

Assembly Bill No. 400–Committee on Education

CHAPTER.....

AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; revising various provisions relating to the Commission on School Funding; authorizing, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils; authorizing a city or county to sponsor a charter school; requiring a city or county that sponsors a charter school to annually report certain information; revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the promotion of pupils; revising provisions relating to the retention of pupils in the same grade; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Department of Education, to the extent money is available, to award grants to certain entities to support prekindergarten programs. (NRS 387.652-387.658) **Sections 11-14** of this bill create the Early Childhood Literacy and Readiness Account and authorize the Department to award grants to certain entities to support early childhood literacy and readiness programs. **Section 93.5** of this bill makes an appropriation to the Account.

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 22** of this bill: (1) requires the Department to engage in certain activities to support the Commission; and (2) authorizes the Commission to meet at any time. **Section 23** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school in this State; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. **Section 23** also eliminates the power of the Joint Interim Standing Committee on Education to review the recommendations of the Commission and determine whether to transmit the recommendations to the Governor or the Legislature and instead requires the Commission to transmit its recommendations to the Governor and the Legislature after considering the recommendations of the Joint Interim Standing Committee on Education. **Section 93** of this bill makes an appropriation to the Department to support the operations of the Commission.

Existing law requires each school district and each public school to create a report on or before October 1 of each year that includes certain information about the number and kinds of personnel and services provided by the school district or public school, respectively, during the immediately preceding school year and any changes anticipated by the school district or public school. (NRS 387.12468) **Section 24** of this bill requires the Department to prepare any reports or provide any data necessary for a school district or public school to produce such reports.



Section 93 makes an appropriation to the Department to support the completion of such reports.

Existing law: (1) requires the State Public Charter School Authority to sponsor charter schools; and (2) authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to apply to the Department for authorization to sponsor charter schools. (NRS 388A.220) **Section 32** of this bill: (1) authorizes a city or county to apply to the Department for authorization to sponsor charter schools; (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or authorizing an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in charter schools sponsored by the city or county exceeds a certain percentage of pupils in public schools in the city or county other than charter schools that are not sponsored by the city or county; and (3) limits a city or county to sponsoring a charter school within the territory of the city or county. **Section 34** of this bill makes conforming changes to refer to provisions that have been renumbered by **section 32**. **Sections 1-5, 7, 8, 28, 29-31, 33-39, 50-52 and 75** of this bill authorize a city or county approved by the Department to, in general, sponsor charter schools in the same manner as the board of trustees of a school district or a college or university within the Nevada System of Higher Education.

Existing law imposes certain reporting requirements on the governing body of each charter school or the sponsor of a charter school. (NRS 388A.345-388A.355) **Section 28.7** of this bill requires a city or county that sponsors a charter school to report annually to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau certain information relating to the charter school and pupils enrolled in the charter school.

Section 28.5 of this bill: (1) authorizes, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose; and (2) requires a charter school that wishes to receive such money to submit a transportation plan to the State Public Charter School Authority. **Section 28.5** authorizes the State Public Charter School Authority to approve the transportation plan of a charter school if it makes certain determinations. **Section 93.3** of this bill makes an appropriation to the State Public Charter School Authority to award money to charter schools for the transportation of pupils.

Existing law establishes the Teach Nevada Scholarship Program, which awards grants to public or private universities, colleges or other providers of an alternative licensure program in this State to award scholarships to students who attend the university, college or provider to complete a program which is approved by the State Board of Education and upon completion: (1) makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject of special education; or (2) allows a student to specialize in early childhood education. (NRS 391A.580) **Section 56** of this bill requires the State Board to annually review and report on the Teach Nevada Scholarship Program. **Section 67** of this bill makes a conforming change to indicate the proper placement of **section 56** in the Nevada Revised Statutes. **Section 68** of this bill: (1) revises provisions relating to the priority of grant awards for the Teach Nevada Scholarship Program; and (2) requires a student to have graduated from a high school in this State or a county that borders this State and accepts pupils from this State or who have successfully completed the high school equivalency assessment selected by the State Board before 20 years of age to be eligible for a Teach Nevada Scholarship. **Section 69** of this bill increases the maximum amount of a Teach Nevada



Scholarship to match the cost of receiving a bachelor's degree at a public university in this State.

Sections 57-66 of this bill create the Nevada Teacher Advancement Scholarship Program, which, in general, is structured similarly to the Teach Nevada Scholarship Program. **Section 63** of this bill allows a Nevada Teacher Advancement Scholarship to be used to obtain a master's degree in education or a related field of study. **Section 63** similarly requires 25 percent of an award of a Nevada Teacher Advancement Scholarship to be retained by the State Board, and **section 64** allows this amount to be released to a scholarship recipient if he or she maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program for which the Nevada Teacher Advancement Scholarship was awarded. **Section 93.7** of this bill makes an appropriation to the Nevada Teacher Advancement Scholarship Program Account.

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. Existing law also authorizes the principal of such a school to retain the pupil, rather than promote the pupil to the next grade, in certain circumstances, in consultation with a literacy specialist and certain other persons. (NRS 388A.487, 392.760) **Sections 71 and 72** of this bill require a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain the score in the subject area of reading on a uniform examination in reading that meets the score prescribed by the State Board or receive an exemption by the superintendent of schools of the school district or governing body of the charter school. **Sections 71 and 72** also authorize a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score and require the State Board to prescribe an alternative examination for pupils who do not obtain such a score. **Section 40** of this bill requires a pupil enrolled in a charter school to be retained in grade 3 under similar circumstances. **Section 76** of this bill revises the information that must be included in a written notice provided to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who exhibits a deficiency in the subject area of reading. **Section 77** of this bill requires a school to provide certain intervention services and intensive instruction to a pupil who does not obtain a passing score in the subject area of reading regardless of whether the pupil is retained in grade 3. **Section 77** additionally: (1) requires literacy specialists and personnel with knowledge and expertise relating to providing intervention services and intensive instruction to pupils who are deficient in the subject area of reading to, in addition to any other duties, provide such services and instruction to such pupils; and (2) requires each public school to offer summer school to a pupil in second or third grade who is deficient in the subject area of reading. **Sections 40 and 78** of this bill require certain information relating to pupils with a deficiency in reading who were retained in grade 3 or not retained due to a good-cause exemption to be included in the annual report of pupils receiving intervention services and intensive instruction to address a deficiency in reading. **Sections 6 and 74** of this bill make conforming changes to refer to provisions that have been renumbered by this bill.



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

Section 1. NRS 385.620 is hereby amended to read as follows:
385.620 The Advisory Council shall:

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

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education *or city or county* that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

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

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

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

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

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

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



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

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

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

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

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

3. The State Public Charter School Authority , ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School



Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority , ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

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

Sec. 3. NRS 385A.080 is hereby amended to read as follows:

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

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority , ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority , ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

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

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



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

Sec. 4. NRS 385A.090 is hereby amended to read as follows:

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

(a) The board of trustees of each school district, the State Public Charter School Authority, ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority, ~~or~~ institution ~~or~~ *or city or county*, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

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

(b) The board of trustees of each school district, the State Public Charter School Authority, ~~and~~ each college or university within the Nevada System of Higher Education *and each city or county* that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority, ~~or~~ the institution ~~or~~ *or the city or county*, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority, ~~or~~ the institution, *the city or the county* does not maintain a website, the State Public Charter School Authority, ~~or~~ the institution, *the city or the county*, as applicable,



shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority, ~~for~~ a college or university within the Nevada System of Higher Education *or a city or county* that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 5. NRS 385A.240 is hereby amended to read as follows:

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

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

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

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

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

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



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

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

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

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

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

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

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

Sec. 5.5. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the



attendance, truancy and transiency of pupils, including, without limitation:

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

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

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

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~§~~ or 392.125 or ~~§392.760, §~~ *section 71 of this act*, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

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

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

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

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

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

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;



- (c) Pupils with disabilities;
- (d) Pupils who are English learners;
- (e) Pupils who are migratory children;
- (f) Gender;
- (g) Pupils who are homeless;
- (h) Pupils in foster care; and
- (i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

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

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

Sec. 6. NRS 385A.450 is hereby amended to read as follows:

385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~or~~ *or* 392.125 or ~~392.760,~~ *section 71 of this act*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in



the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

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

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

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

Sec. 7. NRS 385A.670 is hereby amended to read as follows:

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

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority, ~~or~~ the institution within the Nevada System of Higher Education *or the city or county* that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

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

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

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is



sponsored by a college or university within the Nevada System of Higher Education ~~[]~~ *or a city or county.*

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

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

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

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

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

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 8. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[]~~ *or a city or county.*

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, ~~[and]~~ all charter schools sponsored by a college or



university within the Nevada System of Higher Education ~~and~~ *and all charter schools sponsored by a city or county.*

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority, ~~or~~ a college or university within the Nevada System of Higher Education ~~and~~ *or a city or county*, the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

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

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. *As used in sections 11 to 14, inclusive, of this act, unless the context otherwise requires, "Account" means the Early Childhood Literacy and Readiness Account created by section 12 of this act.*

Sec. 12. 1. *The Early Childhood Literacy and Readiness Account is hereby created in the State General Fund. The Account must be administered by the Department.*

2. *The interest and income earned on:*

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.



3. *Except as otherwise provided in subsection 4, the balance remaining in the Account that has not been committed for expenditure on or before June 30 of each fiscal year reverts to the State General Fund.*

4. *The Department may accept gifts and grants of money from any source for deposit in the Account. All money received pursuant to this subsection:*

(a) Must be accounted for separately in the Account;

(b) Must be expended in accordance with the terms of the gift or grant; and

(c) Does not revert to the State General Fund and must be carried over into the next fiscal year.

5. *The money in the Account may only be used to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs pursuant to section 13 of this act.*

Sec. 13. 1. *The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:*

(a) Serve children who are less than 6 years of age;

(b) Be evidence-based;

(c) Provide for appropriate individualized accommodations and supports for children with disabilities; and

(d) Include a plan of reporting and accountability for the performance of the program.

2. *A school district, sponsor of a charter school or nonprofit organization that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:*

(a) Includes an implementation plan which is financially sound; and

(b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.

3. *The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school or nonprofit organization to support an early childhood literacy and readiness program that:*

(a) Receives money from a private source;

(b) Receives money from a federal grant;



(c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; or

(d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years.

Sec. 14. *On or before November 1 of each year, the Department shall:*

1. Review all grants awarded pursuant to section 13 of this act during the immediately preceding year;

2. Compile a report for the immediately preceding year which must include, without limitation:

(a) The number of applications for a grant received pursuant to section 13 of this act;

(b) The number of grants awarded pursuant to section 13 of this act;

(c) The total cost of all grants awarded pursuant to section 13 of this act; and

(d) Such other information as may be prescribed by the Department to demonstrate the effectiveness of recipients of a grant awarded pursuant to section 13 of this act in improving the literacy and readiness for elementary school of children less than 6 years of age.

Secs. 15-21. (Deleted by amendment.)

Sec. 22. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by



the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

↪ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it. ~~[in the time allotted.]~~

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.



8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance ~~[]~~ *and undertake any research, analysis, study or other work required by the Commission to carry out its duties pursuant to NRS 387.12463.* The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[10. The Commission may meet only between July 1 of an odd numbered year and September 30 of the subsequent even numbered year.]~~

Sec. 23. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and



regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:



(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without



limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. Each school district and each charter school shall submit a quarterly report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement. The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.

3. After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.

4. The Commission shall ~~present~~ :

(a) Present any recommendations pursuant to paragraphs (a) to ~~(d)~~ (g), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and ~~revision~~ recommendations by the Committee ~~[-The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to]; and~~

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the ~~recommendation~~ recommendations or a revised version of the ~~recommendation~~ recommendations to the Governor ~~or~~ and the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Sec. 24. NRS 387.12468 is hereby amended to read as follows:

387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that



the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.

2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.

3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection 2. The reports must include, as applicable and without limitation:

- (a) Each grade level at which the public school enrolls pupils;
- (b) The number of pupils attending the public school;
- (c) The average class size at the public school;
- (d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;
- (e) The professional development provided by the public school;
- (f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;
- (g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:
 - (1) The number of pupils in each category who attend the public school;
 - (2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and
 - (3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without



limitation, any subgroup of each kind of personnel prescribed by the Department;

(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;

(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and

(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.

4. The Department shall prepare any reports or provide any data necessary for a school district or public school to produce the reports required by subsections 1 and 2, respectively.

Secs. 25-27. (Deleted by amendment.)

Sec. 28. NRS 388.795 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with



the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

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

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

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↳ as is necessary for the Commission to carry out the provisions of this section.

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

(a) The State Board.

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

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

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

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

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

(1) Repair, replace and maintain computer systems.

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

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

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



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

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

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

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

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

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

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

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

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

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

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

Sec. 28.3. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 28.5 and 28.7 of this act.

Sec. 28.5. 1. *The State Public Charter School Authority may award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose.*



2. A charter school must not receive money pursuant to subsection 1 unless the State Public Charter School Authority has approved a transportation plan for the charter school.

3. Each charter school that wishes to receive money pursuant to subsection 1 must submit a transportation plan to the State Public Charter School Authority. The State Public Charter School Authority may approve the transportation plan of a charter school if it determines:

(a) The transportation plan is comprehensive and likely to be successfully implemented;

(b) The transportation plan will materially improve access to education in the region served by the transportation plan;

(c) The transportation plan demonstrates that the charter school will be able to comply with statutory and regulatory transportation requirements, including, without limitation, the certification of bus drivers and vehicle safety;

(d) The transportation plan is financially viable;

(e) The transportation plan would not cost more, on a per pupil basis, than the average cost for transportation for other public schools operating in the school district in which the charter school is located; and

(f) The academic, financial and organizational performance of the charter school indicate that the transportation plan is in the interest of pupils who will be served by the transportation plan.

Sec. 28.7. 1. On or before February 1 of each year, a city or county that sponsors a charter school shall submit a report to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature, if the report is submitted in an odd-numbered year, or to the Legislative Commission, if the report is submitted in an even-numbered year. The report must set forth:

(a) The location of the charter school;

(b) The geographic area of the city or county served by the charter school;

(c) The total number of pupils enrolled in the charter school;

(d) The number and percentage of pupils enrolled in the charter school by each zip code of the city or county served by the charter school;

(e) The number and percentage of pupils enrolled in the charter school from major racial and ethnic groups;

(f) The number and percentage of pupils enrolled in the charter school whose household has a household income which:



(1) Is less than 100 percent of the federally designated level signifying poverty;

(2) Is more than 100 percent but not more than 200 percent of the federally designated level signifying poverty;

(3) Is more than 200 percent but not more than 300 percent of the federally designated level signifying poverty; and

(4) Is more than 300 percent of the federally designated level signifying poverty;

(g) The number and percentage of pupils enrolled in the charter school who are eligible for free or reduced-priced lunches pursuant to 42 U.S.C. §§ 1751 et. seq.;

(h) The number and percentage of pupils enrolled in the charter school who have individualized education programs;

(i) The number and percentage of pupils enrolled in the charter school who are English learners;

(j) The number and percentage of pupils enrolled in the charter school who were previously enrolled in a Title I school; and

(k) The number and percentage of pupils enrolled in the charter school who have disabilities.

2. The report required pursuant to this section must not include any personally identifiable information of pupils.

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

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

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

2. The process for submission of an application to form a charter school to the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education ~~and~~ *and a city or county*, and the contents of the application;

3. The process for submission of an application to renew a charter contract to the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education ~~and~~ *and a city or county*, and the contents of the application;

4. The criteria and type of investigation that must be applied by the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education *and a city or county* in determining whether to approve an application to form



a charter school, an application to renew a charter contract or a request for an amendment of a charter contract;

5. The process for submission of an amendment of a charter contract to the board of trustees of a school district, ~~and~~ a college or university within the Nevada System of Higher Education *and a city or county* pursuant to NRS 388A.276 and the contents of the application; and

6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

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

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

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

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for all purposes, including, without limitation:

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

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

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

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

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

Sec. 31. NRS 388A.171 is hereby amended to read as follows:

388A.171 The State Public Charter School Authority shall:

1. Before March 1 of each even-numbered year:



(a) In consultation with the Department and each board of trustees of a school district, ~~and~~ college or university within the Nevada System of Higher Education *and city or county* that sponsors a charter school, review all statutes and regulations from which charter schools are not exempt and determine whether such statutes and regulations assisted or impeded the charter schools in achieving their academic, fiscal and organizational goals and objectives;

(b) Make recommendations to the Joint Interim Standing Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State and the academic, fiscal and organizational performance of each charter school in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. The State Public Charter School Authority shall update such information annually.

Sec. 32. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the



Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. *A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:*

(a) May not sponsor a new charter school or allow an existing charter school sponsored by the city or county to increase enrollment or operate an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in charter schools sponsored by the city or county is 7 percent or more of the number of pupils enrolled in public schools in the city or county other than charter schools that are not sponsored by the city or county.

(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.

5. The board of trustees of a school district , ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~5.1~~ 6. Before a board of trustees of a school district , ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees , ~~or~~ college or university ~~or~~ *or city or county*, as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of *the* demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.

~~6.1~~ 7. On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of



each school district in this State and any other sponsor of a charter school in this State, an evaluation of *the* demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.

Sec. 33. NRS 388A.229 is hereby amended to read as follows:

388A.229 1. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school in a manner that complies with all applicable federal and state laws.

2. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

3. The State Board may adopt regulations to place requirements on the manner in which data is reported by the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

4. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.



Sec. 34. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

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

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

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection ~~5 or~~ 6 or 7 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

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

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

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

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

(a) The application:

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

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



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

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 or 7 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

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

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

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

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

(c) The current status of the application; and

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

Sec. 35. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district, ~~[or]~~ a college or a university within the Nevada System of Higher Education ~~[, as applicable,]~~ *or a city or county* receives an application to form a charter school, the board of trustees, ~~[or]~~ the institution ~~[,]~~ *or the city or county*, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district, ~~[or]~~ the institution ~~[,]~~ *or the city or county*, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ *or the city or county*, as applicable,



shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or ~~the~~ university ~~or~~ *the city or county*, as applicable, may approve an application if the requirements of subsection 3 of NRS 388A.249 are satisfied.

3. The board of trustees, the college or ~~the~~ university ~~or~~ *the city or county*, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or ~~the~~ university ~~or~~ *the city or county*, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or ~~the~~ university ~~or~~ *the city or county*, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 36. NRS 388A.258 is hereby amended to read as follows:

388A.258 Notwithstanding the provisions of NRS 388A.249, 388A.252 and 388A.255, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district, ~~that is approved to sponsor charter schools or~~ a college or university within the Nevada System of Higher Education *or city or county* that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees, ~~or~~ college or university ~~or~~ *city or county*, as applicable, will review applications. These regulations or policies may:

1. Establish different timelines and review procedures for different types of applicants; and

2. Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 388A.243 and 388A.246 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.



Sec. 37. NRS 388A.270 is hereby amended to read as follows:

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

- (a) The performance framework for the charter school;
- (b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and
- (c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

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

- (a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;
- (b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~or~~

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

(d) If a city or county is the sponsor of the charter school, the mayor of the city or the chair of the board of county commissioners, as applicable.

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

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

- (a) Written notice of the charter contract and the date of execution; and
- (b) A copy of the charter contract and any other documentation relevant to the charter contract.

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



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

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

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

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

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

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

8. *If a city or county approves the application:*

(a) The city or county shall be deemed the sponsor of the charter school.

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

9. Except as otherwise provided in NRS 388A.285, a charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 38. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school



for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 39. NRS 388A.378 is hereby amended to read as follows:

388A.378 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides, ~~or~~ with the Nevada System of Higher Education *or with a city or county* for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to



NRS 388A.381 before the provision of such services other than for the provision of school police officers when the provisions of NRS 388A.384 apply. If the board of trustees of a school district provides services to a charter school pursuant to this section or NRS 388A.474, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

Sec. 40. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to *and the academic retention of* pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 ~~and~~ *and section 71 of this act.* The rules must:

(a) Prescribe the programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157.



(c) Require a pupil enrolled in grade 3 to be retained in the same grade, rather than promoted to grade 4, when required pursuant to section 71 of this act.

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who : ~~{were:}~~

(1) ~~{Designated}~~ *Were designated* in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~{and}~~

(2) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions; *or*

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; ~~{and}~~

(3) Were retained in grade 3 pursuant to section 71 of this act, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(4) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(b) Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Secs. 41-49. (Deleted by amendment.)

Sec. 50. NRS 388G.130 is hereby amended to read as follows:

388G.130 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School



Authority, ~~for~~ by a college or university within the Nevada System of Higher Education ~~or~~ *or by a city or county*, that develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed empowerment plan to the designee of the board of trustees pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.



6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 51. NRS 388G.140 is hereby amended to read as follows:

388G.140 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority , ~~for~~ by a college or university within the Nevada System of Higher Education *or by a city or county* which develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State



Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the State Public Charter School Authority, ~~for~~ by a college or university within the Nevada System of Higher Education *or by a city or county* is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 52. NRS 388G.200 is hereby amended to read as follows:

388G.200 1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority, ~~for~~ by a college or university within the Nevada System



of Higher Education ~~§~~ *or by a city or county*, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Public Charter School Authority, ~~§~~ by a college or university within the Nevada System of Higher Education *or by a city or county* which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority, ~~§~~ by a college or university within the Nevada System of Higher Education ~~§~~ *or by a city or county*. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority, ~~§~~ by a college or university within the Nevada System of Higher Education *or by a city or county* which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Joint Interim Standing Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Joint Interim Standing Committee on Education.

Secs. 53 and 54. (Deleted by amendment.)



Sec. 55. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 66, inclusive, of this act.

Sec. 56. *On or before November 1 of each year, the State Board shall:*

1. Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Teach Nevada Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Teach Nevada Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Received a Nevada Teacher Advancement Scholarship, as defined in section 60 of this act, for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 57. *As used in sections 57 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 58 to 61, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 58. *“Account” means the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.*

Sec. 59. *“Nevada Teacher Advancement Scholarship” means a scholarship awarded by a university, college or other provider of an alternative licensure program to a student pursuant to section 64 of this act.*

Sec. 60. *“Other provider of an alternative licensure program” means an entity, other than a university or college,*



which has been approved by the Commission on Professional Standards in Education in accordance with the regulations adopted pursuant to NRS 391.019 to provide education and training to a student which will lead to an alternative route to licensure for the student.

Sec. 61. *“Scholarship recipient” means the recipient of a Nevada Teacher Advancement Scholarship awarded pursuant to section 64 of this act.*

Sec. 62. *1. The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Board.*

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Board may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to section 64 of this act.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of section 63 of this act to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

Sec. 63. *1. A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which results in a master’s degree in education or a related field of study.*

2. The State Board shall:



(a) *Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.*

(b) *Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.*

3. The State Board:

(a) *Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:*

(1) *Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380;*

(2) *Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or*

(3) *Are veterans or the spouses of veterans.*

(b) *May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:*

(1) *Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;*

(2) *Intend to teach in public schools in this State which have the highest shortage of teachers;*

(3) *Have been economically disadvantaged or belong to a racial or ethnic minority group; or*

(4) *Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.*

4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an



alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student has taught in a public school in this State for not less than 2 of the immediately preceding 5 years.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of sections 57 to 66, inclusive, of this act.

Sec. 64. 1. *Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to section 63 of this act shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of section 63 of this act. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.*

2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:

(a) Not to exceed the cost of receiving a master's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of section 63 of this act, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant



to paragraph (b) of subsection 2 of section 63 of this act if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 65. *1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the State Board for credit to the Account:*

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to section 64 of this act; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to section 64 of this act or \$1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to section 63 of this act, to the extent that money is available for this purpose, the State Board shall pay \$1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this



section must be used to pay costs associated with providing a program described in subsection 1 of section 63 of this act.

Sec. 66. *On or before November 1 of each year, the State Board shall:*

1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Nevada Teacher Advancement Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Were scholarship recipients for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of section 64 of this act; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 67. NRS 391A.550 is hereby amended to read as follows:

391A.550 As used in NRS 391A.550 to 391A.590, inclusive, ***and section 56 of this act***, unless the context otherwise requires, the words and terms defined in NRS 391A.555 to 391A.570, inclusive, have the meanings ascribed to them in those sections.

Sec. 68. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program



offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board ~~may~~:

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380; or

(2) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

~~*(a) Are veterans or the spouses of veterans;*~~

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

~~*(b)*~~ *(2) Intend to teach in public schools in this State which have the highest shortage of teachers;*

~~*(c)*~~ *(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or*



~~[(4)]~~ (4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~ *obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.*

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive ~~[(4)]~~, *and section 56 of this act.*

Sec. 69. NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award Teach Nevada Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;



(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; and

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher.

2. A university, college or other provider of an alternative licensure program may award a Teach Nevada Scholarship to a scholarship recipient in an amount ~~not~~:

(a) ~~Not to exceed \$3,000 per semester or \$24,000 in the aggregate.~~ *the cost of receiving a bachelor's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and*

(b) *Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.*

3. A university, college or other provider of an alternative licensure program that awards a Teach Nevada Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on



which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, “gift aid” means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 70. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 70.5, 71 and 72 of this act.

Sec. 70.5. *As used in NRS 392.750 to 392.775, inclusive, and sections 70.5, 71 and 72 of this act, unless the context otherwise requires, “subject area of reading” includes, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension.*

Sec. 71. *1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 that meets the passing score prescribed by the State Board.*

2. If a pupil will be retained in grade 3 pursuant to this section, the principal of the school must provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3.

3. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to this section to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil’s progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

4. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to NRS 392.760, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional setting which is designed to



produce learning gains sufficient for the pupil to meet the performance standards required for grade 4, while continuing to receive remediation in the subject area of reading.

5. The State Board shall prescribe by regulation:

(a) A uniform examination for administration in kindergarten and grades 1, 2 and 3 to measure the proficiency of pupils in the subject area of reading;

(b) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the uniform examination administered pursuant to paragraph (a) to be promoted to grade 4 without a good-cause exemption; and

(c) An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4 without the approval for a good-cause exemption pursuant to section 72 of this act.

Sec. 72. *1. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 3 that the pupil is eligible for such an exemption.*

2. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond grade 3;

(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;



(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.

4. A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.

5. The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is promoted to grade 4 must ensure that the pupil continues to



be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4 ~~§~~ *and section 71 of this act*, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. Except as otherwise provided in ~~[NRS 392.760,]~~ *section 71 of this act*, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school ~~§~~ *and in section 71 of this act*, no pupil may be retained more than one time in the same grade.

4. Except as otherwise provided in NRS 388A.487, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 75. NRS 392.128 is hereby amended to read as follows:

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

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district, ~~or~~ the State Public Charter School Authority or a college or university within the Nevada System of Higher Education *or a city or county* that sponsors a charter school pursuant to subsection 3 of NRS 385A.240;

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

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

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



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

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

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

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

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

Sec. 76. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 or who newly enrolls in a public elementary school exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of



reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, ***the pupil will be retained in grade 3, rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 72 of this act,*** and the school will provide the pupil with intervention services and intensive instruction each year that the pupil is enrolled in the elementary school, unless it is determined that such services and instruction are no longer necessary;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the ~~[criterion-referenced]~~ ***uniform*** examination in ~~[only]~~ the subject area of reading administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** is not the only factor used to determine whether the pupil will be ~~[provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;]~~ ***retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 72 of this act;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding ~~[the]~~ :

(a) The provision of intervention services and intensive instruction to a pupil enrolled in an elementary school; and

(b) The promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 71 of this act;

6. Include information regarding the English literacy development of a pupil who is an English learner;

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;



9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 77. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, an elementary school must provide to a pupil enrolled in the school intervention services and intensive instruction if the pupil does not obtain a score in ~~{only}~~ the subject area of reading on the ~~{criterion-referenced}~~ *uniform* examination administered pursuant to ~~[NRS 390.105] paragraph (a) of subsection 5 of section 71 of this act~~ that meets the passing score prescribed by the State Board. *The school must provide such services and instruction to a pupil, regardless of whether the pupil is retained in grade 3 pursuant to section 71 of this act or is not retained in grade 3 because a good-care exemption was approved pursuant to section 72 of this act.*

2. The principal of a school, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~;~~

~~—(a) Shall~~ *shall* ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading for as long as it is determined to be necessary while the pupil is enrolled at the elementary school. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.]~~

3. Each literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise relating to providing intervention services and intensive instruction to a pupil in the subject area of reading shall, in addition to any other duties or responsibilities assigned to him or her, provide intervention services and intensive instruction directly to pupils who do not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board.

4. Each public school shall offer a pupil who is enrolled in grade 2 or grade 3 in the school and does not obtain a score in the



subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board the opportunity to enroll in summer school at the public school.

Sec. 78. NRS 392.775 is hereby amended to read as follows:

392.775 On or before October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public elementary school within the school district who:

(a) Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction; ~~and~~

(b) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled ~~;~~;

(c) Were retained in grade 3 pursuant to section 71 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(d) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

2. Submit a copy of the report to the Department ~~;~~ and the Legislature. ~~and sponsor of the charter school.~~

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Secs. 79-92. (Deleted by amendment.)



Sec. 93. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$1,000,000 for the cost of supporting the operations of the Commission on School Funding and the completion of reports pursuant to NRS 387.12468, as amended by section 24 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 93.3. 1. There is hereby appropriated from the State General Fund to the State Public Charter School Authority for awards of money to charter schools for the transportation of pupils pursuant to section 28.5 of this act the following sums:

For the Fiscal Year 2023-2024	\$7,000,000
For the Fiscal Year 2024-2025	\$7,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 93.5. 1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by section 12 of this act the following sums:

For the Fiscal Year 2023-2024	\$70,000,000
For the Fiscal Year 2024-2025	\$70,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise



transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 93.7. 1. There is hereby appropriated from the State General Fund to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act the following sums:

For the Fiscal Year 2023-2024.....	\$2,000,000
For the Fiscal Year 2024-2025.....	\$2,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 94. (Deleted by amendment.)

Sec. 95. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 96. (Deleted by amendment.)

Sec. 97. 1. This section and sections 95 and 96 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8, 10 to 24, inclusive, 26 to 39, inclusive, 41 to 70, inclusive, 73, 75 and 79 to 94, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 5.5, 6, 9, 25, 40, 70.5, 71, 72, 74, 76, 77 and 78 of this act become effective:



- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On July 1, 2028, for all other purposes.

