

SENATE BILL NO. 311—SENATOR FORD

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing empowerment schools.
(BDR 34-637)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to education; authorizing the parents and legal guardians of pupils enrolled in an underperforming public school, under certain circumstances, to submit a petition for the conversion of the school to an empowerment school or the conversion of an empowerment school to a charter school; establishing the requirements for such a petition and the procedure for acting upon it; authorizing parents and legal guardians to file a petition reversing such a conversion; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the creation and operation of charter schools and
2 establishes the Program of Empowerment Schools for public schools in this State.
3 Generally, charter schools and empowerment schools operate with more flexibility
4 and autonomy than other public schools. (NRS 386.490-386.610, 386.720,
5 386.740)

6 This bill provides for the conversion of underperforming public schools to
7 operate as empowerment schools and for the conversion of underperforming
8 empowerment schools to operate as charter schools. **Section 1.5** of this bill defines
9 an underperforming public school as a public school that receives an annual rating
10 which is established as the lowest rating possible indicating underperformance
11 pursuant to the statewide system of accountability for public schools, as determined
12 by the Department of Education. **Section 2** of this bill requires the board of trustees
13 of each school district annually to identify the schools in the district that are eligible
14 for conversion from among those which have been rated as underperforming by the
15 Department. After these schools have been identified, **section 2** requires the board
16 of trustees to post a list of the schools on the school district’s Internet website.

17 **Section 2.5** of this bill provides that the parents and legal guardians of the
18 pupils enrolled in an underperforming school may submit a petition to the board of



19 trustees of the school district for the creation of a school advisory team for the
20 school. **Section 4** of this bill establishes the procedure for determining the
21 sufficiency of the petition and acting upon it. If the petition is found to contain
22 the requisite number of signatures and is otherwise sufficient, **section 2.5** requires
23 the board of trustees to create a school advisory team for the school, which must
24 meet at least six times during the ensuing 12 months, after which it must submit a
25 report to the board of trustees.

26 **Section 3** of this bill provides that 55 percent or more of the parents and legal
27 guardians of the pupils enrolled in an underperforming school for which a school
28 advisory board was created may submit a petition to the board of trustees of the
29 school district for the conversion of the school to an empowerment school. The
30 sufficiency of the petition must be determined in the same manner as a petition to
31 create a school advisory team. If the petition is found to contain the requisite
32 number of signatures and is otherwise sufficient, **section 4** requires the board of
33 trustees to begin the statutory process of converting the school to an empowerment
34 school, effective at the beginning of the next succeeding school year.

35 Under existing law, participation in the Program of Empowerment Schools is
36 discretionary for boards of trustees of school districts in counties whose population
37 is less than 100,000 (currently counties other than Clark and Washoe Counties)
38 and, accordingly, such a district may elect not to participate in the Program. (NRS
39 386.720) However, if a petition for conversion is submitted pursuant to **section 3**
40 and determined to be sufficient pursuant to **section 4**, **section 5** of this bill provides
41 that the provisions of statute which otherwise apply only to school districts
42 participating in the Program become applicable to the school district if the petition
43 is submitted and found to be sufficient, regardless of whether the district otherwise
44 participates in the Program.

45 If an underperforming public school is converted to an empowerment school
46 through the petition process, **section 6** of this bill provides that the parents and legal
47 guardians of pupils enrolled in the school may, at any time after the conversion,
48 petition to reverse the conversion. Any such petition is subject to the same
49 requirements as a petition for conversion and is processed in the same manner.

50 If an underperforming public school that is converted to an empowerment
51 school through the petition process is subsequently identified as underperforming
52 for 3 consecutive years, **section 6.5** of this bill provides that the parents and
53 guardians of pupils enrolled in the school may petition for the conversion of the
54 school to a charter school. With certain exceptions, any such petition is subject to
55 the same requirements as a petition for conversion to an empowerment school and
56 is processed in the same manner. **Section 6.5** also provides requirements for the
57 operation of a school that converts to a charter school pursuant to the provisions of
58 this bill.

59 **Section 6.7** of this bill provides that the parents and legal guardians of certain
60 pupils enrolled in the school which is converted to a charter school may, at any
61 time after the conversion, petition to reverse the conversion. Any such petition is
62 subject to the same requirements as a petition for conversion to an empowerment
63 school and is processed in the same manner. If the petition is sufficient, the school
64 reverts to a public school that is not an empowerment school or a charter school.

65 **Section 6.7** also requires that, if a school that converts to a charter school
66 pursuant to the provisions of this bill and is subsequently identified as
67 underperforming for 3 consecutive years, the board of trustees must revoke the
68 charter and the school reverts to a public school that is not an empowerment school
69 or a charter school.

70 **Sections 7-22** of this bill make conforming changes to existing provisions.



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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.5 to 6.7, inclusive, of
3 this act.

4 **Sec. 1.5.** *As used in sections 1.5 to 6.7, inclusive, of this act,*
5 *“underperforming public school” means a public school that*
6 *receives an annual rating which is established as the lowest rating*
7 *possible indicating underperformance pursuant to the statewide*
8 *system of accountability for public schools, as determined by the*
9 *Department.*

10 **Sec. 2. 1.** *On or before September 15 of each year, the*
11 *board of trustees of each school district shall identify each*
12 *underperforming public school in the school district. Unless the*
13 *board of trustees determines on or before that date that any such*
14 *public school should be excluded or is required by law to be*
15 *excluded from eligibility for conversion, any public school which*
16 *is not so excluded is an underperforming public school and may*
17 *become the subject of a petition for:*

18 (a) *The creation of a school advisory team submitted pursuant*
19 *to section 2.5 of this act; and*

20 (b) *Subsequent conversion to an empowerment school*
21 *submitted pursuant to section 3 of this act.*

22 **2.** *On or before October 1 of each year, the board of trustees*
23 *of each school district shall cause a list of the underperforming*
24 *public schools in the school district to be posted conspicuously on*
25 *the Internet website of the school district, with a statement that:*

26 (a) *Each school on the list that is not an empowerment school*
27 *or a charter school is eligible for:*

28 (1) *The creation of a school advisory team by the*
29 *submission of a petition to the board of trustees pursuant to*
30 *section 2.5 of this act; and*

31 (2) *Subject to the provisions of subsection 1 of section 3 of*
32 *this act, conversion to an empowerment school by the submission*
33 *of a petition to the board of trustees pursuant to section 3 of this*
34 *act; and*

35 (b) *Each school on the list which is an empowerment school*
36 *and which has been on the list for 3 consecutive years is eligible*
37 *for conversion to a charter school by the submission of a petition*
38 *to the board of trustees pursuant to section 6.5 of this act.*

39 **3.** *The statement required by subsection 2 must also set forth*
40 *the deadline established by section 2.5, 3 or 6.5 of this act for the*
41 *submission of a petition pursuant to section 2.5, 3 or 6.5,*
42 *respectively, of this act.*



1 4. For each underperforming public school in the school
2 district, the board of trustees shall include with the statement
3 required by subsection 2 a statement of the minimum number of
4 valid signatures required pursuant to section 2.5, 3 or 6.5 of this
5 act for a petition for the creation of a school advisory team or the
6 conversion of the school, respectively.

7 **Sec. 2.5.** 1. The parents or legal guardians of pupils
8 enrolled in an underperforming public school may submit a
9 written petition to the board of trustees of the school district for
10 the creation of a school advisory team for the underperforming
11 public school.

12 2. A petition submitted pursuant to this section must be:

13 (a) Made on a form prescribed by regulation of the State
14 Board;

15 (b) Signed by not less than 10 percent of the parents and legal
16 guardians of pupils enrolled at the school, as stated for that school
17 year in the posting required by section 2 of this act; and

18 (c) Submitted to the board of trustees on or before
19 November 1, unless November 1 is a Saturday, Sunday or legal
20 holiday, in which case the petition must be submitted on or before
21 the last day before November 1 that is not a Saturday, Sunday or
22 legal holiday.

23 3. The petition must comply with and is subject to the
24 provisions of section 3.5 of this act and subsections 1, 2 and 3 of
25 section 4 of this act.

26 4. If the board of trustees determines that the petition is
27 sufficient pursuant to section 4 of this act, the board of trustees
28 shall adopt a resolution on or before December 1 creating a school
29 advisory team consisting of:

30 (a) One administrator of the public school;

31 (b) Five parents or legal guardians of pupils enrolled in the
32 public school;

33 (c) Two teachers employed at the public school; and

34 (d) One person employed at the public school who is not a
35 teacher or administrator.

36 5. A school advisory team created pursuant to this section
37 shall meet at least six times during the 12-month period following
38 its creation and shall:

39 (a) Review data relating to the academic and other
40 achievement of pupils enrolled in the public school;

41 (b) Review support programs in place at the public school;

42 (c) Review the level of parental involvement and family
43 engagement in the activities of the public school and the effect of
44 that level of parental involvement and family engagement on the
45 academic achievement of pupils;



1 (d) *Develop recommendations concerning ways to make the*
2 *school more inviting to parents and legal guardians and to*
3 *increase parental involvement and family engagement;*

4 (e) *Develop recommendations concerning new strategies to*
5 *increase the academic achievement of pupils; and*

6 (f) *In carrying out its duties, consult with the Advisory Council*
7 *on Parental Involvement and Family Engagement established*
8 *pursuant to NRS 385.610 concerning effective practices and*
9 *strategies for involving parents and engaging families in the*
10 *education of their children.*

11 6. *On or before December 1 of the year immediately*
12 *following the year during which the school advisory team is*
13 *created, the school advisory team shall submit to the board of*
14 *trustees a report describing its findings and recommendations*
15 *pursuant to subsection 5 and any relevant changes that have*
16 *occurred at the public school. The board of trustees shall cause*
17 *each report submitted pursuant to this subsection to be posted*
18 *conspicuously on the Internet website of the school district.*

19 **Sec. 3. 1.** *If a school advisory team for an underperforming*
20 *public school is created pursuant to section 2.5 of this act, the*
21 *parents or legal guardians of pupils enrolled in an*
22 *underperforming public school may, not less than 1 year after the*
23 *creation of the school advisory team, submit a written petition to*
24 *the board of trustees of the school district for the conversion of the*
25 *school to an empowerment school. Regardless of any*
26 *recommendations made by the school advisory team, the parents*
27 *and legal guardians of pupils enrolled in an underperforming*
28 *public school do not have an obligation to submit such a written*
29 *petition.*

30 2. *A petition submitted pursuant to this section must be:*

31 (a) *Made on a form prescribed by regulation of the State*
32 *Board;*

33 (b) *Signed by not less than 55 percent of the parents and legal*
34 *guardians of pupils enrolled in the school, as stated for that school*
35 *year in the posting required by section 2 of this act; and*

36 (c) *Submitted to the board of trustees on or before December 1*
37 *of the year immediately following the year during which the*
38 *school advisory team is created, unless December 1 is a Saturday,*
39 *Sunday or legal holiday, in which case the petition must be*
40 *submitted on or before the last day before December 1 that is not a*
41 *Saturday, Sunday or legal holiday.*

42 **Sec. 3.5. 1.** *A petition submitted pursuant to section 2.5 or*
43 *3 of this act must include:*



1 (a) A conspicuous designation of one petitioner as the
2 representative of the petitioners, to whom the determination and
3 summary required by section 4 of this act may be mailed; and

4 (b) For each petitioner:

5 (1) His or her printed name and address;

6 (2) The printed name of each child of the petitioner who is
7 enrolled as a pupil in the school; and

8 (3) The signature of the petitioner and the date the
9 signature is affixed to the petition.

10 2. Each parent or legal guardian of a pupil enrolled in the
11 school may sign the petition. Each such signature must be counted
12 in computing the number of signatures on the petition. No person
13 may sign the petition on behalf of another person.

14 **Sec. 4.** 1. Upon receipt of a petition submitted pursuant to
15 section 2.5 or 3 of this act, the board of trustees of the school
16 district shall:

17 (a) Notify the Superintendent of Public Instruction and the
18 State Board in writing of the receipt of the petition;

19 (b) Not later than 15 calendar days after receiving the petition,
20 verify the signatures or cause the signatures to be verified in
21 accordance with procedures prescribed by regulation of the State
22 Board; and

23 (c) Prepare or cause to be prepared a written summary of the
24 results of the verification, stating the number of signatures on the
25 petition that have been verified as valid.

26 2. The board of trustees shall make a written determination
27 concerning the sufficiency of the petition and cause a copy of the
28 determination, with the written summary of the results of the
29 verification required by subsection 1, to be mailed to the petitioner
30 designated as the representative of the petitioners. A petition that
31 contains the required number of verified signatures and otherwise
32 complies with the requirements of section 2.5 or 3 of this act, as
33 applicable, must be determined to be sufficient and must be
34 approved as provided in subsection 4.

35 3. If the board of trustees determines that the petition is not
36 sufficient, the petition shall be deemed withdrawn unless the
37 petitioners, not later than 20 calendar days after the date of the
38 determination, collect the required number of valid signatures or
39 otherwise correct any deficiencies in the petition and resubmit the
40 petition to the board of trustees. The board of trustees shall review
41 the resubmitted petition and give notice of its determination as
42 required by subsections 1 and 2, except that the determination
43 must be made and notice must be given within 10 calendar days
44 after the resubmitted petition is received. If, after receipt of the
45 resubmitted petition, the board of trustees determines that the



1 *petition is still not sufficient and gives notice of its determination,*
2 *no further action may be taken with respect to the petition. The*
3 *board of trustees shall also notify the Superintendent of Public*
4 *Instruction and the State Board in writing of the disposition of the*
5 *petition.*

6 *4. If the board of trustees determines that the petition is*
7 *sufficient, the board of trustees shall:*

8 *(a) Adopt a resolution approving the petition at a public*
9 *hearing held not later than 15 calendar days after the date of the*
10 *determination, and in any case on or before February 1;*

11 *(b) Notwithstanding the provisions of NRS 386.720 and*
12 *notwithstanding whether the school district otherwise participates*
13 *in the Program of Empowerment Schools, immediately begin the*
14 *process of converting the underperforming public school to an*
15 *empowerment school in accordance with the provisions of NRS*
16 *386.700 to 386.780, inclusive, and sections 1.5 to 6.7, inclusive, of*
17 *this act so that the school may begin to operate as an*
18 *empowerment school at the beginning of the next succeeding*
19 *school year; and*

20 *(c) Notify the Superintendent of Public Instruction and the*
21 *State Board in writing of the actions taken by the board of*
22 *trustees.*

23 *Sec. 5. Any provision of NRS 386.700 to 386.780, inclusive,*
24 *and sections 1.5 to 6.7, inclusive, of this act which is otherwise*
25 *applicable only if a school district participates in the Program of*
26 *Empowerment Schools is applicable to the school district, its board*
27 *of trustees and employees with respect to any underperforming*
28 *public school in the school district if a petition for conversion of*
29 *the school is submitted pursuant to section 3 of this act and*
30 *determined to be sufficient pursuant to section 4 of this act.*

31 *Sec. 6. 1. The parents or legal guardians of pupils enrolled*
32 *in a public school which is converted to an empowerment school*
33 *pursuant to a petition submitted pursuant to section 3 of this act*
34 *may, at any time after the conversion, submit a written petition to*
35 *the board of trustees of the school district to reverse the*
36 *conversion. Any such petition must comply with and is subject to*
37 *all the provisions of sections 3 and 4 of this act applicable to a*
38 *petition for conversion.*

39 *2. If the petition is determined to be sufficient pursuant to*
40 *section 4 of this act, the board of trustees shall adopt a resolution*
41 *revoking the empowerment plan previously approved for the*
42 *public school pursuant to NRS 386.745, effective at the beginning*
43 *of the next succeeding school year.*

44 *Sec. 6.5. 1. If a public school that converts to an*
45 *empowerment school is rated as underperforming in 3 consecutive*



1 years after completing 1 school year as an empowerment school,
2 the parents or legal guardians of the pupils enrolled in the
3 empowerment school may submit a written petition to the board of
4 trustees of the school district for the conversion of the school to a
5 charter school. Any such petition must comply with and is subject
6 to the provisions of sections 3, 3.5 and 4 of this act applicable to a
7 petition for conversion to an empowerment school, except that:

8 (a) The petition must be submitted to the board of trustees on
9 or before December 1 of the third year during which the school is
10 rated as underperforming after completing 1 school year as an
11 empowerment school, unless December 1 is a Saturday, Sunday or
12 legal holiday, in which case the petition must be submitted on or
13 before the last day before December 1 that is not a Saturday,
14 Sunday or legal holiday; and

15 (b) The board of trustees shall immediately begin the process
16 of converting the underperforming empowerment school to a
17 charter school so that the school may begin to operate as a charter
18 school at the beginning of the next succeeding school year.

19 2. A school that converts to a charter school must be
20 sponsored by the board of trustees of the school district pursuant
21 to the provisions of this section and NRS 386.490 to 386.610,
22 inclusive.

23 3. The written charter for a school that converts to a charter
24 school must include all conditions of operation set forth in
25 subsection 4 of NRS 386.520 and provide that the charter school
26 will be the same type of school, as defined in subsections 1 to 4,
27 inclusive, of NRS 388.020, as the school that converts to the
28 charter school.

29 4. Subject to the provision of NRS 386.549, the initial
30 membership of the governing body of the charter school must be
31 appointed pursuant to regulations adopted by the State Board.

32 5. A pupil who lives in the attendance zone established
33 pursuant to NRS 388.040 for the school before its conversion to a
34 charter school may be suspended or expelled from or otherwise
35 disciplined by the charter school only pursuant to the provisions of
36 NRS 392.461 to 392.4675, inclusive.

37 **Sec. 6.7.** 1. The parents or legal guardians of pupils
38 enrolled in an empowerment school which is converted to a
39 charter school pursuant to a petition submitted pursuant to section
40 6.5 of this act may, at any time after the conversion, submit a
41 written petition to the board of trustees of the school district to
42 reverse the conversion. Any such petition must comply with and is
43 subject to the provisions of subsection 2 and the provisions of
44 sections 3, 3.5 and 4 of this act applicable to a petition for
45 conversion to an empowerment school.



1 2. *Only the parents or legal guardians of pupils who live in*
2 *the attendance zone established pursuant to NRS 388.040 for the*
3 *school before its conversion to a charter school pursuant to*
4 *section 6.5 of this act may sign the petition.*

5 3. *If the petition submitted pursuant to subsection 1 is*
6 *determined to be sufficient pursuant to section 4 of this act, the*
7 *board of trustees shall adopt a resolution revoking the charter of*
8 *the school, effective at the beginning of the next succeeding school*
9 *year.*

10 4. *If an empowerment school that is converted to a charter*
11 *school pursuant to a petition submitted pursuant to section 6.5 of*
12 *this act is rated as underperforming in 3 consecutive years after*
13 *beginning to operate as a charter school, the board of trustees*
14 *shall adopt a resolution revoking the charter of the school,*
15 *effective at the beginning of the next succeeding school year.*

16 5. *A charter school that has its charter revoked pursuant to*
17 *subsection 3 must begin operating as a public school that is not an*
18 *empowerment school or a charter school at the beginning of the*
19 *next succeeding school year. The conversion of a school from a*
20 *charter school to a public school that is not a charter school or an*
21 *empowerment school must be done pursuant to regulations*
22 *adopted by the State Board and to the same type of school, as*
23 *defined in subsections 1 to 4, inclusive, of NRS 388.020, as the*
24 *charter school.*

25 6. *Nothing in the provisions of sections 1.5 to 6.7, inclusive,*
26 *of this act shall be construed to prohibit the revocation, pursuant*
27 *to the provisions of NRS 386.490 to 386.610, inclusive, of the*
28 *charter of a school that converts to a charter school pursuant to*
29 *the provisions of sections 1.5 to 6.7, inclusive, of this act. If the*
30 *charter of such a charter school is revoked pursuant to the*
31 *provisions of NRS 386.490 to 386.610, inclusive, the school must*
32 *be converted pursuant to regulations adopted by the State Board:*

33 (a) *To a public school that is not an empowerment school or*
34 *charter school; and*

35 (b) *To the same type of school, as defined in subsections 1 to 4,*
36 *inclusive, of NRS 388.020, as the charter school.*

37 **Sec. 7.** NRS 386.505 is hereby amended to read as follows:

38 386.505 The Legislature declares that by authorizing the
39 formation of charter schools it is not authorizing:

40 1. ~~The~~ *Except as otherwise provided in sections 1.5 to 6.7,*
41 *inclusive, of this act, the* conversion of an existing public school,
42 homeschool or other program of home study to a charter school.

43 2. A means for providing financial assistance for private
44 schools or programs of home study. The provisions of this
45 subsection do not preclude:



1 (a) A private school from ceasing to operate as a private school
2 and reopening as a charter school in compliance with the provisions
3 of NRS 386.490 to 386.610, inclusive.

4 (b) The payment of money to a charter school for the enrollment
5 of children in classes at the charter school pursuant to subsection ~~5~~
6 **6** of NRS 386.580 who are enrolled in a public school of a school
7 district or a private school or who are homeschooled.

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

10 **Sec. 8.** NRS 386.515 is hereby amended to read as follows:

11 386.515 1. The board of trustees of a school district may
12 apply to the Department for authorization to sponsor charter schools
13 within the school district. ~~1A1~~ *Except as otherwise provided in*
14 *sections 1.5 to 6.7, inclusive, of this act, an* application must be
15 approved by the Department before the board of trustees may
16 sponsor a charter school. Not more than 180 days after receiving
17 approval to sponsor charter schools, the board of trustees shall
18 provide public notice of its ability to sponsor charter schools and
19 solicit applications for charter schools.

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

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

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

31 (a) Evaluating applications to form charter schools as prescribed
32 by NRS 386.525;

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

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

39 (d) Negotiating and executing written charters pursuant to
40 NRS 386.527;

41 (e) Monitoring, in accordance with NRS 386.490 to 386.610,
42 inclusive, and in accordance with the terms and conditions of the
43 applicable written charter, the performance and compliance of each
44 charter school sponsored by the entity; and



1 (f) ~~Determining~~ *Subject to the provisions of sections 1.5 to*
2 *6.7, inclusive, of this act, determining* whether each written charter
3 of a charter school that the entity sponsors merits renewal or
4 whether the renewal of the written charter should be denied or the
5 written charter should be revoked in accordance with NRS 386.530
6 or 386.535, as applicable.

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

13 (a) The organizational capacity and infrastructure of the sponsor
14 for sponsorship of charter schools, which must not be described as a
15 limit on the number of charter schools the sponsor will approve ~~it~~
16 *or sponsor pursuant to the provisions of sections 1.5 to 6.7,*
17 *inclusive, of this act;*

18 (b) The procedure for evaluating charter school applications in
19 accordance with NRS 386.525;

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

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

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

28 **Sec. 9.** NRS 386.527 is hereby amended to read as follows:

29 386.527 1. If the State Public Charter School Authority, the
30 board of trustees of a school district or a college or university within
31 the Nevada System of Higher Education approves an application to
32 form a charter school, it shall grant a written charter to the applicant.

33 *2. A board of trustees of a school district required to sponsor*
34 *a charter school pursuant to subsection 2 of section 6.5 of this act*
35 *shall grant a written charter to the school not later than a date*
36 *determined by the State Board which provides sufficient time for*
37 *the school to prepare to begin operating as a charter school as*
38 *provided in subsection 4 of section 4 of this act.*

39 3. The State Public Charter School Authority, the board of
40 trustees, the college or the university, as applicable, shall, not later
41 than 10 days after the approval of the application, provide written
42 notice to the Department of the approval and the date of the
43 approval. If the board of trustees approves the application, the board
44 of trustees shall be deemed the sponsor of the charter school.



1 ~~12.1~~ 4. If the State Public Charter School Authority approves
2 the application:

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

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

9 ~~13.1~~ 5. If a college or university within the Nevada System of
10 Higher Education approves the application:

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

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

16 ~~14.1~~ 6. The governing body of a charter school may request, at
17 any time, a change in the sponsorship of the charter school to an
18 entity that is authorized to sponsor charter schools pursuant to NRS
19 386.515. The State Board shall adopt:

20 (a) A process for a charter school that requests a change in the
21 sponsorship of the charter school, which must not require the charter
22 school to undergo all the requirements of an initial application to
23 form a charter school; and

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

26 ~~15.1~~ 7. Except as otherwise provided in subsection ~~17.1~~ 9, and
27 *except for a written charter that is revoked pursuant to a*
28 *resolution adopted pursuant to subsection 3 or 4 of section 6.7 of*
29 *this act*, a written charter must be for a term of 6 years unless the
30 governing body of a charter school renews its initial charter after 3
31 years of operation pursuant to subsection 2 of NRS 386.530. A
32 written charter must include all conditions of operation set forth in
33 subsection 4 of NRS 386.520 and include the kind of school, as
34 defined in subsections 1 to 4, inclusive, of NRS 388.020 for which
35 the charter school is authorized to operate. If the State Public
36 Charter School Authority or a college or university within the
37 Nevada System of Higher Education is the sponsor of the charter
38 school, the written charter must set forth the responsibilities of the
39 sponsor and the charter school with regard to the provision of
40 services and programs to pupils with disabilities who are enrolled in
41 the charter school in accordance with the Individuals with
42 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS
43 388.440 to 388.520, inclusive. As a condition of the issuance of a
44 written charter pursuant to this subsection, the charter school must



1 agree to comply with all conditions of operation set forth in
2 NRS 386.550.

3 ~~16-1~~ 8. The governing body of a charter school may submit to
4 the sponsor of the charter school a written request for an amendment
5 of the written charter of the charter school. Such an amendment may
6 include, without limitation, the expansion of instruction and other
7 educational services to pupils who are enrolled in grade levels other
8 than the grade levels of pupils currently approved for enrollment in
9 the charter school. If the proposed amendment complies with the
10 provisions of NRS 386.490 to 386.610, inclusive, and any other
11 statute or regulation applicable to charter schools, the sponsor may
12 amend the written charter in accordance with the proposed
13 amendment. If the sponsor denies the request for an amendment, the
14 sponsor shall provide written notice to the governing body of the
15 charter school setting forth the reasons for the denial.

16 ~~17-1~~ 9. The State Board shall adopt objective criteria for the
17 issuance of a written charter to an applicant who is not prepared to
18 commence operation on the date of issuance of the written charter.
19 The criteria must include, without limitation, the:

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

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

30 ~~18-1~~ 10. The holder of a written charter that is issued pursuant
31 to subsection ~~17-1~~ 9 shall not commence operation of the charter
32 school and is not eligible to receive apportionments pursuant to
33 NRS 387.124 until the sponsor has determined that the requirements
34 adopted by the State Board pursuant to subsection ~~17-1~~ 9 have been
35 satisfied and that the facility the charter school will occupy has been
36 inspected and meets the requirements of any applicable building
37 codes, codes for the prevention of fire, and codes pertaining to
38 safety, health and sanitation. Except as otherwise provided in this
39 subsection, the sponsor shall make such a determination 30 days
40 before the first day of school for the:

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

44 (b) Charter school,



1 ↪ whichever date the sponsor selects. The sponsor shall not require
2 a charter school to demonstrate compliance with the requirements of
3 this subsection more than 30 days before the date selected.
4 However, it may authorize a charter school to demonstrate
5 compliance less than 30 days before the date selected.

6 **Sec. 10.** NRS 386.530 is hereby amended to read as follows:

7 386.530 1. Except as otherwise provided in subsection 2, an
8 application for renewal of a written charter may be submitted to
9 the sponsor of the charter school not less than 120 days before
10 the expiration of the charter. The application must include the
11 information prescribed by the regulations of the Department. The
12 sponsor shall conduct an intensive review and evaluation of the
13 charter school in accordance with the regulations of the Department.
14 The sponsor shall renew the charter unless it finds the existence of
15 any ground for revocation set forth in NRS 386.535. The sponsor
16 shall provide written notice of its determination not fewer than 30
17 days before the expiration of the charter. If the sponsor intends not
18 to renew the charter, the written notice must:

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

21 (b) Prescribe a period of not less than 30 days during which the
22 charter school may correct any such deficiencies.

23 ↪ If the charter school corrects the deficiencies to the satisfaction of
24 the sponsor within the time prescribed in paragraph (b), the sponsor
25 shall renew the charter of the charter school.

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

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

38 (b) Prescribe a period of not less than 30 days during which the
39 charter school may correct any such deficiencies.

40 ↪ If the charter school corrects the deficiencies to the satisfaction of
41 the sponsor within the time prescribed in paragraph (b), the sponsor
42 shall renew the charter of the charter school.

43 **3. *Nothing in this section shall be construed to authorize or***
44 ***require a sponsor to renew a charter that has been revoked***



1 *pursuant to a resolution adopted pursuant to subsection 3 or 4 of*
2 *section 6.7 of this act.*

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

4 386.536 1. Except as otherwise provided in subsections 2 and
5 3, if a charter school ceases to operate voluntarily or upon
6 revocation of its written charter, the governing body of the charter
7 school shall appoint an administrator of the charter school, subject
8 to the approval of the sponsor of the charter school, to act as a
9 trustee during the process of the closure of the charter school and for
10 1 year after the date of closure. The administrator shall assume the
11 responsibility for the records of the:

- 12 (a) Charter school;
13 (b) Employees of the charter school; and
14 (c) Pupils enrolled in the charter school.

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

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

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

33 *5. The provisions of this section do not apply to a charter*
34 *school that has its charter revoked pursuant to a resolution*
35 *adopted pursuant to subsection 3 or 4 of section 6.7 of this act.*

36 **Sec. 12.** NRS 386.580 is hereby amended to read as follows:

37 386.580 1. An application for enrollment in a charter school
38 may be submitted to the governing body of the charter school by the
39 parent or legal guardian of any child who resides in this State.
40 Except as otherwise provided in this subsection and subsection 2, a
41 charter school shall enroll pupils who are eligible for enrollment in
42 the order in which the applications are received. If the board of
43 trustees of the school district in which the charter school is located
44 has established zones of attendance pursuant to NRS 388.040, the
45 charter school shall, if practicable, ensure that the racial composition



1 of pupils enrolled in the charter school does not differ by more than
2 10 percent from the racial composition of pupils who attend public
3 schools in the zone in which the charter school is located. If a
4 charter school is sponsored by the board of trustees of a school
5 district located in a county whose population is 100,000 or more,
6 except for a program of distance education provided by the charter
7 school, the charter school shall enroll pupils who are eligible for
8 enrollment who reside in the school district in which the charter
9 school is located before enrolling pupils who reside outside the
10 school district. Except as otherwise provided in subsection 2, if
11 more pupils who are eligible for enrollment apply for enrollment in
12 the charter school than the number of spaces which are available,
13 the charter school shall determine which applicants to enroll
14 pursuant to this subsection on the basis of a lottery system.

15 2. Before a charter school enrolls pupils who are eligible for
16 enrollment, a charter school that is dedicated to providing
17 educational programs and opportunities to pupils who are at risk
18 may enroll a child who:

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

21 (b) Was enrolled, on the basis of a lottery system, in a
22 prekindergarten program at the charter school or any other early
23 childhood educational program affiliated with the charter school;

24 (c) Is a child of a person employed in a full-time position by the
25 charter school;

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

29 (e) Resides within the school district and within 2 miles of the
30 charter school if the charter school is located in an area that the
31 sponsor of the charter school determines includes a high percentage
32 of children who are at risk. If space is available after the charter
33 school enrolls pupils pursuant to this paragraph, the charter school
34 may enroll children who reside outside the school district but within
35 2 miles of the charter school if the charter school is located within
36 an area that the sponsor determines includes a high percentage of
37 children who are at risk.

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

42 3. *Except as otherwise provided in subsection 5, an*
43 *empowerment school that is converted to a charter school*
44 *pursuant to section 6.5 of this act:*



1 (a) *Shall enroll all pupils who live in the attendance zone*
2 *established pursuant to NRS 388.040 for the school before it*
3 *converted to a charter school; and*

4 (b) *May enroll pupils who do not live in the attendance zone*
5 *described in paragraph (a) only if spaces are available for such*
6 *pupils after the enrollment of all pupils who live in the attendance*
7 *zone.*

8 4. Except as otherwise provided in subsection ~~18.1~~ 9, a charter
9 school shall not accept applications for enrollment in the charter
10 school or otherwise discriminate based on the:

- 11 (a) Race;
- 12 (b) Gender;
- 13 (c) Religion;
- 14 (d) Ethnicity; or
- 15 (e) Disability,
- 16 ↪ of a pupil.

17 ~~14.1~~ 5. If the governing body of a charter school determines
18 that the charter school is unable to provide an appropriate special
19 education program and related services for a particular disability of
20 a pupil who is enrolled in the charter school, the governing body
21 may request that the board of trustees of the school district of the
22 county in which the pupil resides transfer that pupil to an
23 appropriate school.

24 ~~15.1~~ 6. Except as otherwise provided in this subsection, upon
25 the request of a parent or legal guardian of a child who is enrolled in
26 a public school of a school district or a private school, or a parent or
27 legal guardian of a homeschooled child, the governing body of the
28 charter school shall authorize the child to participate in a class that
29 is not otherwise available to the child at his or her school or
30 homeschool or participate in an extracurricular activity at the charter
31 school if:

32 (a) Space for the child in the class or extracurricular activity is
33 available;

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

37 (c) The child is a homeschooled child and a notice of intent of a
38 homeschooled child to participate in programs and activities is filed
39 for the child with the school district in which the child resides for
40 the current school year pursuant to NRS 392.705.

41 ↪ If the governing body of a charter school authorizes a child to
42 participate in a class or extracurricular activity pursuant to this
43 subsection, the governing body is not required to provide
44 transportation for the child to attend the class or activity. A charter
45 school shall not authorize such a child to participate in a class or



1 activity through a program of distance education provided by the
2 charter school pursuant to NRS 388.820 to 388.874, inclusive.

3 ~~16.1~~ 7. The governing body of a charter school may revoke its
4 approval for a child to participate in a class or extracurricular
5 activity at a charter school pursuant to subsection ~~15.1~~ 6 if the
6 governing body determines that the child has failed to comply with
7 applicable statutes, or applicable rules and regulations. If the
8 governing body so revokes its approval, neither the governing body
9 nor the charter school is liable for any damages relating to the denial
10 of services to the child.

11 ~~17.1~~ 8. The governing body of a charter school may, before
12 authorizing a homeschooled child to participate in a class or
13 extracurricular activity pursuant to subsection ~~15.1~~ 6, require proof
14 of the identity of the child, including, without limitation, the birth
15 certificate of the child or other documentation sufficient to establish
16 the identity of the child.

17 ~~18.1~~ 9. This section does not preclude the formation of a
18 charter school that is dedicated to provide educational services
19 exclusively to pupils:

20 (a) With disabilities;

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

25 (c) Who are at risk.

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

30 **Sec. 13.** NRS 386.585 is hereby amended to read as follows:

31 386.585 *Except as otherwise provided in subsection 5 of*
32 *section 6.5 of this act:*

33 1. A governing body of a charter school shall adopt:

34 (a) Written rules of behavior required of and prohibited for
35 pupils attending the charter school; and

36 (b) Appropriate punishments for violations of the rules.

37 2. Except as otherwise provided in subsection 3, if suspension
38 or expulsion of a pupil is used as a punishment for a violation of the
39 rules, the charter school shall ensure that, before the suspension or
40 expulsion, the pupil has been given notice of the charges against
41 him or her, an explanation of the evidence and an opportunity for a
42 hearing. The provisions of chapter 241 of NRS do not apply to any
43 hearing conducted pursuant to this section. Such a hearing must be
44 closed to the public.



1 3. A pupil who poses a continuing danger to persons or
2 property or an ongoing threat of disrupting the academic process or
3 who is selling or distributing any controlled substance or who is
4 found to be in possession of a dangerous weapon as provided in
5 NRS 392.466 may be removed from the charter school immediately
6 upon being given an explanation of the reasons for his or her
7 removal and pending proceedings, which must be conducted as soon
8 as practicable after removal, for suspension or expulsion of the
9 pupil.

10 4. A pupil who is enrolled in a charter school and participating
11 in a program of special education pursuant to NRS 388.520, other
12 than a pupil who is gifted and talented or who receives early
13 intervening services, may, in accordance with the procedural policy
14 adopted by the governing body of the charter school for such
15 matters, be:

16 (a) Suspended from the charter school pursuant to this section
17 for not more than 10 days.

18 (b) Suspended from the charter school for more than 10 days or
19 permanently expelled from school pursuant to this section only after
20 the governing body has reviewed the circumstances and determined
21 that the action is in compliance with the Individuals with
22 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

23 5. A copy of the rules of behavior, prescribed punishments and
24 procedures to be followed in imposing punishments must be:

25 (a) Distributed to each pupil at the beginning of the school year
26 and to each new pupil who enters school during the year.

27 (b) Available for public inspection at the charter school.

28 6. The governing body of a charter school may adopt rules
29 relating to the truancy of pupils who are enrolled in the charter
30 school if the rules are at least as restrictive as the provisions
31 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If
32 a governing body adopts rules governing truancy, it shall include the
33 rules in the written rules adopted by the governing body pursuant to
34 subsection 1.

35 **Sec. 14.** NRS 386.588 is hereby amended to read as follows:

36 386.588 1. Each applicant for employment with a charter
37 school, except a licensed teacher or other person licensed by the
38 Superintendent of Public Instruction, must, as a condition of
39 employment, submit to the governing body of the charter school a
40 complete set of the applicant's fingerprints and written permission
41 authorizing the governing body to forward the fingerprints to the
42 Central Repository for Nevada Records of Criminal History for its
43 report on the criminal history of the applicant and for submission to
44 the Federal Bureau of Investigation for its report on the criminal
45 history of the applicant.



1 2. If the reports on the criminal history of an applicant indicate
2 that the applicant has not been convicted of a felony or an offense
3 involving moral turpitude, the governing body of the charter school
4 may employ the applicant.

5 3. If a report on the criminal history of an applicant indicates
6 that the applicant has been convicted of a felony or an offense
7 involving moral turpitude and the governing body of the charter
8 school does not disqualify the applicant from further consideration
9 of employment on the basis of that report, the governing body shall,
10 upon the written authorization of the applicant, forward a copy of
11 the report to the Superintendent of Public Instruction. If the
12 applicant refuses to provide his or her written authorization to
13 forward a copy of the report pursuant to this subsection, the charter
14 school shall not employ the applicant.

15 4. The Superintendent of Public Instruction or the
16 Superintendent's designee shall promptly review the report to
17 determine whether the conviction of the applicant is related or
18 unrelated to the position with the charter school for which the
19 applicant has applied. If the applicant desires employment with
20 the charter school, the applicant shall, upon the request of the
21 Superintendent of Public Instruction or the Superintendent's
22 designee, provide any further information that the Superintendent or
23 the designee determines is necessary to make the determination. If
24 the governing body of the charter school desires to employ the
25 applicant, the governing body shall, upon the request of the
26 Superintendent of Public Instruction or the Superintendent's
27 designee, provide any further information that the Superintendent or
28 the designee determines is necessary to make the determination. The
29 Superintendent of Public Instruction or the Superintendent's
30 designee shall provide written notice of the determination to the
31 applicant and to the governing body of the charter school.

32 5. If the Superintendent of Public Instruction or the
33 Superintendent's designee determines that the conviction of the
34 applicant is related to the position with the charter school for which
35 the applicant has applied, the governing body of the charter school
36 shall not employ the applicant. If the Superintendent of Public
37 Instruction or the Superintendent's designee determines that the
38 conviction of the applicant is unrelated to the position with the
39 charter school for which the applicant has applied, the governing
40 body of the charter school may employ the applicant for that
41 position.

42 6. *The provisions of this section do not apply to a person*
43 *employed at an empowerment school that is converted to a charter*
44 *school pursuant to section 6.5 of this act if the person is employed*



1 *at the school before the adoption of the resolution approving the*
2 *petition for the conversion of the school to a charter school.*

3 **Sec. 15.** NRS 386.700 is hereby amended to read as follows:

4 386.700 As used in NRS 386.700 to 386.780, inclusive, *and*
5 *sections 1.5 to 6.7, inclusive, of this act*, unless the context
6 otherwise requires ~~the~~ *empowerment* :

7 1. *“Empowerment school”* means a public school operating
8 under an empowerment plan developed pursuant to NRS 386.740
9 and approved pursuant to NRS 386.745 or 386.750, as applicable.

10 2. *“Underperforming public school”* has the meaning
11 *ascribed to it in section 1.5 of this act.*

12 **Sec. 16.** NRS 386.720 is hereby amended to read as follows:

13 386.720 1. There is hereby established a Program of
14 Empowerment Schools for public schools within this State. The
15 Program does not include a university school for profoundly gifted
16 pupils.

17 2. ~~The~~ *Except as otherwise required pursuant to a petition*
18 *submitted pursuant to section 3 of this act and determined to be*
19 *sufficient pursuant to section 4 of this act, the* board of trustees of
20 a school district which is located:

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

24 (b) In a county whose population is 100,000 or more shall
25 approve not less than 5 percent of the schools located within the
26 school district to operate as empowerment schools.

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

32 4. The board of trustees of a school district that participates in
33 the Program of Empowerment Schools may create a design team for
34 the school district. If such a design team is created, the membership
35 of the design team must consist of the following persons appointed
36 by the board of trustees:

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

38 (b) The superintendent of the school district, or the
39 superintendent’s designee;

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

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

44 (e) Representatives of organizations that represent teachers and
45 other educational personnel;



1 (f) Representatives of the community in which the school
2 district is located and representatives of businesses within the
3 community; and

4 (g) Such other members as the board of trustees determines are
5 necessary.

6 5. If a design team is created for a school district, the design
7 team shall:

8 (a) Recommend policies and procedures relating to
9 empowerment schools to the board of trustees of the school district;
10 and

11 (b) Advise the board of trustees on issues relating to
12 empowerment schools.

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

16 **Sec. 17.** NRS 386.725 is hereby amended to read as follows:

17 386.725 1. The board of trustees of a school district that
18 participates in the Program of Empowerment Schools may establish
19 policies and procedures for public schools within the school district
20 that wish to *or are required to* convert to empowerment schools ,
21 which may provide for:

22 (a) The process by which a public school may convert *or be*
23 *converted* to an empowerment school, including, without limitation,
24 the development of an empowerment plan for the school in
25 accordance with NRS 386.740;

26 (b) Autonomy for the principal of each empowerment school to
27 decide issues relating to the operation of the school, including,
28 without limitation, the school schedule, governance, incentives for
29 employees, staffing, budgeting and the provision of instruction;

30 (c) The opportunity for empowerment schools within the school
31 district to offer an alternative schedule, including, without
32 limitation, a longer school day or a longer school year, or both, and
33 to offer school during the summer; and

34 (d) Other matters as deemed necessary by the board of trustees.

35 2. The board of trustees of a school district that participates in
36 the Program of Empowerment Schools shall adopt policies and
37 procedures which provide for:

38 (a) Accountability measures designed to ensure that pupils
39 enrolled in an empowerment school are achieving certain goals and
40 standards relating to academic achievement;

41 (b) The process for the selection of empowerment schools and
42 the approval of empowerment plans for those schools;

43 (c) The process for renewal of empowerment plans;

44 (d) The criteria for revocation of an empowerment plan for a
45 school and the procedure for revocation; and



1 (e) The time period for which empowerment plans will be
2 approved.

3 3. *Any policies and procedures adopted by the board of*
4 *trustees of a school district pursuant to subsection 1 or 2 must not*
5 *be inconsistent with NRS 386.700 to 386.780, inclusive, and*
6 *sections 1.5 to 6.7, inclusive, of this act.*

7 4. A school district that participates in the Program of
8 Empowerment Schools shall provide a process for a pupil who
9 resides in the school district to attend:

10 (a) An empowerment school regardless of the school which the
11 pupil is otherwise zoned to attend.

12 (b) A school that is not an empowerment school if the pupil is
13 zoned to attend a school that converts to an empowerment school.

14 ➤ The board of trustees of a school district must comply with the
15 No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., when
16 establishing provisions relating to school choice pursuant to this
17 subsection.

18 ~~4.1~~ 5. An empowerment school shall:

19 (a) Enroll first the pupils who are zoned to attend that school.

20 (b) After the enrollment of pupils pursuant to paragraph (a), if
21 the school has space available, enroll pupils who are not otherwise
22 zoned to attend the school on the basis of a lottery system.

23 ~~5.1~~ 6. A school district is not required to provide
24 transportation to a pupil who attends a public school which the pupil
25 is not otherwise zoned to attend.

26 ~~6.1~~ 7. A school district that participates in the Program of
27 Empowerment Schools shall provide a procedure for an
28 empowerment school to obtain a waiver from the requirements and
29 regulations of the board of trustees of the school district. The board
30 of trustees may not waive:

31 (a) The requirements of a state or federal law or regulation.

32 (b) A policy or requirement relating to safety, including, without
33 limitation, hiring security personnel and following procedures
34 designed to ensure the safety of the school, the personnel employed
35 at the school and the pupils.

36 **Sec. 18.** NRS 386.730 is hereby amended to read as follows:

37 386.730 1. Except as otherwise provided in subsection 2, the
38 principal of a public school within a school district that participates
39 in the Program of Empowerment Schools who wishes to convert to
40 an empowerment school, *or who is the principal of an*
41 *underperforming public school with respect to which a petition is*
42 *submitted pursuant to section 3 of this act and determined to be*
43 *sufficient pursuant to section 4 of this act*, shall:

44 (a) Establish an empowerment team for the school; and



1 (b) Develop an empowerment plan for the school in consultation
2 with:

3 (1) The empowerment team; and

4 (2) The school support team, if a school support team has
5 been established for the school in accordance with the regulations of
6 the State Board adopted pursuant to NRS 385.361.

7 2. The principal of a public school located in a county whose
8 population is less than 100,000 may develop an empowerment plan
9 for the school without establishing or consulting with an
10 empowerment team. If a school support team has been established
11 for the school, the principal shall develop the empowerment plan in
12 consultation with the school support team. If an empowerment team
13 has not been established pursuant to the exception provided in this
14 subsection, the principal of the school shall carry out the
15 responsibilities and duties otherwise assigned to an empowerment
16 team pursuant to NRS 386.700 to 386.780, inclusive **H**, and
17 *sections 1.5 to 6.7, inclusive, of this act.*

18 3. An empowerment team for a school must consist of the
19 following persons:

20 (a) The principal of the school;

21 (b) At least two but not more than four teachers and other
22 licensed educational personnel who are employed at the school,
23 selected by a recognized employee organization that represents
24 licensed educational personnel within the school district;

25 (c) At least two but not more than four employees, other than
26 teachers and other licensed educational personnel, who are
27 employed at the school, selected by an organization that represents
28 those employees;

29 (d) At least two but not more than four parents and legal
30 guardians of pupils enrolled in the school, selected by an association
31 of parents established for the school;

32 (e) At least two but not more than four representatives of the
33 community or businesses within the community;

34 (f) The facilitator of the school support team, if a school support
35 team has been established for the school pursuant to regulations
36 adopted by the State Board pursuant to NRS 385.361; and

37 (g) Such other persons as may be necessary to meet the
38 requirements set forth in subsection 4.

39 *↳ For an underperforming public school with respect to which a*
40 *petition is submitted pursuant to section 3 of this act and*
41 *determined to be sufficient pursuant to section 4 of this act, the*
42 *parents and legal guardians selected pursuant to paragraph (d)*
43 *must have signed the petition.*

44 4. Of the total number of members on an empowerment team
45 for a school:



1 (a) At least one member must have 5 years or more of
2 experience in school finance;

3 (b) At least one member must have 5 years or more of
4 experience in school administration or human resources;

5 (c) At least one member must have 5 years or more of
6 experience in overseeing the academic programs and curriculum for
7 a public school; and

8 (d) At least one member must have 5 years or more of
9 experience in the collection and analysis of data.

10 ➤ The provisions of this subsection do not require the appointment
11 of four persons if one, two or three such persons satisfy the
12 qualifications.

13 5. A charter school that wishes to participate in the Program of
14 Empowerment Schools shall comply with the provisions of NRS
15 386.700 to 386.780, inclusive ~~H~~, *and sections 1.5 to 6.7, inclusive,*
16 *of this act.* If a charter school is approved as an empowerment
17 school, the charter school does not forfeit its status as a charter
18 school.

19 **Sec. 19.** NRS 386.745 is hereby amended to read as follows:

20 386.745 1. Except as otherwise provided in subsection 10,
21 the empowerment team of a public school, other than a charter
22 school that is sponsored by the State Public Charter School
23 Authority or by a college or university within the Nevada System of
24 Higher Education, that develops an empowerment plan pursuant to
25 NRS 386.740 shall submit the proposed empowerment plan to the
26 designee of the board of trustees appointed pursuant to this
27 subsection for review and approval pursuant to this section. The
28 board of trustees shall designate a person to review each proposed
29 empowerment plan and recommend the approval or denial of the
30 plan to the board of trustees.

31 2. The board of trustees shall approve or deny the
32 empowerment plan. The approval or denial of an empowerment plan
33 must be based solely upon the contents of the plan and may not
34 consider the amount of money required to carry out the
35 empowerment plan if the plan is within the limits of the total
36 apportionment to the school pursuant to subsection 4 of
37 NRS 386.740.

38 3. Except as otherwise provided in subsection 10, if the board
39 of trustees approves an empowerment plan, the president of the
40 board of trustees, the principal of the public school and the chair of
41 the empowerment team, if the principal is not the chair, shall each
42 sign the plan. The empowerment plan is effective for 3 years unless
43 ~~the~~ :

44 (a) *The* empowerment team determines that the school will no
45 longer operate under the plan ~~for the~~ ;



1 (b) *The board of trustees of the school district revokes the plan*
2 *H; or*

3 (c) *A petition for reversal of a conversion is filed with respect*
4 *to the school pursuant to section 6 of this act and determined to be*
5 *sufficient pursuant to section 4 of this act.*

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

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

10 (b) Provide the empowerment team with a reasonable
11 opportunity to correct any deficiencies identified in the written
12 statement and resubmit it for approval. ~~Ann~~ *Except for an*
13 *empowerment plan relating to a school with respect to which a*
14 *petition is submitted pursuant to section 3 of this act and*
15 *determined to be sufficient pursuant to section 4 of this act, an*
16 *empowerment plan may be resubmitted not more than once in a*
17 *school year.*

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

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

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

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



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

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

5 (b) Except as otherwise provided in subsection 10, provide the
6 empowerment team with a reasonable opportunity to correct any
7 deficiencies identified in the written statement and resubmit it for
8 approval. ~~It~~ *Except for a request for a waiver relating to a school*
9 *with respect to which a petition is submitted pursuant to section 3*
10 *of this act and determined to be sufficient pursuant to section 4 of*
11 *this act, a request for a waiver may be resubmitted by the school*
12 *district, after the empowerment team corrects any deficiencies, not*
13 *more than once in a school year.*

14 10. If an empowerment team has not been established pursuant
15 to the exception provided in subsection 2 of NRS 386.730, the
16 principal of the school shall carry out the responsibilities and duties
17 assigned to the empowerment team pursuant to this section.

18 **Sec. 20.** NRS 386.780 is hereby amended to read as follows:

19 386.780 The State Board ~~may~~ :

20 *1. Shall adopt regulations governing the form of a petition*
21 *filed pursuant to section 2.5, 3, 6 or 6.5 of this act and the*
22 *verification of the signatures on such a petition.*

23 *2. May adopt any other regulations to carry out the provisions*
24 *of NRS 386.700 to 386.780, inclusive ~~it~~, and sections 1.5 to 6.7,*
25 *inclusive, of this act.*

26 **Sec. 21.** NRS 387.123 is hereby amended to read as follows:

27 387.123 1. The count of pupils for apportionment purposes
28 includes all pupils who are enrolled in programs of instruction of the
29 school district, including, without limitation, a program of distance
30 education provided by the school district, pupils who reside in the
31 county in which the school district is located and are enrolled in any
32 charter school, including, without limitation, a program of distance
33 education provided by a charter school, and pupils who are enrolled
34 in a university school for profoundly gifted pupils located in the
35 county, for:

36 (a) Pupils in the kindergarten department.

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

38 (c) Pupils not included under paragraph (a) or (b) who are
39 receiving special education pursuant to the provisions of NRS
40 388.440 to 388.520, inclusive.

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



1 (e) Children detained in facilities for the detention of children,
2 alternative programs and juvenile forestry camps receiving
3 instruction pursuant to the provisions of NRS 388.550, 388.560 and
4 388.570.

5 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
6 NRS 386.560 and pupils who are enrolled in classes pursuant to
7 subsection ~~5~~ 6 of NRS 386.580.

8 (g) Pupils who are enrolled in classes pursuant to subsection 3
9 of NRS 392.070.

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

13 2. The State Board shall establish uniform regulations for
14 counting enrollment and calculating the average daily attendance of
15 pupils. In establishing such regulations for the public schools, the
16 State Board:

17 (a) Shall divide the school year into 10 school months, each
18 containing 20 or fewer school days, or its equivalent for those public
19 schools operating under an alternative schedule authorized pursuant
20 to NRS 388.090.

21 (b) May divide the pupils in grades 1 to 12, inclusive, into
22 categories composed respectively of those enrolled in elementary
23 schools and those enrolled in secondary schools.

24 (c) Shall prohibit the counting of any pupil specified in
25 subsection 1 more than once.

26 3. Except as otherwise provided in subsection 4 and NRS
27 388.700, the State Board shall establish by regulation the maximum
28 pupil-teacher ratio in each grade, and for each subject matter
29 wherever different subjects are taught in separate classes, for each
30 school district of this State which is consistent with:

31 (a) The maintenance of an acceptable standard of instruction;

32 (b) The conditions prevailing in the school district with respect
33 to the number and distribution of pupils in each grade; and

34 (c) Methods of instruction used, which may include educational
35 television, team teaching or new teaching systems or techniques.

36 ➤ If the Superintendent of Public Instruction finds that any school
37 district is maintaining one or more classes whose pupil-teacher ratio
38 exceeds the applicable maximum, and unless the Superintendent
39 finds that the board of trustees of the school district has made every
40 reasonable effort in good faith to comply with the applicable
41 standard, the Superintendent shall, with the approval of the State
42 Board, reduce the count of pupils for apportionment purposes by the
43 percentage which the number of pupils attending those classes is of
44 the total number of pupils in the district, and the State Board may



1 direct the Superintendent to withhold the quarterly apportionment
2 entirely.

3 4. The provisions of subsection 3 do not apply to a charter
4 school, a university school for profoundly gifted pupils or a program
5 of distance education provided pursuant to NRS 388.820 to 388.874,
6 inclusive.

7 **Sec. 22.** NRS 387.1233 is hereby amended to read as follows:

8 387.1233 1. Except as otherwise provided in subsection 2,
9 basic support of each school district must be computed by:

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

12 (1) Six-tenths the count of pupils enrolled in the kindergarten
13 department on the last day of the first school month of the school
14 district for the school year, including, without limitation, the count
15 of pupils who reside in the county and are enrolled in any charter
16 school on the last day of the first school month of the school district
17 for the school year.

18 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
19 on the last day of the first school month of the school district for the
20 school year, including, without limitation, the count of pupils who
21 reside in the county and are enrolled in any charter school on the last
22 day of the first school month of the school district for the school
23 year and the count of pupils who are enrolled in a university school
24 for profoundly gifted pupils located in the county.

25 (3) The count of pupils not included under subparagraph (1)
26 or (2) who are enrolled full-time in a program of distance education
27 provided by that school district or a charter school located within
28 that school district on the last day of the first school month of the
29 school district for the school year.

30 (4) The count of pupils who reside in the county and are
31 enrolled:

32 (I) In a public school of the school district and are
33 concurrently enrolled part-time in a program of distance education
34 provided by another school district or a charter school on the last
35 day of the first school month of the school district for the school
36 year, expressed as a percentage of the total time services are
37 provided to those pupils per school day in proportion to the total
38 time services are provided during a school day to pupils who are
39 counted pursuant to subparagraph (2).

40 (II) In a charter school and are concurrently enrolled part-
41 time in a program of distance education provided by a school district
42 or another charter school on the last day of the first school month of
43 the school district for the school year, expressed as a percentage of
44 the total time services are provided to those pupils per school day in



1 proportion to the total time services are provided during a school
2 day to pupils who are counted pursuant to subparagraph (2).

3 (5) The count of pupils not included under subparagraph (1),
4 (2), (3) or (4), who are receiving special education pursuant to the
5 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
6 the first school month of the school district for the school year,
7 excluding the count of pupils who have not attained the age of 5
8 years and who are receiving special education pursuant to
9 subsection 1 of NRS 388.475 on that day.

10 (6) Six-tenths the count of pupils who have not attained the
11 age of 5 years and who are receiving special education pursuant to
12 subsection 1 of NRS 388.475 on the last day of the first school
13 month of the school district for the school year.

14 (7) The count of children detained in facilities for the
15 detention of children, alternative programs and juvenile forestry
16 camps receiving instruction pursuant to the provisions of NRS
17 388.550, 388.560 and 388.570 on the last day of the first school
18 month of the school district for the school year.

19 (8) The count of pupils who are enrolled in classes for at
20 least one semester pursuant to subsection 4 of NRS 386.560,
21 subsection ~~4~~ 6 of NRS 386.580 or subsection 3 of NRS 392.070,
22 expressed as a percentage of the total time services are provided to
23 those pupils per school day in proportion to the total time services
24 are provided during a school day to pupils who are counted pursuant
25 to subparagraph (2).

26 (b) Multiplying the number of special education program units
27 maintained and operated by the amount per program established for
28 that school year.

29 (c) Adding the amounts computed in paragraphs (a) and (b).

30 2. Except as otherwise provided in subsection 4, if the
31 enrollment of pupils in a school district or a charter school that is
32 located within the school district on the last day of the first school
33 month of the school district for the school year is less than or equal
34 to 95 percent of the enrollment of pupils in the same school district
35 or charter school on the last day of the first school month of the
36 school district for the immediately preceding school year, the largest
37 number from among the immediately preceding 2 school years must
38 be used for purposes of apportioning money from the State
39 Distributive School Account to that school district or charter school
40 pursuant to NRS 387.124.

41 3. Except as otherwise provided in subsection 4, if the
42 enrollment of pupils in a school district or a charter school that is
43 located within the school district on the last day of the first school
44 month of the school district for the school year is more than 95
45 percent of the enrollment of pupils in the same school district or



1 charter school on the last day of the first school month of the school
2 district for the immediately preceding school year, the larger
3 enrollment number from the current year or the immediately
4 preceding school year must be used for purposes of apportioning
5 money from the State Distributive School Account to that school
6 district or charter school pursuant to NRS 387.124.

7 4. If the Department determines that a school district or charter
8 school deliberately causes a decline in the enrollment of pupils in
9 the school district or charter school to receive a higher
10 apportionment pursuant to subsection 2 or 3, including, without
11 limitation, by eliminating grades or moving into smaller facilities,
12 the enrollment number from the current school year must be used
13 for purposes of apportioning money from the State Distributive
14 School Account to that school district or charter school pursuant to
15 NRS 387.124.

16 5. Pupils who are excused from attendance at examinations
17 or have completed their work in accordance with the rules of the
18 board of trustees must be credited with attendance during that
19 period.

20 6. Pupils who are incarcerated in a facility or institution
21 operated by the Department of Corrections must not be counted for
22 the purpose of computing basic support pursuant to this section. The
23 average daily attendance for such pupils must be reported to the
24 Department of Education.

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

29 **Sec. 23.** The provisions of this act do not apply during the
30 current term of:

31 1. Any contract negotiated pursuant to chapter 288 of NRS
32 which is effective before July 1, 2013, to the extent of any conflict
33 between the contract and the provisions of this act, but do apply to
34 any extension or renewal of such a contract or to any contract
35 entered into on or after July 1, 2013.

36 2. Any written contract or notice of reemployment
37 accepted and signed pursuant to NRS 391.120 before July 1,
38 2013, to the extent of any conflict between the contract or notice
39 of reemployment and the provisions of this act, but do apply
40 to any extension or renewal of such a contract or notice of
41 reemployment or to any contract or notice entered into on or after
42 July 1, 2013.

43 **Sec. 24.** This act becomes effective:



- 1 1. Upon passage and approval for the purposes of adopting
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 2. On July 1, 2013, for all other purposes.

Ⓢ



* S B 3 1 1 R 2 *