

(Reprinted with amendments adopted on May 15, 2019)

SECOND REPRINT

A.B. 78

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ASSEMBLY BILL NO. 78—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC  
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.  
(BDR 34-339)

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

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

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AN ACT relating to education; revising provisions governing the operations of the State Public Charter School Authority; abolishing the Achievement School District; requiring an existing achievement charter school to convert to a charter school under the sponsorship of the State Public Charter School Authority or cease operations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the State Public Charter School Authority or a school  
2 district or college or university within the Nevada System of Higher Education that  
3 is approved by the Department of Education to sponsor a charter school. (NRS  
4 388A.220) Existing law requires the Department to adopt regulations, including:  
5 (1) the process for the Department to conduct a comprehensive review of sponsors  
6 of charter schools every 3 years; and (2) the process for the Department to  
7 determine whether to continue or to revoke the authorization of a sponsor to  
8 sponsor charter schools. (NRS 388A.105) Existing regulations provide that in  
9 conducting a comprehensive review of each sponsor of a charter school to  
10 determine whether to continue or revoke the authorization of a sponsor to sponsor  
11 charter schools, the Department will: (1) review the annual reports required to be  
12 submitted; (2) determine whether the sponsor has complied with applicable state  
13 laws; and (3) determine whether the sponsor is authorized to sponsor charter  
14 schools. (NAC 388A.205) **Section 25** of this bill: (1) codifies into statute these  
15 requirements from regulation; and (2) requires the Department to adopt regulations  
16 prescribing the criteria to be used in determining whether to continue or revoke the  
17 authorization of the sponsor to sponsor charter schools. **Section 33.6** of this bill  
18 makes a conforming change.



19 Existing law creates the State Public Charter School Authority and prescribes  
20 the membership of the Authority. (NRS 388A.150, 388A.153) **Section 34** of this  
21 bill revises the membership of the Authority to include two members appointed by  
22 the State Board of Education. **Section 34.5** of this bill makes a conforming change,  
23 and **section 80.73** of this bill provides for the appointment and initial terms of the  
24 new members. Existing law deems the State Public Charter School Authority a  
25 local educational agency for limited purposes. (NRS 388A.159) **Section 35** of this  
26 bill deems the Authority to be a local educational agency for all purposes.

27 Existing law governs the manner in which applications for enrollment are  
28 submitted to the governing body of a charter school and requires a charter school to  
29 enroll pupils under certain circumstances. Existing law also authorizes a charter  
30 school to transfer a pupil to an appropriate school if the charter school determines it  
31 is unable to provide an appropriate special education program and services to such  
32 a pupil. (NRS 388A.453) **Section 60** of this bill requires a charter school to  
33 immediately enroll certain pupils. Additionally, **section 60** removes the  
34 authorization for a charter school to transfer a pupil if the charter school determines  
35 it is unable to provide an appropriate special education program and services to a  
36 pupil, as **section 35** requires the State Public Charter School Authority, as the local  
37 educational agency, to provide such a program and services.

38 Existing law requires each sponsor of a charter school to submit a written report  
39 to the Department on or before October 1 of each year. (NRS 388A.351) **Section**  
40 **59.5** of this bill revises that date to on or before February 15 of each year.  
41 Additionally, **section 59.5** requires the report to: (1) be submitted on a form created  
42 by the Department; (2) be submitted to the State Board of Education on or before  
43 April 1 of each year; and (3) be reviewed by the State Board.

44 Assembly Bill No. 448 of the 2015 Legislative Session established the  
45 Achievement School District within the Department of Education, authorized the  
46 conversion of certain public schools to achievement charter schools and made  
47 various other changes relating to such schools. (Chapter 539, Statutes of Nevada  
48 2015, p. 3775; NRS 388B.010-388B.450) **Sections 1-24.9, 32-33.4, 47 and 80.1-**  
49 **80.65** of this bill repeal the statutory provisions added by that bill and make other  
50 conforming changes. **Section 80.75** of this bill deems any achievement charter  
51 school and any application to operate an achievement charter school to be approved  
52 by the State Public Charter School Authority to operate a charter school.

53 **Section 80.75** also requires a charter contract to be entered into with the State  
54 Public Charter School Authority to operate under existing law governing charter  
55 schools by July 1, 2020. If such a charter contract is not entered into by that date,  
56 **section 80.75** provides that any contract to operate the achievement charter school  
57 becomes void, thereby requiring the achievement charter school to cease  
58 operations.

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

1 **Section 1.** NRS 385.005 is hereby amended to read as follows:  
2 385.005 1. The Legislature reaffirms its intent that public  
3 education in the State of Nevada is essentially a matter for local  
4 control by local school districts. The provisions of this title are  
5 intended to reserve to the boards of trustees of local school districts  
6 within this state such rights and powers as are necessary to maintain  
7 control of the education of the children within their respective



1 districts. These rights and powers may only be limited by other  
2 specific provisions of law.

3 2. The responsibility of establishing a statewide policy of  
4 integration or desegregation of public schools is reserved to the  
5 Legislature. The responsibility for establishing a local policy of  
6 integration or desegregation of public schools consistent with  
7 the statewide policy established by the Legislature is delegated to  
8 the respective boards of trustees of local school districts and to the  
9 governing body of each charter school.

10 3. The State Board shall, and the State Public Charter School  
11 Authority, ~~[the Achievement School District,]~~ each board of trustees  
12 of a local school district, the governing body of each charter school  
13 and any other school officer may, advise the Legislature at each  
14 regular session of any recommended legislative action to ensure  
15 high standards of equality of educational opportunity for all children  
16 in the State of Nevada.

17 **Sec. 1.2.** NRS 385.007 is hereby amended to read as follows:

18 385.007 As used in this title, unless the context otherwise  
19 requires:

20 1. ~~["Achievement charter school" means a public school~~  
21 ~~operated by a charter management organization, as defined in NRS~~  
22 ~~388B.020, an educational management organization, as defined in~~  
23 ~~NRS 388B.030, or other person pursuant to a contract with the~~  
24 ~~Achievement School District pursuant to NRS 388B.210 and subject~~  
25 ~~to the provisions of chapter 388B of NRS.] "Charter school"~~  
26 *means a public school that is formed pursuant to the provisions of*  
27 *chapter 388A of NRS.*

28 2. "Department" means the Department of Education.

29 3. "English learner" has the meaning ascribed to it in 20 U.S.C.  
30 § 7801(20).

31 4. "Homeschooled child" means a child who receives  
32 instruction at home and who is exempt from compulsory attendance  
33 pursuant to NRS 392.070, but does not include an opt-in child.

34 5. "Local school precinct" has the meaning ascribed to it in  
35 NRS 388G.535.

36 6. "Opt-in child" means a child for whom an education savings  
37 account has been established pursuant to NRS 353B.850, who is not  
38 enrolled full-time in a public or private school and who receives all  
39 or a portion of his or her instruction from a participating entity, as  
40 defined in NRS 353B.750.

41 7. "Public schools" means all kindergartens and elementary  
42 schools, junior high schools and middle schools, high schools,  
43 charter schools and any other schools, classes and educational  
44 programs which receive their support through public taxation and,



1 except for charter schools, whose textbooks and courses of study are  
2 under the control of the State Board.

3 8. "School bus" has the meaning ascribed to it in  
4 NRS 484A.230.

5 9. "State Board" means the State Board of Education.

6 10. "University school for profoundly gifted pupils" has the  
7 meaning ascribed to it in NRS 388C.040.

8 **Sec. 1.4.** NRS 385.111 is hereby amended to read as follows:

9 385.111 1. The State Board shall prepare a plan to improve  
10 the achievement of pupils enrolled in the public schools in this  
11 State. The plan:

12 (a) Must be prepared in consultation with:

13 (1) Employees of the Department;

14 (2) At least one employee of a school district in a county  
15 whose population is 100,000 or more, appointed by the Nevada  
16 Association of School Boards;

17 (3) At least one employee of a school district in a county  
18 whose population is less than 100,000, appointed by the Nevada  
19 Association of School Boards; and

20 (4) At least one representative of the Statewide Council for  
21 the Coordination of the Regional Training Programs created by NRS  
22 391A.130, appointed by the Council; and

23 (b) May be prepared in consultation with:

24 (1) Representatives of institutions of higher education;

25 (2) Representatives of regional educational laboratories;

26 (3) Representatives of outside consultant groups;

27 (4) Representatives of the regional training programs for the  
28 professional development of teachers and administrators created by  
29 NRS 391A.120;

30 (5) The Legislative Bureau of Educational Accountability  
31 and Program Evaluation; and

32 (6) Other persons who the State Board determines are  
33 appropriate.

34 2. On or before March 31 of each year, the State Board shall  
35 submit the plan or the revised plan, as applicable, to the:

36 (a) Governor;

37 (b) Legislative Committee on Education;

38 (c) Legislative Bureau of Educational Accountability and  
39 Program Evaluation;

40 (d) Board of Regents of the University of Nevada;

41 (e) Board of trustees of each school district; *and*

42 (f) Governing body of each charter school. ~~[-and]~~

43 ~~[(g) Executive Director of the Achievement School District.]~~

44 **Sec. 1.6.** NRS 385.620 is hereby amended to read as follows:

45 385.620 The Advisory Council shall:



1 1. Review the policy of parental involvement adopted by the  
2 State Board and the policy of parental involvement and family  
3 engagement adopted by the board of trustees of each school district  
4 pursuant to NRS 392.457;

5 2. Review the information relating to communication with and  
6 participation, involvement and engagement of parents and families  
7 that is included in the annual report of accountability for each school  
8 district pursuant to NRS 385A.320 and similar information in the  
9 annual report of accountability prepared by the State Public  
10 Charter School Authority [~~the Achievement School District~~] and a  
11 college or university within the Nevada System of Higher Education  
12 that sponsors a charter school pursuant to subsection 3 of  
13 NRS 385A.070;

14 3. Review any effective practices carried out in individual  
15 school districts to increase parental involvement and family  
16 engagement and determine the feasibility of carrying out those  
17 practices on a statewide basis;

18 4. Review any effective practices carried out in other states to  
19 increase parental involvement and family engagement and  
20 determine the feasibility of carrying out those practices in this State;

21 5. Identify methods to communicate effectively and provide  
22 outreach to parents, legal guardians and families of pupils who have  
23 limited time to become involved in the education of their children  
24 for various reasons, including, without limitation, work schedules,  
25 single-parent homes and other family obligations;

26 6. Identify the manner in which the level of parental  
27 involvement and family engagement affects the performance,  
28 attendance and discipline of pupils;

29 7. Identify methods to communicate effectively with and  
30 provide outreach to parents, legal guardians and families of pupils  
31 who are English learners;

32 8. Determine the necessity for the appointment of a statewide  
33 parental involvement and family engagement coordinator or a  
34 parental involvement and family engagement coordinator in each  
35 school district, or both;

36 9. Work in collaboration with the Office of Parental  
37 Involvement and Family Engagement created by NRS 385.630 to  
38 carry out the duties prescribed in NRS 385.635; and

39 10. On or before February 1 of each year, submit a report to the  
40 Director of the Legislative Counsel Bureau for transmission to the  
41 Legislature in odd-numbered years and to the Legislative  
42 Commission in even-numbered years, describing the activities of the  
43 Advisory Council and any recommendations for legislation.



1       **Sec. 2.** NRS 385A.070 is hereby amended to read as follows:

2       385A.070 1. The board of trustees of each school district in  
3 this State, in cooperation with associations recognized by the State  
4 Board as representing licensed educational personnel in the district,  
5 shall adopt a program providing for the accountability of the school  
6 district to the residents of the district and to the State Board for the  
7 quality of the schools and the educational achievement of the pupils  
8 in the district, including, without limitation, pupils enrolled in  
9 charter schools sponsored by the school district. The board of  
10 trustees of each school district shall report the information required  
11 by NRS 385A.070 to 385A.320, inclusive, for each charter school  
12 sponsored by the school district. The information for charter schools  
13 must be reported separately.

14       2. The board of trustees of each school district shall, on or  
15 before December 31 of each year, prepare for the immediately  
16 preceding school year a single annual report of accountability  
17 concerning the educational goals and objectives of the school  
18 district, the information prescribed by NRS 385A.070 to 385A.320,  
19 inclusive, and such other information as is directed by the  
20 Superintendent of Public Instruction. A separate reporting for a  
21 group of pupils must not be made pursuant to NRS 385A.070 to  
22 385A.320, inclusive, if the number of pupils in that group is  
23 insufficient to yield statistically reliable information or the results  
24 would reveal personally identifiable information about an individual  
25 pupil. The Department shall use the mechanism approved by the  
26 United States Department of Education for the statewide system of  
27 accountability for public schools for determining the minimum  
28 number of pupils that must be in a group for that group to yield  
29 statistically reliable information.

30       3. The State Public Charter School Authority [~~the~~  
31 ~~Achievement School District~~] and each college or university within  
32 the Nevada System of Higher Education that sponsors a charter  
33 school shall, on or before December 31 of each year, prepare for the  
34 immediately preceding school year an annual report of  
35 accountability of the charter schools sponsored by the State Public  
36 Charter School Authority [~~the Achievement School District~~] or  
37 institution, as applicable, concerning the accountability information  
38 prescribed by the Department pursuant to this section. The  
39 Department, in consultation with the State Public Charter School  
40 Authority [~~the Achievement School District~~] and each college or  
41 university within the Nevada System of Higher Education that  
42 sponsors a charter school, shall prescribe by regulation the  
43 information that must be prepared by the State Public Charter  
44 School Authority [~~Achievement School District~~] and institution, as  
45 applicable, which must include, without limitation, the information



1 contained in subsection 2 and NRS 385A.070 to 385A.320,  
2 inclusive, as applicable to charter schools. The Department shall  
3 provide for public dissemination of the annual report of  
4 accountability prepared pursuant to this section by posting a copy of  
5 the report on the Internet website maintained by the Department.

6 4. The annual report of accountability prepared pursuant to this  
7 section must be presented in an understandable and uniform format  
8 and, to the extent practicable, provided in a language that parents  
9 can understand.

10 **Sec. 3.** (Deleted by amendment.)

11 **Sec. 3.2.** NRS 385A.080 is hereby amended to read as  
12 follows:

13 385A.080 1. The Superintendent of Public Instruction shall:

14 (a) Prescribe forms for the reports required pursuant to NRS  
15 385A.070 and provide the forms to the respective school districts,  
16 the State Public Charter School Authority [~~the Achievement~~  
17 ~~School District~~] and each college or university within the Nevada  
18 System of Higher Education that sponsors a charter school.

19 (b) Provide statistical information and technical assistance to the  
20 school districts, the State Public Charter School Authority [~~the~~  
21 ~~Achievement School District~~] and each college or university within  
22 the Nevada System of Higher Education that sponsors a charter  
23 school to ensure that the reports provide comparable information  
24 with respect to each school in each district, each charter school and  
25 among the districts and charter schools throughout this State.

26 (c) Consult with a representative of the:

- 27 (1) Nevada State Education Association;
- 28 (2) Nevada Association of School Boards;
- 29 (3) Nevada Association of School Administrators;
- 30 (4) Nevada Parent Teacher Association;
- 31 (5) Budget Division of the Office of Finance;
- 32 (6) Legislative Counsel Bureau; and
- 33 (7) Charter School Association of Nevada,

34 ↪ concerning the program adopted pursuant to subsection 1 of NRS  
35 385A.070 and consider any advice or recommendations submitted  
36 by the representatives with respect to the program.

37 2. The Superintendent of Public Instruction may consult with  
38 representatives of parent groups other than the Nevada Parent  
39 Teacher Association concerning the program adopted pursuant to  
40 subsection 1 of NRS 385A.070 and consider any advice or  
41 recommendations submitted by the representatives with respect to  
42 the program.

43 **Sec. 3.4.** NRS 385A.090 is hereby amended to read as  
44 follows:

45 385A.090 1. On or before September 30 of each year:



1 (a) The board of trustees of each school district, the State Public  
2 Charter School Authority ~~[, the Achievement School District]~~ and  
3 each college or university within the Nevada System of Higher  
4 Education that sponsors a charter school shall provide written notice  
5 that the report required pursuant to NRS 385A.070 is available on  
6 the Internet website maintained by the school district, State Public  
7 Charter School Authority ~~[, Achievement School District]~~ or  
8 institution, if any, or otherwise provide written notice of the  
9 availability of the report. The written notice must be provided to the:

- 10 (1) Governor;
- 11 (2) State Board;
- 12 (3) Department;
- 13 (4) Committee;
- 14 (5) Bureau; and

15 (6) The Attorney General, with a specific reference to the  
16 information that is reported pursuant to paragraph (e) of subsection  
17 1 of NRS 385A.250.

18 (b) The board of trustees of each school district, the State Public  
19 Charter School Authority ~~[, the Achievement School District]~~ and  
20 each college or university within the Nevada System of Higher  
21 Education that sponsors a charter school shall provide for public  
22 dissemination of the annual report of accountability prepared  
23 pursuant to NRS 385A.070 by posting a copy of the report on the  
24 Internet website maintained by the school district, the State Public  
25 Charter School Authority ~~[, the Achievement School District]~~ or the  
26 institution, if any. If a school district does not maintain a website,  
27 the district shall otherwise provide for public dissemination of the  
28 annual report by providing a copy of the report to the schools in the  
29 school district, including, without limitation, each charter school  
30 sponsored by the district, the residents of the district, and the parents  
31 and guardians of pupils enrolled in schools in the district, including,  
32 without limitation, each charter school sponsored by the district. If  
33 the State Public Charter School Authority ~~[, the Achievement~~  
34 ~~School District]~~ or the institution does not maintain a website, the  
35 State Public Charter School Authority ~~[, the Achievement School~~  
36 ~~District]~~ or the institution, as applicable, shall otherwise provide for  
37 public dissemination of the annual report by providing a copy of the  
38 report to each charter school it sponsors and the parents and  
39 guardians of pupils enrolled in each charter school it sponsors.

40 2. Upon the request of the Governor, the Attorney General, an  
41 entity described in paragraph (a) of subsection 1 or a member of the  
42 general public, the board of trustees of a school district, the State  
43 Public Charter School Authority ~~[, the Achievement School District]~~  
44 or a college or university within the Nevada System of Higher  
45 Education that sponsors a charter school, as applicable, shall provide





1 a portion or portions of the report required pursuant to  
2 NRS 385A.070.

3 **Sec. 3.6.** NRS 385A.240 is hereby amended to read as  
4 follows:

5 385A.240 1. The annual report of accountability prepared  
6 pursuant to NRS 385A.070 must include information on the  
7 attendance, truancy and transiency of pupils, including, without  
8 limitation:

9 (a) Records of the attendance and truancy of pupils in all grades,  
10 including, without limitation:

11 (1) The average daily attendance of pupils, for each school in  
12 the district and the district as a whole, including, without limitation,  
13 each charter school sponsored by the district.

14 (2) For each elementary school, middle school and junior  
15 high school in the district, including, without limitation, each charter  
16 school sponsored by the district that provides instruction to pupils  
17 enrolled in a grade level other than high school, information that  
18 compares the attendance of the pupils enrolled in the school with the  
19 attendance of pupils throughout the district and throughout this  
20 State. The information required by this subparagraph must be  
21 provided in consultation with the Department to ensure the accuracy  
22 of the comparison.

23 (b) The number of pupils in each grade who are retained in the  
24 same grade pursuant to NRS 392.033, 392.125 or 392.760, for each  
25 school in the district and the district as a whole, including, without  
26 limitation, each charter school sponsored by the district.

27 (c) The transiency rate of pupils for each school in the district  
28 and the district as a whole, including, without limitation, each  
29 charter school sponsored by the district. For the purposes of this  
30 paragraph, a pupil is not transient if the pupil is transferred to a  
31 different school within the school district as a result of a change in  
32 the zone of attendance by the board of trustees of the school district  
33 pursuant to NRS 388.040.

34 (d) The number of habitual truants reported for each school in  
35 the district and for the district as a whole, including, without  
36 limitation, the number who are:

37 (1) Reported to an attendance officer, a school police officer  
38 or a local law enforcement agency pursuant to paragraph (a) of  
39 subsection 2 of NRS 392.144;

40 (2) Referred to an advisory board to review school  
41 attendance pursuant to paragraph (b) of subsection 2 of NRS  
42 392.144; and

43 (3) Referred for the imposition of administrative sanctions  
44 pursuant to paragraph (c) of subsection 2 of NRS 392.144.

45 2. On or before September 30 of each year:



1 (a) The board of trustees of each school district shall submit to  
2 each advisory board to review school attendance created in the  
3 county pursuant to NRS 392.126 the information required by  
4 paragraph (a) of subsection 1.

5 (b) The State Public Charter School Authority ~~{, the~~  
6 ~~Achievement School District}~~ and each college or university within  
7 the Nevada System of Higher Education that sponsors a charter  
8 school shall submit to each advisory board to review school  
9 attendance created in a county pursuant to NRS 392.126 the  
10 information regarding the records of the attendance and truancy of  
11 pupils enrolled in the charter school located in that county, if any, in  
12 accordance with the regulations prescribed by the Department  
13 pursuant to subsection 3 of NRS 385A.070.

14 **Sec. 4.** NRS 385A.400 is hereby amended to read as follows:

15 385A.400 1. The State Board shall, on or before January 15  
16 of each year, prepare for the immediately preceding school year a  
17 single annual report of accountability that includes, without  
18 limitation, the information prescribed by NRS 385A.400 to  
19 385A.520, inclusive.

20 2. A separate reporting for a group of pupils must not be made  
21 pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of  
22 pupils in that group is insufficient to yield statistically reliable  
23 information or the results would reveal personally identifiable  
24 information about an individual pupil. The Department shall use the  
25 mechanism approved by the United States Department of Education  
26 for the statewide system of accountability for public schools for  
27 determining the minimum number of pupils that must be in a group  
28 for that group to yield statistically reliable information.

29 3. The annual report of accountability must:

30 (a) Be prepared in a concise manner; and

31 (b) Be presented in an understandable and uniform format and,  
32 to the extent practicable, provided in a language that parents can  
33 understand.

34 4. On or before January 15 of each year, the State Board shall  
35 provide for public dissemination of the annual report of  
36 accountability by posting a copy of the report on the Internet  
37 website maintained by the Department.

38 5. Upon the request of the Governor, the Attorney General, the  
39 Committee, the Bureau, the Board of Regents of the University of  
40 Nevada, the board of trustees of a school district, *the State Public*  
41 *Charter School Authority, a college or university within the*  
42 *Nevada System of Higher Education,* the governing body of a  
43 charter school, ~~{the Executive Director of the Achievement School~~  
44 ~~District}~~ or a member of the general public, the State Board shall  
45 provide a portion or portions of the annual report of accountability.



- 1     **Sec. 5.** (Deleted by amendment.)
- 2     **Sec. 6.** (Deleted by amendment.)
- 3     **Sec. 7.** (Deleted by amendment.)
- 4     **Sec. 8.** (Deleted by amendment.)
- 5     **Sec. 9.** (Deleted by amendment.)
- 6     **Sec. 10.** (Deleted by amendment.)
- 7     **Sec. 11.** (Deleted by amendment.)
- 8     **Sec. 12.** (Deleted by amendment.)
- 9     **Sec. 13.** (Deleted by amendment.)
- 10    **Sec. 14.** (Deleted by amendment.)
- 11    **Sec. 15.** (Deleted by amendment.)
- 12    **Sec. 16.** (Deleted by amendment.)
- 13    **Sec. 17.** (Deleted by amendment.)
- 14    **Sec. 18.** (Deleted by amendment.)
- 15    **Sec. 19.** (Deleted by amendment.)
- 16    **Sec. 20.** (Deleted by amendment.)
- 17    **Sec. 21.** (Deleted by amendment.)
- 18    **Sec. 22.** (Deleted by amendment.)
- 19    **Sec. 23.** (Deleted by amendment.)
- 20    **Sec. 24.** (Deleted by amendment.)

21    **Sec. 24.1.** NRS 385A.670 is hereby amended to read as  
22 follows:

23       385A.670 1. On or before July 31 of each year, the  
24 Department shall determine whether each public school is meeting  
25 the school achievement targets and performance targets established  
26 pursuant to the statewide system of accountability for public  
27 schools.

28       2. The determination pursuant to subsection 1 for a public  
29 school, including, without limitation, a charter school sponsored by  
30 the board of trustees of the school district, must be made in  
31 consultation with the board of trustees of the school district in which  
32 the public school is located. If a charter school is sponsored by the  
33 State Public Charter School Authority [~~the Achievement School~~  
34 ~~District~~] or a college or university within the Nevada System of  
35 Higher Education, the Department shall make a determination for  
36 the charter school in consultation with the State Public Charter  
37 School Authority [~~the Achievement School District~~] or the  
38 institution within the Nevada System of Higher Education that  
39 sponsors the charter school, as applicable. The determination made  
40 for each school must be based only upon the information and data  
41 for those pupils who are enrolled in the school for a full academic  
42 year. On or before July 31 of each year, the Department shall  
43 transmit:



1 (a) Except as otherwise provided in paragraph (b) ~~[(d)]~~ or (c), ~~for~~  
2 ~~(d)]~~ the determination made for each public school to the board of  
3 trustees of the school district in which the public school is located.

4 (b) To the State Public Charter School Authority the  
5 determination made for each charter school that is sponsored by the  
6 State Public Charter School Authority.

7 (c) ~~[The determination made for the charter school to the~~  
8 ~~Achievement School District if the charter school is sponsored by~~  
9 ~~the Achievement School District.~~

10 ~~—(d)]~~ The determination made for the charter school to the  
11 institution that sponsors the charter school if a charter school is  
12 sponsored by a college or university within the Nevada System of  
13 Higher Education.

14 3. If the number of pupils in a particular group who are  
15 enrolled in a public school is insufficient to yield statistically  
16 reliable information:

17 (a) The Department shall not determine that the school has  
18 failed to meet the performance targets established pursuant to the  
19 statewide system of accountability for public schools based solely  
20 upon that particular group.

21 (b) The pupils in such a group must be included in the overall  
22 count of pupils enrolled in the school who took the examinations.

23 ➤ The Department shall use the mechanism approved by the United  
24 States Department of Education for the statewide system of  
25 accountability for public schools for determining the number of  
26 pupils that must be in a group for that group to yield statistically  
27 reliable information.

28 4. If an irregularity in testing administration or an irregularity  
29 in testing security occurs at a school and the irregularity invalidates  
30 the test scores of pupils, those test scores must be included in the  
31 scores of pupils reported for the school, the attendance of those  
32 pupils must be counted towards the total number of pupils who took  
33 the examinations and the pupils must be included in the total  
34 number of pupils who were required to take the examinations.

35 5. As used in this section:

36 (a) “Irregularity in testing administration” has the meaning  
37 ascribed to it in NRS 390.255.

38 (b) “Irregularity in testing security” has the meaning ascribed to  
39 it in NRS 390.260.

40 **Sec. 24.2.** NRS 385A.720 is hereby amended to read as  
41 follows:

42 385A.720 1. Based upon the information received from the  
43 Department pursuant to NRS 385A.670, the board of trustees of  
44 each school district shall, on or before August 15 of each year, issue  
45 a preliminary rating for each public school in the school district in



1 accordance with the statewide system of accountability for public  
2 schools, excluding charter schools sponsored by the State Public  
3 Charter School Authority ~~[, the Achievement School District]~~ or a  
4 college or university within the Nevada System of Higher  
5 Education. The board of trustees shall make preliminary ratings for  
6 all charter schools that are sponsored by the board of trustees. The  
7 Department shall make preliminary ratings for all charter schools  
8 sponsored by the State Public Charter School Authority ~~[, all charter  
9 schools sponsored by the Achievement School District]~~ and all  
10 charter schools sponsored by a college or university within the  
11 Nevada System of Higher Education.

12 2. Before making a final rating for a school, the board of  
13 trustees of the school district or the Department, as applicable, shall  
14 provide the school an opportunity to review the data upon which the  
15 preliminary rating is based and to present evidence. If the school is a  
16 public school of the school district or a charter school sponsored by  
17 the board of trustees, the board of trustees of the school district  
18 shall, in consultation with the Department, make a final  
19 determination concerning the rating for the school on September 15.  
20 If the school is a charter school sponsored by the State Public  
21 Charter School Authority ~~[, the Achievement School District]~~ or a  
22 college or university within the Nevada System of Higher  
23 Education, the Department shall make a final determination  
24 concerning the rating for the school on September 15.

25 3. On or before September 15 of each year, the Department  
26 shall post on the Internet website maintained by the Department the  
27 determinations and final ratings made for all schools in this State.

28 **Sec. 24.3.** NRS 387.067 is hereby amended to read as follows:

29 387.067 1. The State Board may accept and adopt regulations  
30 or establish policies for the disbursement of money appropriated and  
31 apportioned to the State of Nevada, the school districts or the charter  
32 schools of the State of Nevada by the Congress of the United States  
33 for purposes of elementary and secondary education.

34 2. The Superintendent of Public Instruction shall deposit the  
35 money with the State Treasurer, who shall make disbursements  
36 therefrom on warrants of the State Controller issued upon the order  
37 of the Superintendent of Public Instruction.

38 3. The State Board, any school district within this State ~~[, the  
39 Achievement School District]~~ and any governing body of any  
40 charter school in this State may, within the limits provided in this  
41 section, make such applications, agreements and assurances to the  
42 Federal Government, and conduct such programs as may be  
43 required as a condition precedent to the receipt of money  
44 appropriated by any Act of Congress for purposes of elementary and  
45 secondary education. Such an agreement or assurance must not



1 require this State, or a school district or governing body to provide  
2 money above the amount appropriated or otherwise lawfully  
3 available for that purpose.

4 **Sec. 24.4.** NRS 387.080 is hereby amended to read as follows:

5 387.080 1. The Director may enter into agreements with any  
6 agency of the Federal Government, the Department, the State Board,  
7 ~~[the Achievement School District,]~~ any board of trustees of a school  
8 district, any governing body of a charter school or any other entity  
9 or person. The Director may establish policies and prescribe  
10 regulations, authorize the employment of such personnel and take  
11 such other action as it considers necessary to provide for the  
12 establishment, maintenance, operation and expansion of any  
13 program of nutrition operated by a school district or of any other  
14 such program for which state or federal assistance is provided.

15 2. The State Treasurer shall disburse federal, state and other  
16 money designated for a program of nutrition on warrants of the State  
17 Controller issued upon the order of the Director pursuant to  
18 regulations or policies of the State Department of Agriculture.

19 3. The Director may:

20 (a) Give technical advice and assistance to any person or entity  
21 in connection with the establishment and operation of any program  
22 of nutrition.

23 (b) Assist in training personnel engaged in the operation of any  
24 program of nutrition.

25 **Sec. 24.5.** NRS 387.090 is hereby amended to read as follows:

26 387.090 Except as otherwise provided in NRS 387.114 to  
27 387.1175, inclusive, the board of trustees of each school district ~~[~~  
28 ~~the Executive Director of the Achievement School District]~~ and the  
29 governing body of each charter school may:

30 1. Operate or provide for the operation of programs of nutrition  
31 in the public schools under their jurisdiction.

32 2. Use therefor money disbursed to them pursuant to the  
33 provisions of NRS 387.068 to 387.1175, inclusive, gifts, donations  
34 and other money received from the sale of food under those  
35 programs.

36 3. Deposit the money in one or more accounts in one or more  
37 banks or credit unions within the State.

38 4. Contract with respect to food, services, supplies, equipment  
39 and facilities for the operation of the programs.

40 **Sec. 24.6.** NRS 387.1223 is hereby amended to read as  
41 follows:

42 387.1223 1. On or before October 1, January 1, April 1 and  
43 July 1, each school district shall report to the Department, in the  
44 form prescribed by the Department, the average daily enrollment of



1 pupils pursuant to this section for the immediately preceding quarter  
2 of the school year.

3 2. Except as otherwise provided in subsection 3, basic support  
4 of each school district must be computed by:

5 (a) Multiplying the basic support guarantee per pupil established  
6 for that school district for that school year by the sum of:

7 (1) The count of pupils enrolled in kindergarten and grades 1  
8 to 12, inclusive, based on the average daily enrollment of those  
9 pupils during the quarter, including, without limitation, the count of  
10 pupils who reside in the county and are enrolled in any charter  
11 school and the count of pupils who are enrolled in a university  
12 school for profoundly gifted pupils located in the county.

13 (2) The count of pupils not included under subparagraph (1)  
14 who are enrolled full-time in a program of distance education  
15 provided by that school district, a charter school located within that  
16 school district or a university school for profoundly gifted pupils,  
17 based on the average daily enrollment of those pupils during the  
18 quarter.

19 (3) The count of pupils who reside in the county and are  
20 enrolled:

21 (I) In a public school of the school district and are  
22 concurrently enrolled part-time in a program of distance education  
23 provided by another school district or a charter school or receiving a  
24 portion of his or her instruction from a participating entity, as  
25 defined in NRS 353B.750, based on the average daily enrollment of  
26 those pupils during the quarter.

27 (II) In a charter school and are concurrently enrolled part-  
28 time in a program of distance education provided by a school district  
29 or another charter school or receiving a portion of his or her  
30 instruction from a participating entity, as defined in NRS 353B.750,  
31 based on the average daily enrollment of those pupils during the  
32 quarter.

33 (4) The count of pupils not included under subparagraph (1),  
34 (2) or (3), who are receiving special education pursuant to the  
35 provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to  
36 388.5267, inclusive, based on the average daily enrollment of those  
37 pupils during the quarter and excluding the count of pupils who  
38 have not attained the age of 5 years and who are receiving special  
39 education pursuant to NRS 388.435.

40 (5) Six-tenths the count of pupils who have not attained the  
41 age of 5 years and who are receiving special education pursuant to  
42 NRS 388.435, based on the average daily enrollment of those pupils  
43 during the quarter.

44 (6) The count of children detained in facilities for the  
45 detention of children, alternative programs and juvenile forestry



1 camps receiving instruction pursuant to the provisions of NRS  
2 388.550, 388.560 and 388.570, based on the average daily  
3 enrollment of those pupils during the quarter.

4 (7) The count of pupils who are enrolled in classes for at  
5 least one semester pursuant to subsection 1 of NRS 388A.471,  
6 subsection 1 of NRS 388A.474 ~~[,] or~~ subsection 1 of NRS 392.074  
7 ~~[, or subsection 1 of NRS 388B.280 or any regulations adopted~~  
8 ~~pursuant to NRS 388B.060 that authorize a child who is enrolled at~~  
9 ~~a public school of a school district or a private school or a~~  
10 ~~homeschooled child to participate in a class at an achievement~~  
11 ~~charter school.]~~ based on the average daily enrollment of pupils  
12 during the quarter and expressed as a percentage of the total time  
13 services are provided to those pupils per school day in proportion to  
14 the total time services are provided during a school day to pupils  
15 who are counted pursuant to subparagraph (1).

16 (b) Adding the amounts computed in paragraph (a).

17 3. Except as otherwise provided in subsection 4, if the  
18 enrollment of pupils in a school district or a charter school that is  
19 located within the school district based on the average daily  
20 enrollment of pupils during the quarter of the school year is less  
21 than or equal to 95 percent of the enrollment of pupils in the same  
22 school district or charter school based on the average daily  
23 enrollment of pupils during the same quarter of the immediately  
24 preceding school year, the enrollment of pupils during the same  
25 quarter of the immediately preceding school year must be used for  
26 purposes of making the quarterly apportionments from the State  
27 Distributive School Account to that school district or charter school  
28 pursuant to NRS 387.124.

29 4. If the Department determines that a school district or charter  
30 school deliberately causes a decline in the enrollment of pupils in  
31 the school district or charter school to receive a higher  
32 apportionment pursuant to subsection 3, including, without  
33 limitation, by eliminating grades or moving into smaller facilities,  
34 the enrollment number from the current school year must be used  
35 for purposes of apportioning money from the State Distributive  
36 School Account to that school district or charter school pursuant to  
37 NRS 387.124.

38 5. The Department shall prescribe a process for reconciling the  
39 quarterly reports submitted pursuant to subsection 1 to account for  
40 pupils who leave the school district or a public school during the  
41 school year.

42 6. Pupils who are excused from attendance at examinations or  
43 have completed their work in accordance with the rules of the board  
44 of trustees must be credited with attendance during that period.





1 7. Pupils who are incarcerated in a facility or institution  
2 operated by the Department of Corrections must not be counted for  
3 the purpose of computing basic support pursuant to this section. The  
4 average daily attendance for such pupils must be reported to the  
5 Department of Education.

6 8. Pupils who are enrolled in courses which are approved by  
7 the Department as meeting the requirements for an adult to earn a  
8 high school diploma must not be counted for the purpose of  
9 computing basic support pursuant to this section.

10 **Sec. 24.7.** NRS 387.123 is hereby amended to read as follows:

11 387.123 1. The count of pupils for apportionment purposes  
12 includes all pupils who are enrolled in programs of instruction of the  
13 school district, including, without limitation, a program of distance  
14 education provided by the school district, pupils who reside in the  
15 county in which the school district is located and are enrolled in any  
16 charter school, including, without limitation, a program of distance  
17 education provided by a charter school, and pupils who are enrolled  
18 in a university school for profoundly gifted pupils located in the  
19 county, for:

20 (a) Pupils in the kindergarten department.

21 (b) Pupils in grades 1 to 12, inclusive.

22 (c) Pupils not included under paragraph (a) or (b) who are  
23 receiving special education pursuant to the provisions of NRS  
24 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

25 (d) Pupils who reside in the county and are enrolled part-time in  
26 a program of distance education provided pursuant to NRS 388.820  
27 to 388.874, inclusive.

28 (e) Children detained in facilities for the detention of children,  
29 alternative programs and juvenile forestry camps receiving  
30 instruction pursuant to the provisions of NRS 388.550, 388.560 and  
31 388.570.

32 (f) Pupils who are enrolled in classes pursuant to subsection 1 of  
33 NRS 388A.471 ~~and~~ and pupils who are enrolled in classes pursuant  
34 to subsection 1 of NRS 388A.474 . ~~and pupils who are enrolled in~~  
35 ~~classes pursuant to subsection 1 of NRS 388B.280 or any~~  
36 ~~regulations adopted pursuant to NRS 388B.060 that authorize a~~  
37 ~~child who is enrolled at a public school of a school district or a~~  
38 ~~private school or a homeschooled child to participate in a class at an~~  
39 ~~achievement charter school.]~~

40 (g) Pupils who are enrolled in classes pursuant to subsection 1  
41 of NRS 392.074.

42 (h) Pupils who are enrolled in classes and taking courses  
43 necessary to receive a high school diploma, excluding those pupils  
44 who are included in paragraphs (d), (f) and (g).



1 2. The State Board shall establish uniform regulations for  
2 counting enrollment and calculating the average daily attendance of  
3 pupils. Except as otherwise provided in this subsection, in  
4 establishing such regulations for the public schools, the State Board:

5 (a) May divide the pupils in grades 1 to 12, inclusive, into  
6 categories composed respectively of those enrolled in elementary  
7 schools and those enrolled in secondary schools.

8 (b) Shall prohibit the counting of any pupil specified in  
9 subsection 1 more than once.

10 (c) Except as otherwise provided in this paragraph, shall prohibit  
11 the counting of a pupil enrolled in grade 12 as a full-time pupil if the  
12 pupil is not prepared for college and career success, as defined by  
13 the Department. Such a pupil may be counted as a full-time pupil if  
14 he or she is enrolled in a minimum of six courses or the equivalent  
15 of six periods per day or the superintendent of the school district has  
16 approved enrollment in fewer courses for good cause.

17 **Sec. 24.75.** NRS 388.020 is hereby amended to read as  
18 follows:

19 388.020 1. An elementary school is a public school in which  
20 grade work is not given above that included in the eighth grade,  
21 according to the regularly adopted state course of study.

22 2. A junior high or middle school is a public school in which  
23 the sixth, seventh, eighth and ninth grades are taught under a course  
24 of study prescribed and approved by the State Board. The school is  
25 an elementary or secondary school for the purpose of the licensure  
26 of teachers.

27 3. A high school is a public school in which subjects above the  
28 eighth grade, according to the state course of study, may be taught.  
29 The school is a secondary school for the purpose of the licensure of  
30 teachers.

31 4. A special school is an organized unit of instruction operating  
32 with approval of the State Board.

33 5. A charter school is a public school that is formed pursuant to  
34 the provisions of chapter 388A of NRS . ~~for an achievement charter~~  
35 ~~school that is formed pursuant to chapter 388B of NRS.]~~

36 6. A university school for profoundly gifted pupils is a public  
37 school established pursuant to chapter 388C of NRS.

38 **Sec. 24.8.** NRS 388.795 is hereby amended to read as follows:

39 388.795 1. The Commission shall establish a plan for the use  
40 of educational technology in the public schools of this State. In  
41 preparing the plan, the Commission shall consider:

42 (a) Plans that have been adopted by the Department and the  
43 school districts and charter schools in this State;

44 (b) Plans that have been adopted in other states;



1 (c) The information reported pursuant to NRS 385A.310 and  
2 similar information included in the annual report of accountability  
3 information prepared by the State Public Charter School Authority ~~[~~  
4 ~~the Achievement School District]~~ and a college or university within  
5 the Nevada System of Higher Education that sponsors a charter  
6 school pursuant to subsection 3 of NRS 385A.070;

7 (d) The results of the assessment of needs conducted pursuant to  
8 subsection 6; and

9 (e) Any other information that the Commission or the  
10 Committee deems relevant to the preparation of the plan.

11 2. The plan established by the Commission must include  
12 recommendations for methods to:

13 (a) Incorporate educational technology into the public schools of  
14 this State;

15 (b) Increase the number of pupils in the public schools of this  
16 State who have access to educational technology;

17 (c) Increase the availability of educational technology to assist  
18 licensed teachers and other educational personnel in complying with  
19 the requirements of continuing education, including, without  
20 limitation, the receipt of credit for college courses completed  
21 through the use of educational technology;

22 (d) Facilitate the exchange of ideas to improve the achievement  
23 of pupils who are enrolled in the public schools of this State; and

24 (e) Address the needs of teachers in incorporating the use of  
25 educational technology in the classroom, including, without  
26 limitation, the completion of training that is sufficient to enable the  
27 teachers to instruct pupils in the use of educational technology.

28 3. The Department shall provide:

29 (a) Administrative support;

30 (b) Equipment; and

31 (c) Office space,

32 ↪ as is necessary for the Commission to carry out the provisions of  
33 this section.

34 4. The following entities shall cooperate with the Commission  
35 in carrying out the provisions of this section:

36 (a) The State Board.

37 (b) The board of trustees of each school district.

38 (c) The superintendent of schools of each school district.

39 (d) The Department.

40 5. The Commission shall:

41 (a) Develop technical standards for educational technology and  
42 any electrical or structural appurtenances necessary thereto,  
43 including, without limitation, uniform specifications for computer  
44 hardware and wiring, to ensure that such technology is compatible,



1 uniform and can be interconnected throughout the public schools of  
2 this State.

3 (b) Allocate money to the school districts from the Trust Fund  
4 for Educational Technology created pursuant to NRS 388.800 and  
5 any money appropriated by the Legislature for educational  
6 technology, subject to any priorities for such allocation established  
7 by the Legislature.

8 (c) Establish criteria for the board of trustees of a school district  
9 that receives an allocation of money from the Commission to:

10 (1) Repair, replace and maintain computer systems.

11 (2) Upgrade and improve computer hardware and software  
12 and other educational technology.

13 (3) Provide training, installation and technical support related  
14 to the use of educational technology within the district.

15 (d) Submit to the Governor, the Committee and the Department  
16 its plan for the use of educational technology in the public schools  
17 of this State and any recommendations for legislation.

18 (e) Review the plan annually and make revisions as it deems  
19 necessary or as directed by the Committee or the Department.

20 (f) In addition to the recommendations set forth in the plan  
21 pursuant to subsection 2, make further recommendations to the  
22 Committee and the Department as the Commission deems  
23 necessary.

24 6. During the spring semester of each even-numbered school  
25 year, the Commission shall conduct an assessment of the needs of  
26 each school district relating to educational technology. In  
27 conducting the assessment, the Commission shall consider:

28 (a) The recommendations set forth in the plan pursuant to  
29 subsection 2;

30 (b) The plan for educational technology of each school district,  
31 if applicable;

32 (c) Evaluations of educational technology conducted for the  
33 State or for a school district, if applicable; and

34 (d) Any other information deemed relevant by the Commission.

35 ➤ The Commission shall submit a final written report of the  
36 assessment to the Superintendent of Public Instruction on or before  
37 April 1 of each even-numbered year.

38 7. The Superintendent of Public Instruction shall prepare a  
39 written compilation of the results of the assessment conducted by  
40 the Commission and transmit the written compilation on or before  
41 June 1 of each even-numbered year to the Legislative Committee on  
42 Education and to the Director of the Legislative Counsel Bureau for  
43 transmission to the next regular session of the Legislature.

44 8. The Commission may appoint an advisory committee  
45 composed of members of the Commission or other qualified persons



1 to provide recommendations to the Commission regarding standards  
2 for the establishment, coordination and use of a telecommunications  
3 network in the public schools throughout the various school districts  
4 in this State. The advisory committee serves at the pleasure of the  
5 Commission and without compensation unless an appropriation or  
6 other money for that purpose is provided by the Legislature.

7 9. As used in this section, "public school" includes the Caliente  
8 Youth Center, the Nevada Youth Training Center and any other  
9 state facility for the detention of children that is operated pursuant to  
10 title 5 of NRS.

11 **Sec. 24.9.** NRS 388.880 is hereby amended to read as follows:

12 388.880 1. Except as otherwise provided in subsection 2, if  
13 any person who knows or has reasonable cause to believe that  
14 another person has made a threat of violence against a school  
15 official, school employee or pupil reports in good faith that threat of  
16 violence to a school official, teacher, school police officer, local law  
17 enforcement agency or potential victim of the violence that is  
18 threatened, the person who makes the report is immune from civil  
19 liability for any act or omission relating to that report. Such a person  
20 is not immune from civil liability for any other act or omission  
21 committed by the person as a part of, in connection with or as a  
22 principal, accessory or conspirator to the violence, regardless of the  
23 nature of the other act or omission.

24 2. The provisions of this section do not apply to a person who:

25 (a) Is acting in his or her professional or occupational capacity  
26 and is required to make a report pursuant to NRS 200.5093,  
27 200.50935, 392.303 or 432B.220.

28 (b) Is required to make a report concerning the commission of a  
29 violent or sexual offense against a child pursuant to NRS 202.882.

30 3. As used in this section:

31 (a) "Reasonable cause to believe" means, in light of all the  
32 surrounding facts and circumstances which are known, a reasonable  
33 person would believe, under those facts and circumstances, that an  
34 act, transaction, event, situation or condition exists, is occurring or  
35 has occurred.

36 (b) "School employee" means a licensed or unlicensed person  
37 who is employed by:

38 (1) A board of trustees of a school district pursuant to NRS  
39 391.100 or 391.281; *or*

40 (2) The governing body of a charter school . ~~[-or~~  
41 ~~— (3) The Achievement School District.]~~

42 (c) "School official" means:

43 (1) A member of the board of trustees of a school district.

44 (2) A member of the governing body of a charter school.



1 (3) An administrator employed by the board of trustees of a  
2 school district or the governing body of a charter school.

3 ~~[(4) The Executive Director of the Achievement School  
4 District.]~~

5 (d) "Teacher" means a person employed by the:

6 (1) Board of trustees of a school district to provide  
7 instruction or other educational services to pupils enrolled in public  
8 schools of the school district.

9 (2) Governing body of a charter school to provide instruction  
10 or other educational services to pupils enrolled in the charter school.

11 **Sec. 25.** Chapter 388A of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13 *1. At least once every 3 years, the Department shall conduct a  
14 comprehensive review of each sponsor of a charter school  
15 that the Department has approved for sponsorship pursuant to  
16 NRS 388A.220.*

17 *2. In conducting a comprehensive review of a sponsor, the  
18 Department shall:*

19 *(a) Review the annual reports submitted to the Department by  
20 the sponsor pursuant to NRS 388A.351;*

21 *(b) Determine whether the sponsor has complied with all  
22 applicable statutes and regulations; and*

23 *(c) Determine whether the sponsor applies nationally  
24 recognized best practices, as described in regulation by the  
25 Department, in carrying out its duties as a sponsor.*

26 *3. The Department may obtain the assistance of any entity or  
27 person the Department deems necessary or appropriate to carry  
28 out the review.*

29 *4. After completing the comprehensive review, the  
30 Department shall determine whether to continue or revoke the  
31 authorization of a sponsor to sponsor charter schools.*

32 *5. The Department shall adopt by regulation the criteria to  
33 apply when determining whether to continue or revoke the  
34 authorization of a sponsor to charter schools pursuant to  
35 subsection 4.*

36 **Sec. 26.** (Deleted by amendment.)

37 **Sec. 27.** (Deleted by amendment.)

38 **Sec. 28.** (Deleted by amendment.)

39 **Sec. 29.** (Deleted by amendment.)

40 **Sec. 30.** (Deleted by amendment.)

41 **Sec. 31.** (Deleted by amendment.)

42 **Sec. 32.** NRS 388A.030 is hereby amended to read as follows:  
43 388A.030 "Educational management organization" means a  
44 for-profit corporation, business, organization or other entity that



1 provides services relating to the operation and management of  
2 charter schools . ~~[and achievement charter schools.]~~

3 **Sec. 33.** (Deleted by amendment.)

4 **Sec. 33.2.** NRS 388A.075 is hereby amended to read as  
5 follows:

6 388A.075 The Legislature declares that by authorizing the  
7 formation of charter schools it is not authorizing:

8 1. ~~[Except as otherwise provided in NRS 388B.290, the]~~ *The*  
9 conversion of an existing public school, homeschool or other  
10 program of home study to a charter school.

11 2. A means for providing financial assistance for private  
12 schools or programs of home study. The provisions of this  
13 subsection do not preclude:

14 (a) A private school from ceasing to operate as a private school  
15 and reopening as a charter school in compliance with the provisions  
16 of this chapter.

17 (b) The payment of money to a charter school for the enrollment  
18 of children in classes at the charter school pursuant to subsection 1  
19 of NRS 388A.471 who are enrolled in a public school of a school  
20 district or a private school or who are homeschooled.

21 3. The formation of charter schools on the basis of a single  
22 race, religion or ethnicity.

23 **Sec. 33.4.** NRS 388A.080 is hereby amended to read as  
24 follows:

25 388A.080 The provisions of this chapter do not authorize an  
26 existing public school, homeschool or other program of home study  
27 to convert to a charter school . ~~[except as otherwise provided in~~  
28 ~~NRS 388B.290.]~~

29 **Sec. 33.6.** NRS 388A.105 is hereby amended to read as  
30 follows:

31 388A.105 The Department shall adopt regulations that  
32 prescribe:

33 1. The process for submission of an application pursuant to  
34 NRS 388A.220 by the board of trustees of a school district or a  
35 college or university within the Nevada System of Higher Education  
36 to the Department for authorization to sponsor charter schools, the  
37 contents of the application, the process for the Department to review  
38 the application and the timeline for review;

39 2. ~~[The process for the Department to conduct a comprehensive~~  
40 ~~review of the sponsors of charter schools that it has approved for~~  
41 ~~sponsorship pursuant to NRS 388A.220 at least once every 3 years;~~

42 ~~—3.— The process for the Department to determine whether to~~  
43 ~~continue or to revoke the authorization of a board of trustees of a~~  
44 ~~school district or a college or university within the Nevada System~~  
45 ~~of Higher Education to sponsor charter schools;~~



1 ~~—4.]~~ The process for submission of an application to form a  
2 charter school to the board of trustees of a school district and a  
3 college or university within the Nevada System of Higher  
4 Education, and the contents of the application;

5 ~~[5.]~~ 3. The process for submission of an application to renew a  
6 charter contract to the board of trustees of a school district and a  
7 college or university within the Nevada System of Higher  
8 Education, and the contents of the application;

9 ~~[6.]~~ 4. The criteria and type of investigation that must be  
10 applied by the board of trustees of a school district and a college or  
11 university within the Nevada System of Higher Education in  
12 determining whether to approve an application to form a charter  
13 school, an application to renew a charter contract or a request for an  
14 amendment of a written charter or a charter contract;

15 ~~[7.]~~ 5. The process for submission of an amendment of a  
16 written charter or a charter contract to the board of trustees of a  
17 school district and a college or university within the Nevada System  
18 of Higher Education pursuant to NRS 388A.276 and the contents of  
19 the application; and

20 ~~[8.]~~ 6. In consultation with the State Public Charter School  
21 Authority, other sponsors of charter schools, governing bodies of  
22 charter schools and persons who may be affected:

23 (a) Requirements for the annual independent audits of charter  
24 schools, including, without limitation, required training for  
25 prospective auditors on the expectations and scope of the audits; and

26 (b) Ethics requirements for the governing bodies of charter  
27 schools.

28 **Sec. 34.** NRS 388A.153 is hereby amended to read as follows:

29 388A.153 1. The State Public Charter School Authority  
30 consists of ~~[seven]~~ *nine* members. The membership of the State  
31 Public Charter School Authority consists of:

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

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

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

38 (d) *Two members appointed by the State Board of Education;*  
39 *and*

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

42 2. The Governor, the Majority Leader of the Senate, ~~[and]~~ the  
43 Speaker of the Assembly *and the State Board of Education* shall  
44 ensure that the membership of the State Public Charter School  
45 Authority:





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

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

6 (c) Includes persons with specific knowledge of:

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

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

9 (3) Management practices;

10 (4) Assessments required in elementary and secondary  
11 education;

12 (5) Educational technology; and

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

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

16 (e) Insofar as practicable, consists of persons who are experts on  
17 best practices for authorizing charter schools and developing and  
18 operating high-quality charter schools and charter management  
19 organizations.

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

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

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

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



1 State Public Charter School Authority until his or her successor is  
2 appointed.

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

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

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

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

21 **Sec. 34.5.** NRS 388A.156 is hereby amended to read as  
22 follows:

23 388A.156 1. The members of the State Public Charter School  
24 Authority shall meet throughout the year at the times and places  
25 specified by a call of the Chair or a majority of the members.

26 2. ~~Four~~ *Five* members of the State Public Charter School  
27 Authority constitute a quorum, and a quorum may exercise all the  
28 power and authority conferred on the State Public Charter School  
29 Authority.

30 **Sec. 35.** NRS 388A.159 is hereby amended to read as follows:

31 388A.161 1. Except as otherwise provided in NRS  
32 388A.161, the State Public Charter School Authority is hereby  
33 deemed a local educational agency for ~~the purpose of directing~~ *all*  
34 *purposes, including, without limitation:*

35 (a) *The provision of a free and appropriate public education to*  
36 *each pupil enrolled in a charter school sponsored by the State*  
37 *Public Charter School Authority;*

38 (b) *The provision of special education and related services*  
39 *provided by a charter school sponsored by the State Public Charter*  
40 *School Authority; and*

41 (c) *Directing* the proportionate share of any money available  
42 from federal and state categorical grant programs to charter schools  
43 which are sponsored by the State Public Charter School Authority or  
44 a college or university within the Nevada System of Higher  
45 Education that are eligible to receive such money.



1       **2.** A college or university within the Nevada System of Higher  
2 Education that sponsors a charter school shall enter into an  
3 agreement with the State Public Charter School Authority for the  
4 provision of any necessary functions of a local educational agency.  
5 A charter school that receives money pursuant to such a grant  
6 program shall comply with any applicable reporting requirements to  
7 receive the grant.

8       ~~2.1~~ **3.** As used in this section, “local educational agency” has  
9 the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

10       **Sec. 36.** (Deleted by amendment.)

11       **Sec. 37.** (Deleted by amendment.)

12       **Sec. 38.** (Deleted by amendment.)

13       **Sec. 39.** (Deleted by amendment.)

14       **Sec. 40.** (Deleted by amendment.)

15       **Sec. 41.** (Deleted by amendment.)

16       **Sec. 42.** (Deleted by amendment.)

17       **Sec. 43.** (Deleted by amendment.)

18       **Sec. 44.** (Deleted by amendment.)

19       **Sec. 45.** (Deleted by amendment.)

20       **Sec. 46.** (Deleted by amendment.)

21       **Sec. 47.** NRS 388A.249 is hereby amended to read as follows:

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

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

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

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

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

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



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

4 (a) The application:

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

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

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

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

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

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

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

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

25 **Sec. 48.** (Deleted by amendment.)

26 **Sec. 49.** (Deleted by amendment.)

27 **Sec. 50.** (Deleted by amendment.)

28 **Sec. 51.** (Deleted by amendment.)

29 **Sec. 52.** (Deleted by amendment.)

30 **Sec. 53.** (Deleted by amendment.)

31 **Sec. 54.** (Deleted by amendment.)

32 **Sec. 55.** (Deleted by amendment.)

33 **Sec. 56.** (Deleted by amendment.)

34 **Sec. 57.** (Deleted by amendment.)

35 **Sec. 58.** (Deleted by amendment.)

36 **Sec. 59.** (Deleted by amendment.)

37 **Sec. 59.5.** NRS 388A.351 is hereby amended to read as  
38 follows:

39 388A.351 *1.* On or before ~~October 1~~ *February 15* of each  
40 year, the sponsor of a charter school shall submit a written report to  
41 the Department ~~H~~ *on a form prescribed by the Department.* The  
42 written report must include:

43 ~~H~~ *(a)* For each charter school that it sponsors with a written  
44 charter, an evaluation of the progress of each such charter school in  
45 achieving the educational goals and objectives of the written charter.



1 ~~[(2)]~~ (b) For each charter school that it sponsors with a charter  
2 contract, a summary evaluating the academic, financial and  
3 organizational performance of the charter school, as measured by  
4 the performance indicators, measures and metrics set forth in the  
5 performance framework for the charter school.

6 ~~[(3)]~~ (c) An identification of each charter school approved by the  
7 sponsor:

8 ~~[(a)]~~ (1) Which has not opened and the scheduled time for  
9 opening, if any;

10 ~~[(b)]~~ (2) Which is open and in operation;

11 ~~[(e)]~~ (3) Which has transferred sponsorship;

12 ~~[(d)]~~ (4) Whose written charter has been revoked or whose  
13 charter contract has been terminated by the sponsor;

14 ~~[(e)]~~ (5) Whose charter contract has not been renewed by the  
15 sponsor; and

16 ~~[(f)]~~ (6) Which has voluntarily ceased operation.

17 ~~[(4)]~~ (d) A description of the strategic vision of the sponsor for  
18 the charter schools that it sponsors and the progress of the sponsor  
19 in achieving that vision.

20 ~~[(5)]~~ (e) A description of the services provided by the sponsor  
21 pursuant to a service agreement entered into with the governing  
22 body of the charter school pursuant to NRS 388A.381, including an  
23 itemized accounting of the actual costs of those services.

24 ~~[(6)]~~ (f) The amount of any money from the Federal Government  
25 that was distributed to the charter school, any concerns regarding the  
26 equity of such distributions and any recommendations on how to  
27 improve access to and distribution of money from the Federal  
28 Government.

29 *2. On or before April 1 of each year, the Department shall*  
30 *submit to the State Board the report required pursuant to this*  
31 *section, to be reviewed by the State Board.*

32 **Sec. 60.** NRS 388A.453 is hereby amended to read as follows:

33 388A.453 1. An application for enrollment in a charter  
34 school may be submitted annually to the governing body of the  
35 charter school by the parent or legal guardian of any child who  
36 resides in this State.

37 2. Except as otherwise provided in subsections 1 to 5,  
38 inclusive, NRS 388A.336 , ~~[(and)]~~ subsections 1 and 2 of NRS  
39 388A.456, *and any applicable federal law, including, without*  
40 *limitation, 42 U.S.C. §§ 11301 et seq.*, a charter school shall enroll  
41 pupils who are eligible for enrollment in the order in which the  
42 applications are received.

43 3. If the board of trustees of the school district in which the  
44 charter school is located has established zones of attendance  
45 pursuant to NRS 388.040, the charter school shall, if practicable,



1 ensure that the racial composition of pupils enrolled in the charter  
2 school does not differ by more than 10 percent from the racial  
3 composition of pupils who attend public schools in the zone in  
4 which the charter school is located.

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

12 5. Except as otherwise provided in subsections 1 and 2 of NRS  
13 388A.456, if more pupils who are eligible for enrollment apply for  
14 enrollment in the charter school than the number of spaces which  
15 are available, the charter school shall determine which applicants to  
16 enroll pursuant to subsections 1 to 4, inclusive, on the basis of a  
17 lottery system.

18 6. Except as otherwise provided in subsection ~~9.]~~ 8, a charter  
19 school shall not accept applications for enrollment in the charter  
20 school or otherwise discriminate based on the:

- 21 (a) Race;
- 22 (b) Gender;
- 23 (c) Religion;
- 24 (d) Ethnicity;
- 25 (e) Disability;
- 26 (f) Sexual orientation; or
- 27 (g) Gender identity or expression,

28 ↪ of a pupil.

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

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

40 ~~—9.]~~ This section does not preclude the formation of a charter  
41 school that is dedicated to provide educational services exclusively  
42 to pupils:

- 43 (a) With disabilities;
- 44 (b) Who pose such severe disciplinary problems that they
- 45 warrant a specific educational program, including, without



1 limitation, a charter school specifically designed to serve a single  
2 gender that emphasizes personal responsibility and rehabilitation; or

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

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

12 **Sec. 61.** (Deleted by amendment.)

13 **Sec. 62.** (Deleted by amendment.)

14 **Sec. 63.** (Deleted by amendment.)

15 **Sec. 64.** (Deleted by amendment.)

16 **Sec. 65.** (Deleted by amendment.)

17 **Sec. 66.** (Deleted by amendment.)

18 **Sec. 67.** (Deleted by amendment.)

19 **Sec. 68.** (Deleted by amendment.)

20 **Sec. 69.** (Deleted by amendment.)

21 **Sec. 70.** (Deleted by amendment.)

22 **Sec. 71.** (Deleted by amendment.)

23 **Sec. 72.** (Deleted by amendment.)

24 **Sec. 73.** (Deleted by amendment.)

25 **Sec. 74.** (Deleted by amendment.)

26 **Sec. 75.** (Deleted by amendment.)

27 **Sec. 76.** (Deleted by amendment.)

28 **Sec. 77.** (Deleted by amendment.)

29 **Sec. 78.** (Deleted by amendment.)

30 **Sec. 79.** (Deleted by amendment.)

31 **Sec. 80.** (Deleted by amendment.)

32 **Sec. 80.1.** NRS 388G.050 is hereby amended to read as  
33 follows:

34 388G.050 1. There is hereby established a Program of  
35 Empowerment Schools for public schools within this State. The  
36 Program does not include a university school for profoundly gifted  
37 pupils. ~~[for an achievement charter school.]~~

38 2. The board of trustees of a school district which is located:

39 (a) In a county whose population is less than 100,000 may  
40 approve public schools located within the school district to operate  
41 as empowerment schools.

42 (b) In a county whose population is 100,000 or more but less  
43 than 700,000 shall approve not less than 5 percent of the schools  
44 located within the school district to operate as empowerment  
45 schools.



1 3. The board of trustees of a school district which participates  
2 in the Program of Empowerment Schools shall, on or before  
3 September 1 of each year, provide notice to the Department of the  
4 number of schools within the school district that are approved to  
5 operate as empowerment schools for that school year.

6 4. The board of trustees of a school district that participates in  
7 the Program of Empowerment Schools may create a design team for  
8 the school district. If such a design team is created, the membership  
9 of the design team must consist of the following persons appointed  
10 by the board of trustees:

11 (a) At least one representative of the board of trustees;

12 (b) The superintendent of the school district, or the  
13 superintendent's designee;

14 (c) Parents and legal guardians of pupils enrolled in public  
15 schools in the school district;

16 (d) Teachers and other educational personnel employed by the  
17 school district, including, without limitation, school administrators;

18 (e) Representatives of organizations that represent teachers and  
19 other educational personnel;

20 (f) Representatives of the community in which the school  
21 district is located and representatives of businesses within the  
22 community; and

23 (g) Such other members as the board of trustees determines are  
24 necessary.

25 5. If a design team is created for a school district, the design  
26 team shall:

27 (a) Recommend policies and procedures relating to  
28 empowerment schools to the board of trustees of the school district;  
29 and

30 (b) Advise the board of trustees on issues relating to  
31 empowerment schools.

32 6. The board of trustees of a school district may accept gifts,  
33 grants and donations from any source for the support of the  
34 empowerment schools within the school district.

35 **Sec. 80.15.** NRS 390.265 is hereby amended to read as  
36 follows:

37 390.265 "School official" means:

38 1. A member of a board of trustees of a school district;

39 2. A member of a governing body of a charter school; or

40 3. A licensed or unlicensed person employed by the board of  
41 trustees of a school district ~~or~~ **or** the governing body of a charter  
42 school. ~~[or the Achievement School District.]~~

43 **Sec. 80.2.** NRS 390.270 is hereby amended to read as follows:

44 390.270 1. The Department shall, by regulation or otherwise,  
45 adopt and enforce a plan setting forth procedures to ensure the





1 security of examinations that are administered to pupils pursuant to  
2 NRS 390.105 and the college and career readiness assessment  
3 administered pursuant to NRS 390.610.

4 2. A plan adopted pursuant to subsection 1 must include,  
5 without limitation:

6 (a) Procedures pursuant to which pupils, school officials and  
7 other persons may, and are encouraged to, report irregularities in  
8 testing administration and testing security.

9 (b) Procedures necessary to ensure the security of test materials  
10 and the consistency of testing administration.

11 (c) Procedures that specifically set forth the action that must be  
12 taken in response to a report of an irregularity in testing  
13 administration or testing security and the actions that must be taken  
14 during an investigation of such an irregularity. For each action that  
15 is required, the procedures must identify:

16 (1) By category, the employees of the school district,  
17 ~~[Achievement School District,]~~ charter school or Department, or any  
18 combination thereof, who are responsible for taking the action; and

19 (2) Whether the school district, ~~[Achievement School~~  
20 ~~District,]~~ charter school or Department, or any combination thereof,  
21 is responsible for ensuring that the action is carried out successfully.

22 (d) Objective criteria that set forth the conditions under which a  
23 school, including, without limitation, a charter school or a school  
24 district, or both, is required to file a plan for corrective action in  
25 response to an irregularity in testing administration or testing  
26 security for the purposes of NRS 390.295.

27 3. The Department shall post a copy of the plan adopted  
28 pursuant to this section and the procedures set forth therein on the  
29 Internet website maintained by the Department.

30 **Sec. 80.25.** NRS 390.380 is hereby amended to read as  
31 follows:

32 390.380 “School official” means:

- 33 1. A member of a board of trustees of a school district;  
34 2. A member of a governing body of a charter school; or  
35 3. A licensed or unlicensed person employed by the board of  
36 trustees of a school district ~~[,]~~ or the governing body of a charter  
37 school. ~~[for the Achievement School District.]~~

38 **Sec. 80.3.** NRS 391.180 is hereby amended to read as follows:

39 391.180 1. As used in this section, “employee” means any  
40 employee of a school district or charter school in this State.

41 2. A school month in any public school in this State consists of  
42 4 weeks of 5 days each.

43 3. Nothing contained in this section prohibits the payment of  
44 employees’ compensation in 12 equal monthly payments for 9 or  
45 more months’ work.



1 4. The per diem deduction from the salary of an employee  
2 because of absence from service for reasons other than those  
3 specified in this section is that proportion of the yearly salary which  
4 is determined by the ratio between the duration of the absence and  
5 the total number of contracted workdays in the year.

6 5. Boards of trustees shall either prescribe by regulation or  
7 negotiate pursuant to chapter 288 of NRS, with respect to sick leave,  
8 accumulation of sick leave, payment for unused sick leave,  
9 sabbatical leave, personal leave, professional leave, military leave  
10 and such other leave as they determine to be necessary or desirable  
11 for employees. In addition, boards of trustees may either prescribe  
12 by regulation or negotiate pursuant to chapter 288 of NRS with  
13 respect to the payment of unused sick leave to licensed teachers in  
14 the form of purchase of service pursuant to subsection 4 of  
15 NRS 286.300. The amount of service so purchased must not exceed  
16 the number of hours of unused sick leave or 1 year, whichever is  
17 less.

18 6. The salary of any employee unavoidably absent because of  
19 personal illness, accident or motor vehicle crash, or because of  
20 serious illness, accident, motor vehicle crash or death in the family,  
21 may be paid up to the number of days of sick leave accumulated by  
22 the employee. An employee may not be credited with more than 15  
23 days of sick leave in any 1 school year. Except as otherwise  
24 provided in this subsection, if an employee takes a position with  
25 another school district or charter school, all sick leave that the  
26 employee has accumulated must be transferred from the employee's  
27 former school district or charter school to his or her new school  
28 district or charter school. The amount of sick leave so transferred  
29 may not exceed the maximum amount of sick leave which may be  
30 carried forward from one year to the next according to the  
31 applicable negotiated agreement or the policy of the district or  
32 charter school into which the employee transferred. Unless the  
33 applicable negotiated agreement or policy of the employing district  
34 or charter school provides otherwise, such an employee:

35 (a) Shall first use the sick leave credited to the employee from  
36 the district or charter school into which the employee transferred  
37 before using any of the transferred leave; and

38 (b) Is not entitled to compensation for any sick leave transferred  
39 pursuant to this subsection.

40 7. Subject to the provisions of subsection 8:

41 (a) If an intermission of less than 6 days is ordered by the board  
42 of trustees of a school district or the governing body of a charter  
43 school for any good reason, no deduction of salary may be made  
44 therefor.



1 (b) If, on account of sickness, epidemic or other emergency in  
2 the community, a longer intermission is ordered by the board of  
3 trustees of a school district, the governing body of a charter school  
4 or a board of health and the intermission or closing does not exceed  
5 30 days at any one time, there may be no deduction or  
6 discontinuance of salaries.

7 8. If the board of trustees of a school district or the governing  
8 body of a charter school orders an extension of the number of days  
9 of school to compensate for the days lost as the result of an  
10 intermission because of those reasons contained in paragraph (b) of  
11 subsection 7, an employee may be required to render his or her  
12 services to the school district or charter school during that extended  
13 period. If the salary of the employee was continued during the  
14 period of intermission as provided in subsection 7, the employee is  
15 not entitled to additional compensation for services rendered during  
16 the extended period.

17 9. If any subject referred to in this section is included in an  
18 agreement or contract negotiated by:

19 (a) The board of trustees of a school district pursuant to chapter  
20 288 of NRS; or

21 (b) The governing body of a charter school pursuant to NRS  
22 388A.533, ~~for 388B.400 to 388B.450, inclusive,~~  
23 ↪ the provisions of the agreement or contract regarding that subject  
24 supersede any conflicting provisions of this section or of a  
25 regulation of the board of trustees.

26 **Sec. 80.35.** NRS 392.128 is hereby amended to read as  
27 follows:

28 392.128 1. Each advisory board to review school attendance  
29 created pursuant to NRS 392.126 shall:

30 (a) Review the records of the attendance and truancy of pupils  
31 submitted to the advisory board to review school attendance by the  
32 board of trustees of the school district or the State Public Charter  
33 School Authority ~~[, the Achievement School District]~~ or a  
34 college or university within the Nevada System of Higher Education  
35 that sponsors a charter school pursuant to subsection 2 of  
36 NRS 385A.240;

37 (b) Identify factors that contribute to the truancy of pupils in the  
38 school district;

39 (c) Establish programs to reduce the truancy of pupils in the  
40 school district, including, without limitation, the coordination of  
41 services available in the community to assist with the intervention,  
42 diversion and discipline of pupils who are truant;

43 (d) At least annually, evaluate the effectiveness of those  
44 programs;



1 (e) Establish a procedure for schools and school districts for the  
2 reporting of the status of pupils as habitual truants; and

3 (f) Inform the parents and legal guardians of the pupils who are  
4 enrolled in the schools within the district of the policies and  
5 procedures adopted pursuant to the provisions of this section.

6 2. The chair of an advisory board may divide the advisory  
7 board into subcommittees. The advisory board may delegate one or  
8 more of the duties of the advisory board to a subcommittee of the  
9 advisory board, including, without limitation, holding hearings  
10 pursuant to NRS 392.147. If the chair of an advisory board divides  
11 the advisory board into subcommittees, the chair shall notify the  
12 board of trustees of the school district of this action. Upon receipt of  
13 such a notice, the board of trustees shall establish rules and  
14 procedures for each such subcommittee. A subcommittee shall abide  
15 by the applicable rules and procedures when it takes action or makes  
16 decisions.

17 3. An advisory board to review school attendance may work  
18 with a family resource center or other provider of community  
19 services to provide assistance to pupils who are truant. The advisory  
20 board shall identify areas within the school district in which  
21 community services are not available to assist pupils who are truant.  
22 As used in this subsection, "family resource center" has the meaning  
23 ascribed to it in NRS 430A.040.

24 4. An advisory board to review school attendance created in a  
25 county pursuant to NRS 392.126 may use money appropriated by  
26 the Legislature and any other money made available to the advisory  
27 board for the use of programs to reduce the truancy of pupils in the  
28 school district. The advisory board to review school attendance  
29 shall, on a quarterly basis, provide to the board of trustees of the  
30 school district an accounting of the money used by the advisory  
31 board to review school attendance to reduce the truancy of pupils in  
32 the school district.

33 **Sec. 80.4.** NRS 41.0305 is hereby amended to read as follows:

34 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term  
35 "political subdivision" includes an organization that was officially  
36 designated as a community action agency pursuant to 42 U.S.C. §  
37 2790 before that section was repealed and is included in the  
38 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the  
39 Nevada Rural Housing Authority, an airport authority created by  
40 special act of the Legislature, a regional transportation commission  
41 and a fire protection district, an irrigation district, a school district,  
42 ~~[the Achievement School District,]~~ the governing body of a charter  
43 school, any other special district that performs a governmental  
44 function, even though it does not exercise general governmental



1 powers, and the governing body of a university school for  
2 profoundly gifted pupils.

3 **Sec. 80.45.** NRS 288.150 is hereby amended to read as  
4 follows:

5 288.150 1. Except as otherwise provided in subsection 4 and  
6 NRS 354.6241, every local government employer shall negotiate in  
7 good faith through one or more representatives of its own choosing  
8 concerning the mandatory subjects of bargaining set forth in  
9 subsection 2 with the designated representatives of the recognized  
10 employee organization, if any, for each appropriate bargaining unit  
11 among its employees. If either party so requests, agreements reached  
12 must be reduced to writing.

13 2. The scope of mandatory bargaining is limited to:

14 (a) Salary or wage rates or other forms of direct monetary  
15 compensation.

16 (b) Sick leave.

17 (c) Vacation leave.

18 (d) Holidays.

19 (e) Other paid or nonpaid leaves of absence consistent with the  
20 provisions of this chapter.

21 (f) Insurance benefits.

22 (g) Total hours of work required of an employee on each  
23 workday or workweek.

24 (h) Total number of days' work required of an employee in a  
25 work year.

26 (i) Except as otherwise provided in subsections 6 and ~~10~~ 9,  
27 discharge and disciplinary procedures.

28 (j) Recognition clause.

29 (k) The method used to classify employees in the bargaining  
30 unit.

31 (l) Deduction of dues for the recognized employee organization.

32 (m) Protection of employees in the bargaining unit from  
33 discrimination because of participation in recognized employee  
34 organizations consistent with the provisions of this chapter.

35 (n) No-strike provisions consistent with the provisions of this  
36 chapter.

37 (o) Grievance and arbitration procedures for resolution of  
38 disputes relating to interpretation or application of collective  
39 bargaining agreements.

40 (p) General savings clauses.

41 (q) Duration of collective bargaining agreements.

42 (r) Safety of the employee.

43 (s) Teacher preparation time.

44 (t) Materials and supplies for classrooms.



1 (u) Except as otherwise provided in subsections 7 ~~H~~ and 9 ,  
2 ~~and 10,~~ the policies for the transfer and reassignment of teachers.

3 (v) Procedures for reduction in workforce consistent with the  
4 provisions of this chapter.

5 (w) Procedures consistent with the provisions of subsection 4  
6 for the reopening of collective bargaining agreements for additional,  
7 further, new or supplementary negotiations during periods of fiscal  
8 emergency.

9 3. Those subject matters which are not within the scope of  
10 mandatory bargaining and which are reserved to the local  
11 government employer without negotiation include:

12 (a) Except as otherwise provided in paragraph (u) of subsection  
13 2, the right to hire, direct, assign or transfer an employee, but  
14 excluding the right to assign or transfer an employee as a form of  
15 discipline.

16 (b) The right to reduce in force or lay off any employee because  
17 of lack of work or lack of money, subject to paragraph (v) of  
18 subsection 2.

19 (c) The right to determine:

20 (1) Appropriate staffing levels and work performance  
21 standards, except for safety considerations;

22 (2) The content of the workday, including without limitation  
23 workload factors, except for safety considerations;

24 (3) The quality and quantity of services to be offered to the  
25 public; and

26 (4) The means and methods of offering those services.

27 (d) Safety of the public.

28 4. Notwithstanding the provisions of any collective bargaining  
29 agreement negotiated pursuant to this chapter, a local government  
30 employer is entitled to:

31 (a) Reopen a collective bargaining agreement for additional,  
32 further, new or supplementary negotiations relating to compensation  
33 or monetary benefits during a period of fiscal emergency.  
34 Negotiations must begin not later than 21 days after the local  
35 government employer notifies the employee organization that a  
36 fiscal emergency exists. For the purposes of this section, a fiscal  
37 emergency shall be deemed to exist:

38 (1) If the amount of revenue received by the general fund of  
39 the local government employer during the last preceding fiscal year  
40 from all sources, except any nonrecurring source, declined by 5  
41 percent or more from the amount of revenue received by the general  
42 fund from all sources, except any nonrecurring source, during the  
43 next preceding fiscal year, as reflected in the reports of the annual  
44 audits conducted for those fiscal years for the local government  
45 employer pursuant to NRS 354.624; or



1 (2) If the local government employer has budgeted an  
2 unreserved ending fund balance in its general fund for the current  
3 fiscal year in an amount equal to 4 percent or less of the actual  
4 expenditures from the general fund for the last preceding fiscal year,  
5 and the local government employer has provided a written  
6 explanation of the budgeted ending fund balance to the Department  
7 of Taxation that includes the reason for the ending fund balance and  
8 the manner in which the local government employer plans to  
9 increase the ending fund balance.

10 (b) Take whatever actions may be necessary to carry out its  
11 responsibilities in situations of emergency such as a riot, military  
12 action, natural disaster or civil disorder. Those actions may include  
13 the suspension of any collective bargaining agreement for the  
14 duration of the emergency.

15 ➤ Any action taken under the provisions of this subsection must not  
16 be construed as a failure to negotiate in good faith.

17 5. The provisions of this chapter, including without limitation  
18 the provisions of this section, recognize and declare the ultimate  
19 right and responsibility of the local government employer to manage  
20 its operation in the most efficient manner consistent with the best  
21 interests of all its citizens, its taxpayers and its employees.

22 6. If the sponsor of a charter school reconstitutes the governing  
23 body of a charter school pursuant to NRS 388A.330, the new  
24 governing body may terminate the employment of any teachers or  
25 other employees of the charter school, and any provision of any  
26 agreement negotiated pursuant to this chapter that provides  
27 otherwise is unenforceable and void.

28 7. The board of trustees of a school district in which a school is  
29 designated as a turnaround school pursuant to NRS 388G.400 or the  
30 principal of such a school, as applicable, may take any action  
31 authorized pursuant to NRS 388G.400, including, without  
32 limitation:

33 (a) Reassigning any member of the staff of such a school; or

34 (b) If the staff member of another public school consents,  
35 reassigning that member of the staff of the other public school to  
36 such a school.

37 8. Any provision of an agreement negotiated pursuant to this  
38 chapter which differs from or conflicts in any way with the  
39 provisions of subsection 7 or imposes consequences on the board of  
40 trustees of a school district or the principal of a school for taking  
41 any action authorized pursuant to subsection 7 is unenforceable and  
42 void.

43 9. ~~The board of trustees of a school district may reassign any~~  
44 ~~member of the staff of a school that is converted to an achievement~~  
45 ~~charter school pursuant to NRS 388B.200 to 388B.230, inclusive;~~



1 ~~and any provision of any agreement negotiated pursuant to this~~  
2 ~~chapter which provides otherwise is unenforceable and void.~~

3 ~~—10.]~~ The board of trustees of a school district or the governing  
4 body of a charter school or university school for profoundly gifted  
5 pupils may use a substantiated report of the abuse or neglect of a  
6 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366  
7 obtained from the Statewide Central Registry for the Collection of  
8 Information Concerning the Abuse or Neglect of a Child established  
9 by NRS 432.100 or an equivalent registry maintained by a  
10 governmental agency in another jurisdiction for the purposes  
11 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or  
12 391.281, as applicable. Such purposes may include, without  
13 limitation, making a determination concerning the assignment,  
14 discipline or termination of an employee. Any provision of any  
15 agreement negotiated pursuant to this chapter which conflicts with  
16 the provisions of this subsection is unenforceable and void.

17 ~~[11.]~~ 10. This section does not preclude, but this chapter does  
18 not require, the local government employer to negotiate subject  
19 matters enumerated in subsection 3 which are outside the scope of  
20 mandatory bargaining. The local government employer shall discuss  
21 subject matters outside the scope of mandatory bargaining but it is  
22 not required to negotiate those matters.

23 ~~[12.]~~ 11. Contract provisions presently existing in signed and  
24 ratified agreements as of May 15, 1975, at 12 p.m. remain  
25 negotiable.

26 ~~[13.]~~ 12. As used in this section ~~[-~~  
27 ~~—(a) “Abuse] , “abuse~~ or neglect of a child” has the meaning  
28 ascribed to it in NRS 392.281.

29 ~~[(b) “Achievement charter school” has the meaning ascribed to~~  
30 ~~it in NRS 385.007.]~~

31 **Sec. 80.5.** NRS 332.185 is hereby amended to read as follows:  
32 332.185 1. Except as otherwise provided in subsection 2 and  
33 NRS 244.1505 and 334.070, all sales of personal property of the  
34 local government must be made, as nearly as possible, under  
35 the same conditions and limitations as required by this chapter in the  
36 purchase of personal property. The governing body or its authorized  
37 representative may dispose of personal property of the local  
38 government by any manner, including, without limitation, at public  
39 auction, if the governing body or its authorized representative  
40 determines that the property is no longer required for public use and  
41 deems such action desirable and in the best interests of the local  
42 government.

43 2. The board of trustees of a school district may donate surplus  
44 personal property of the school district to any other school district in





1 this State ~~[, to the Achievement School District]~~ or to a charter  
2 school that is located within the school district without regard to:

- 3 (a) The provisions of this chapter; or  
4 (b) Any statute, regulation, ordinance or resolution that requires:  
5 (1) The posting of notice or public advertising.  
6 (2) The inviting or receiving of competitive bids.  
7 (3) The selling or leasing of personal property by contract or  
8 at a public auction.

9 3. The provisions of this chapter do not apply to the purchase,  
10 sale, lease or transfer of real property by the governing body.

11 **Sec. 80.55.** NRS 361.065 is hereby amended to read as  
12 follows:

13 361.065 All lots, buildings and other school property owned by  
14 any legally created school district ~~[, the Achievement School~~  
15 ~~District]~~ or a charter school within the State and devoted to public  
16 school purposes are exempt from taxation.

17 **Sec. 80.6.** Chapter 656A of NRS is hereby amended by adding  
18 thereto a new section to read as follows:

19 *“Charter school” has the meaning ascribed to it in*  
20 *NRS 385.007.*

21 **Sec. 80.65.** NRS 656A.020 is hereby amended to read as  
22 follows:

23 656A.020 As used in this chapter, unless the context otherwise  
24 requires, the words and terms defined in NRS 656A.025 to  
25 656A.065, inclusive, *and section 80.6 of this act* have the meanings  
26 ascribed to them in those sections.

27 **Sec. 80.7.** The provisions of subsection 1 of NRS 218D.380  
28 do not apply to any provision of this act which adds or revises a  
29 requirement to submit a report to the Legislature.

30 **Sec. 80.73.** As soon as practicable after the effective date of  
31 this act but not later than October 1, 2019, the State Board of  
32 Education shall appoint to the State Public Charter School Authority  
33 pursuant to NRS 388A.153, as amended by section 34 of this act:

- 34 1. One member to a term that expires June 30, 2021; and  
35 2. One member to a term that expires June 30, 2022.

36 **Sec. 80.75.** 1. On the effective date of this act, any  
37 achievement charter school and any application to operate an  
38 achievement charter school pursuant to NRS 388B.200 that has been  
39 approved shall be deemed to be approved by the State Public  
40 Charter School Authority to operate as a charter school sponsored  
41 by the State Public Charter School Authority.

42 2. As soon as possible after the effective date of this act a  
43 charter contract pursuant to NRS 388A.270 must be entered into  
44 with the State Public Charter School Authority for each school  
45 described in subsection 1 to operate as a charter school. Upon the



1 execution of such a charter contract, the school shall be deemed a  
2 charter school for all purposes and is subject to the provisions of  
3 chapter 388A of NRS. A contract to operate an achievement charter  
4 school entered into pursuant to paragraph (d) of subsection 1 of  
5 NRS 388B.210 before the effective date of this act is void on the  
6 date on which the charter contract is executed or on July 1, 2020,  
7 whichever occurs sooner.

8 3. Until a charter contract is entered into pursuant to subsection  
9 2 or the contract to operate an achievement charter school is void  
10 pursuant to subsection 2, the State Public Charter Authority shall be  
11 deemed the sponsor of the achievement charter school and shall  
12 assume the duties prescribed for the Executive Director of the  
13 Achievement School District in any contract to operate the  
14 achievement charter school entered into pursuant to paragraph (d) of  
15 subsection 1 of NRS 388B.210, as that section existed before the  
16 effective date of this act.

17 4. As used in this section:

18 (a) "Achievement charter school" has the meaning ascribed to it  
19 in NRS 385.007, as that section existed before the effective date of  
20 this act.

21 (b) "Charter school" has the meaning ascribed to it in NRS  
22 385.007, as amended by section 1.2 of this act.

23 **Sec. 80.8.** Notwithstanding the selection of any school before  
24 the effective date of this act for conversion to an achievement  
25 charter school pursuant to NRS 388B.200 beginning with the 2020-  
26 2021 school year, no action may be taken on or after the effective  
27 date of this act to complete the conversion or operate the school as  
28 an achievement charter school and any contract entered into to  
29 operate the school as an achievement charter school is void.

30 **Sec. 80.85.** 1. Any regulations adopted by the Department of  
31 Education pursuant to NRS 388B.060 are void. The Legislative  
32 Counsel shall remove those regulations from the Nevada  
33 Administrative Code as soon as practicable after the effective date  
34 of this act.

35 2. The Legislative Counsel shall, in preparing supplements to  
36 the Nevada Administrative Code, appropriately change any  
37 references to an officer, agency or other entity whose name is  
38 changed or whose responsibilities are transferred pursuant to the  
39 provisions of this act to refer to the appropriate officer, agency or  
40 other entity.

41 **Sec. 80.9.** NRS 0.0302, 0.0307, 388A.025, 388B.010,  
42 388B.020, 388B.030, 388B.040, 388B.050, 388B.060, 388B.100,  
43 388B.110, 388B.120, 388B.200, 388B.210, 388B.220, 388B.230,  
44 388B.240, 388B.250, 388B.260, 388B.270, 388B.280, 388B.290,



1 388B.400, 388B.410, 388B.420, 388B.430, 388B.440 and 388B.450  
2 are hereby repealed.

3 **Sec. 81.** This act becomes effective upon passage and  
4 approval.

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### LEADLINES OF REPEALED SECTIONS

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**0.0302** “Achievement School District” defined.

**0.0307** “Charter school” defined.

**388A.025** “Charter school” defined.

**388B.010** Definitions.

**388B.020** “Charter management organization” defined.

**388B.030** “Educational management organization” defined.

**388B.040** “Executive Director” defined.

**388B.050** “Public school” defined.

**388B.060** Regulations.

**388B.100** Creation; employees.

**388B.110** Executive Director: Appointment; powers and duties.

**388B.120** Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.

**388B.200** Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

**388B.210** Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

**388B.220** Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

**388B.230** Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building; building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

**388B.240** Achievement charter school deemed local educational agency; Department to pay special education program units to eligible achievement charter school.



**388B.250** Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

**388B.260** Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

**388B.270** Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status.

**388B.280** Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate.

**388B.290** Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

**388B.400** Leave of absence from school district to accept or continue employment with achievement charter school; return of licensed employee to school district.

**388B.410** Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

**388B.420** Reassignment of licensed employees upon termination of contract or cessation of operation as achievement charter school.

**388B.430** Governing body to transmit employment record to school district upon request of board of trustees; investigation into misconduct during leave of absence.

**388B.440** Eligibility for benefits of licensed employee on leave of absence; effect of leave of absence; eligibility of employee of achievement charter school for benefits.

**388B.450** Determination of appropriate level of contribution toward retirement benefits; participation in plan of group insurance offered to employees of school district.

