3. An individual graduation plan must establish an academic plan for a pupil to allow the pupil to graduate with a standard high school diploma not later than 3 semesters after the date on which the pupil was otherwise scheduled to graduate. The individual graduation plan must include any conditions to which a pupil must agree to comply to remain enrolled in the high school. Such conditions may include, without limitation, any subjects that must be completed, the minimum number of units of credit in which the pupil must enroll each semester, the minimum grade point average that must be maintained by the pupil and any other conditions necessary to ensure that the pupil makes adequate progress to obtain a standard high school diploma within the time allowed.



4. The Superintendent of Public Instruction shall make a determination each year concerning:

(a) The number of credits by which a pupil must be deficient to be eligible for an individual graduation plan;

(b) The maximum score on the college and career readiness assessment administered pursuant to NRS 390.610 that a pupil may receive to be eligible for an individual graduation plan; and

(c) Any other conditions that must be met for participation in an individual graduation plan.

5. An individual graduation plan may be withdrawn by the school district or charter school if the pupil is not making adequate progress as outlined in the individual graduation plan or for other good cause.

6. A pupil for whom an individual graduation plan has been established must be counted when calculating the graduation rates of pupils in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate until the pupil obtains a standard high school diploma and then must be counted for the appropriate year as determined by the Department pursuant to subsection 8.

7. A pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils used to determine whether the sponsor of a charter school may take certain actions concerning the charter school pursuant to NRS 388A.330.

8. If a pupil for whom an individual graduation plan has been established:

(a) Obtains a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having received a standard high school diploma when calculating the graduation rates of pupils for the purposes of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil graduates.



(b) Fails to obtain a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having failed to receive a standard high school diploma when calculating the graduation rates of pupils for the purpose of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate pursuant to his or her individual graduation plan.

9. Any pupil for whom an individual graduation plan has been established who receives a score on the college and career readiness assessment that is less than the score prescribed by the Superintendent of Public Instruction pursuant to paragraph (b) of subsection 4 must, unless his or her individual graduation plan provides otherwise, enroll in the maximum number of units of credit per semester allowed by the public school in which the pupil is enrolled.

10. For the purposes of this section, a charter school *for which the governing body has been reconstituted, the written charter revoked or the charter contract terminated or restarted in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable*, shall *not* be deemed to be in good standing ~~if:~~

~~—(a) The~~ *unless the* charter school is carrying out an improvement plan approved by the sponsor of the charter school ~~;~~ ~~or~~

~~—(b) The charter school:~~

~~—(1) Operates as a high school;~~

~~—(2) Has a graduation rate that is more than 60 percent;~~
~~and~~

~~—(3) Is not rated in the lowest 5 percent of high schools in this State in pupil achievement and school performance as determined by the Department pursuant to the statewide system of accountability for public schools.]~~ *and incorporated into the written charter or charter contract, as applicable.*



Sec. 34.8. Senate Bill No. 132 of this session is hereby amended by adding thereto a new section to read as follows:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall, and the governing body of each charter school that operates as a high school and is in good standing with its sponsor may, adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who:

(a) Are deficient in credits and not likely to graduate according to schedule;

(b) Have performed poorly on the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Have attended or will attend school in another country as a foreign exchange student for at least one semester.

2. In addition to the conditions set forth in paragraphs (a), (b) and (c) of subsection 1, the Superintendent of Public Instruction may establish other conditions for a pupil to be eligible for an individual graduation plan.

3. An individual graduation plan must establish an academic plan for a pupil to allow the pupil to graduate with a standard high school diploma not later than 3 semesters after the date on which the pupil was otherwise scheduled to graduate. The individual graduation plan must include any conditions to which a pupil must agree to comply to remain enrolled in the high school. Such conditions may include, without limitation, any subjects that must be completed, the minimum number of units of credit in which the pupil must enroll each semester, the minimum grade point average that must be maintained by the pupil and any other conditions necessary to ensure that the pupil makes adequate progress to obtain a standard high school diploma within the time allowed.

4. The Superintendent of Public Instruction shall make a determination each year concerning:

(a) The number of credits by which a pupil must be deficient to be eligible for an individual graduation plan;

(b) The maximum score on the college and career readiness assessment administered pursuant to NRS 390.610



that a pupil may receive to be eligible for an individual graduation plan; and

(c) Any other conditions that must be met for participation in an individual graduation plan.

5. An individual graduation plan may be withdrawn by the school district or charter school if the pupil is not making adequate progress as outlined in the individual graduation plan or for other good cause.

6. A pupil for whom an individual graduation plan has been established must be counted when calculating the graduation rates of pupils in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate until the pupil obtains a standard high school diploma and then must be counted for the appropriate year as determined by the Department pursuant to subsection 8.

7. A pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils used to determine whether the sponsor of a charter school may take certain actions concerning the charter school pursuant to NRS 388A.330.

8. If a pupil for whom an individual graduation plan has been established:

(a) Obtains a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having received a standard high school diploma when calculating the graduation rates of pupils for the purposes of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil graduates.

(b) Fails to obtain a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having failed to receive a standard high school diploma when calculating the graduation rates of pupils for the purpose of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to



NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate pursuant to his or her individual graduation plan.

9. Any pupil for whom an individual graduation plan has been established who receives a score on the college and career readiness assessment that is less than the score prescribed by the Superintendent of Public Instruction pursuant to paragraph (b) of subsection 4 must, unless his or her individual graduation plan provides otherwise, enroll in the maximum number of units of credit per semester allowed by the public school in which the pupil is enrolled.

10. For the purposes of this section, a charter school for which the governing body has been reconstituted ~~{, the written charter revoked}~~ or the charter contract terminated or restarted in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable, shall not be deemed to be in good standing unless the charter school is carrying out an improvement plan approved by the sponsor of the charter school and incorporated into the ~~{written charter or}~~ charter contract. ~~{, as applicable.}~~

Sec. 34.9. Section 4 of Senate Bill No. 132 of this session is hereby amended to read as follows:

Sec. 4. ~~{This}~~

1. This section and sections 1, 2 and 3 of this act ~~{becomes}~~ become effective on July 1, 2018.

2. Section 3.5 of this act becomes effective on January 1, 2020.

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

Sec. 35.5. 1. The Legislative Committee on Education shall study issues relating to the deeming of a charter school as a local educational agency, as defined in 20 U.S.C. § 7801(30)(a), during the 2017-2019 interim.

2. The study must include, without limitation, an examination of the effects of section 12.7 of this act on the charter schools selected pursuant to subsection 1 of that section.

3. On or before February 1, 2019, the Legislative Committee on Education shall submit the report of its findings and any



recommendations to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Sec. 36. 1. This section and sections 1, 3 to 17, inclusive, 19, 20, 22, 23, 24, 25 to 29, inclusive, 35 and 35.5 of this act become effective on July 1, 2017.

2. Sections 34.7, 34.8 and 34.9 of this act become effective on July 1, 2017, if, and only if, Senate Bill No. 132 of this session is enacted by the Legislature and becomes effective.

3. Sections 12.7 and 15.5 of this act expire by limitation on June 30, 2019.

4. Sections 2, 18, 21, 24.5 and 30 to 34.6, inclusive, of this act become effective on January 1, 2020.



