
ASSEMBLY BILL NO. 41—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED DECEMBER 14, 2010

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools and homeschooled children. (BDR 34-438)

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

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

AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the membership of the governing body of a charter school; authorizing the payment of monthly rather than quarterly apportionments to a charter school during the process to revoke the written charter of the school; requiring a charter school to report certain information concerning licensed persons who are under contract with the charter school; revising provisions governing homeschooled children; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill revises the membership of a committee to form a charter
2 school by removing the requirement that the committee consist of at least three
3 teachers and by requiring the committee to consist of two members who are
4 licensed educational personnel, one member who is a parent or guardian, and two
5 members who possess knowledge and expertise in certain areas. **Section 1** also
6 revises the content of an application to form a charter school and the process for the
7 review of the application by the Department of Education.

8 Under existing law, a charter school receives apportionments from the State
9 Distributive School Account on a quarterly basis in amounts approximating one-
10 fourth of the charter school’s yearly apportionment. (NRS 387.124) Existing law
11 also authorizes the sponsor of the charter school to revoke the written charter of the
12 charter school and prescribes the procedure for revocation. (NRS 386.535) **Sections**
13 **4 and 7** of this bill authorize the Superintendent of Public Instruction, upon the
14 request of the sponsor of a charter school, to pay the apportionments to the charter



15 school on a monthly rather than quarterly basis during the process to revoke the
16 written charter of the school, with the monthly apportionment approximating one-
17 twelfth of the charter school's yearly apportionment.

18 **Section 5** of this bill revises the membership of the governing body of a charter
19 school by removing the requirement that the governing body consist of at least
20 three teachers and by requiring the governing body to consist of at least two
21 teachers, one member who is a parent or guardian, and two members who possess
22 knowledge and expertise in certain areas.

23 Under existing law, a charter school is required to submit certain employment
24 information to the Department of Education concerning the licensed employees of
25 the charter school. (NRS 386.590) **Section 6** of this bill adds persons who are
26 licensed by the Superintendent of Public Instruction and who are under contract
27 with the charter school to the reporting requirements.

28 Under existing law, a parent may homeschool a child if the parent submits to
29 the superintendent of schools of the school district in which the child resides a
30 notice of intent to homeschool the child. (NRS 392.700) **Section 9** of this bill
31 requires the parent of a homeschooled child who seeks admittance to public school
32 to submit a request to the superintendent of schools of the school district in which
33 the child resides to withdraw the notice of intent to homeschool. **Section 9** also
34 requires a charter school to notify the school district in which the child resides if the
35 child who is or was homeschooled enrolls in the charter school.

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

1 **Section 1.** NRS 386.520 is hereby amended to read as follows:
2 386.520 1. A committee to form a charter school must
3 consist of ~~at least three teachers, as defined in subsection 4.~~:

4 *(a) Two members who are educational personnel licensed*
5 *pursuant to chapter 391 of NRS;*

6 *(b) One member who is a parent or legal guardian and who is*
7 *not a teacher or employee of the proposed charter school; and*

8 *(c) Two members who possess knowledge and expertise in one*
9 *or more of the following areas:*

10 *(1) Accounting;*

11 *(2) Financial services;*

12 *(3) Law; or*

13 *(4) Human resources.*

14 2. In addition to the ~~teachers~~ *members* who serve ~~it~~
15 *pursuant to subsection 1*, the committee may ~~consist of~~ *include,*
16 *without limitation, not more than four additional members as*
17 *follows:*

18 *(a) Members of the general public;*

19 *(b) Representatives of nonprofit organizations and businesses;*

20 *or*

21 *(c) Representatives of a college or university within the Nevada*
22 *System of Higher Education.*



1 ~~[→]~~ 3. A majority of the persons ~~[described in paragraphs (a), (b)~~
2 ~~and (c)]~~ who serve on the committee *to form a charter school* must
3 be residents of this State at the time that the application to form the
4 charter school is submitted to the Department.

5 ~~[2.]~~ 4. Before a committee to form a charter school may
6 submit an application to the board of trustees of a school district, the
7 Subcommittee on Charter Schools, the State Board or a college or
8 university within the Nevada System of Higher Education, it must
9 submit the application to the Department. The application must
10 include all information prescribed by the Department by regulation
11 and:

12 (a) A written description of how the charter school will carry out
13 the provisions of NRS 386.500 to 386.610, inclusive.

14 (b) A written description of the mission and goals for the charter
15 school. A charter school must have as its stated purpose at least one
16 of the following goals:

17 (1) Improving the opportunities for pupils to learn;

18 (2) Encouraging the use of effective methods of teaching;

19 (3) Providing an accurate measurement of the educational
20 achievement of pupils;

21 (4) Establishing accountability of public schools;

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

24 (6) Creating new professional opportunities for teachers.

25 (c) The projected enrollment of pupils in the charter school.

26 (d) The proposed dates ~~[of]~~ *for accepting applications for*
27 enrollment ~~[for]~~ *in the initial year of operation of* the charter
28 school.

29 (e) The proposed system of governance for the charter school,
30 including, without limitation, the number of persons who will
31 govern, the method of ~~[selecting]~~ *nominating and electing* the
32 persons who will govern and the term of office for each person.

33 (f) The method by which disputes will be resolved between the
34 governing body of the charter school and the sponsor of the charter
35 school.

36 (g) The proposed curriculum for the charter school and, if
37 applicable to the grade level of pupils who are enrolled in the
38 charter school, the requirements for the pupils to receive a high
39 school diploma, including, without limitation, whether those pupils
40 will satisfy the requirements of the school district in which the
41 charter school is located for receipt of a high school diploma.

42 (h) The textbooks that will be used at the charter school.

43 (i) The qualifications of the persons who will provide instruction
44 at the charter school.



1 (j) Except as otherwise required by NRS 386.595, the process by
2 which the governing body of the charter school will negotiate
3 employment contracts with the employees of the charter school.

4 (k) A financial plan for the operation of the charter school. The
5 plan must include, without limitation, procedures for the audit of the
6 programs and finances of the charter school and guidelines for
7 determining the financial liability if the charter school is
8 unsuccessful.

9 (l) A statement of whether the charter school will provide for the
10 transportation of pupils to and from the charter school. If the charter
11 school will provide transportation, the application must include the
12 proposed plan for the transportation of the pupils. If the charter school
13 will not provide transportation, the application must include a
14 statement that the charter school will work with the parents and
15 guardians of pupils enrolled in the charter school to develop a plan
16 for transportation to ensure that pupils have access to transportation
17 to and from the charter school.

18 (m) The procedure for the evaluation of teachers of the charter
19 school, if different from the procedure prescribed in NRS 391.3125.
20 If the procedure is different from the procedure prescribed in NRS
21 391.3125, the procedure for the evaluation of teachers of the charter
22 school must provide the same level of protection and otherwise
23 comply with the standards for evaluation set forth in NRS 391.3125.

24 (n) The time by which certain academic or educational results
25 will be achieved.

26 (o) The kind of school, as defined in subsections 1 to 4,
27 inclusive, of NRS 388.020, for which the charter school intends to
28 operate.

29 (p) A statement of whether the charter school will enroll pupils
30 who are in a particular category of at-risk pupils before enrolling
31 other children who are eligible to attend the charter school pursuant
32 to NRS 386.580 and the method for determining eligibility for
33 enrollment in each such category of at-risk pupils served by the
34 charter school.

35 ~~3.~~ 5. The Department shall review an application to form a
36 charter school to determine whether it is *substantially* complete ~~and~~
37 *and compliant*. If an application proposes to convert an existing
38 public school, homeschool or other program of home study into a
39 charter school, the Department shall ~~deny the application.~~ *provide*
40 *written notice to the applicant that the application is ineligible for*
41 *consideration by the proposed sponsor.*

42 6. The Department shall provide written notice to the applicant
43 of its ~~approval or denial of~~ *determination whether* the application
44 ~~is~~ *is substantially complete and compliant*. If the Department
45 ~~denies~~ *determines that* an application ~~is~~ *is not substantially*



1 ***complete and compliant***, the Department shall include in the written
2 notice the ~~[reason for the denial]~~ ***basis for that determination*** and
3 the deficiencies in the application. ***The Department shall provide***
4 ***an opportunity to the applicant to meet with the staff designated by***
5 ***the Department to confer on the method to correct the identified***
6 ***deficiencies.*** The applicant must be granted 30 days after receipt of
7 the written notice to correct any deficiencies identified in the written
8 notice and resubmit the application.

9 ~~[4. As used in subsection 1, "teacher" means a person who:~~

10 ~~—(a) Holds a current license to teach issued pursuant to chapter~~
11 ~~391 of NRS; and~~

12 ~~—(b) Has at least 2 years of experience as an employed teacher.~~

13 ~~→ The term does not include a person who is employed as a~~
14 ~~substitute teacher.]~~

15 **Sec. 2.** NRS 386.525 is hereby amended to read as follows:

16 386.525 1. Upon ~~[approval of an application]~~ ***determination***
17 by the Department ~~[.]~~ ***that an application is substantially complete***
18 ***and compliant***, a committee to form a charter school may submit
19 the application to the board of trustees of the school district in which
20 the proposed charter school will be located, a college or university
21 within the Nevada System of Higher Education or directly to the
22 Subcommittee on Charter Schools. If the board of trustees of a
23 school district, a college or a university, as applicable, receives an
24 application to form a charter school, the board of trustees or the
25 institution, as applicable, shall consider the application at a meeting
26 that must be held not later than 45 days after the receipt of the
27 application, or a period mutually agreed upon by the committee to
28 form the charter school and the board of trustees of the school
29 district or the institution, as applicable, and ensure that notice of the
30 meeting has been provided pursuant to chapter 241 of NRS. The
31 board of trustees, the college, the university or the Subcommittee on
32 Charter Schools, as applicable, shall review an application to
33 determine whether the application:

34 (a) Complies with NRS 386.500 to 386.610, inclusive, and the
35 regulations applicable to charter schools; and

36 (b) Is complete in accordance with the regulations of the
37 Department.

38 2. The Department shall assist the board of trustees of a school
39 district, the college or the university, as applicable, in the review of
40 an application. The board of trustees, the college or the university,
41 as applicable, may approve an application if it satisfies the
42 requirements of paragraphs (a) and (b) of subsection 1. The board of
43 trustees, the college or the university, as applicable, shall provide
44 written notice to the applicant of its approval or denial of the
45 application.



1 3. If the board of trustees, the college or the university, as
2 applicable, denies an application, it shall include in the written
3 notice the reasons for the denial and the deficiencies in the
4 application. The applicant must be granted 30 days after receipt of
5 the written notice to correct any deficiencies identified in the written
6 notice and resubmit the application.

7 4. If the board of trustees, the college or the university, as
8 applicable, denies an application after it has been resubmitted
9 pursuant to subsection 3, the applicant may submit a written request
10 for sponsorship by the State Board to the Subcommittee on Charter
11 Schools created pursuant to NRS 386.507 not more than 30 days
12 after receipt of the written notice of denial. Any request that is
13 submitted pursuant to this subsection must be accompanied by the
14 application to form the charter school.

15 5. If the Subcommittee on Charter Schools receives an
16 application pursuant to subsection 1 or 4, it shall hold a meeting to
17 consider the application. The meeting must be held not later than 45
18 days after receipt of the application. Notice of the meeting must be
19 posted in accordance with chapter 241 of NRS. The Subcommittee
20 shall review the application in accordance with the factors set forth
21 in paragraphs (a) and (b) of subsection 1. The Subcommittee may
22 approve an application if it satisfies the requirements of paragraphs
23 (a) and (b) of subsection 1.

24 6. The Subcommittee on Charter Schools shall transmit the
25 application and the recommendation of the Subcommittee for
26 approval or denial of the application to the State Board. Not more
27 than 14 days after the date of the meeting of the Subcommittee
28 pursuant to subsection 5, the State Board shall hold a meeting to
29 consider the recommendation of the Subcommittee. Notice of the
30 meeting must be posted in accordance with chapter 241 of NRS.
31 The State Board shall review the application in accordance with the
32 factors set forth in paragraphs (a) and (b) of subsection 1. The State
33 Board may approve an application if it satisfies the requirements of
34 paragraphs (a) and (b) of subsection 1. Not more than 30 days after
35 the meeting, the State Board shall provide written notice of its
36 determination to the applicant.

37 7. If the State Board denies an application, it shall include in
38 the written notice the reasons for the denial and the deficiencies in
39 the application. The applicant must be granted 30 days after receipt
40 of the written notice to correct any deficiencies identified in the
41 written notice and resubmit the application.

42 8. If the State Board denies an application after it has been
43 resubmitted pursuant to subsection 7, the applicant may, not more
44 than 30 days after the receipt of the written notice from the State



1 Board, appeal the final determination to the district court of the
2 county in which the proposed charter school will be located.

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

7 (a) A list of each application to form a charter school that was
8 submitted to the board of trustees of a school district, the State
9 Board, a college or a university during the immediately preceding
10 biennium;

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

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

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

15 **Sec. 3.** NRS 386.527 is hereby amended to read as follows:

16 386.527 1. If the State Board, the board of trustees of a
17 school district or a college or university within the Nevada System
18 of Higher Education approves an application to form a charter
19 school, it shall grant a written charter to the applicant. The State
20 Board, the board of trustees, the college or the university, as
21 applicable, shall, not later than 10 days after the approval of the
22 application, provide written notice to the Department of the
23 approval and the date of the approval. If the board of trustees
24 approves the application, the board of trustees shall be deemed the
25 sponsor of the charter school.

26 2. If the State Board approves the application:

27 (a) The State Board shall be deemed the sponsor of the charter
28 school.

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

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

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

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

39 4. The governing body of a charter school may request, at any
40 time, a change in the sponsorship of the charter school to an entity
41 that is authorized to sponsor charter schools pursuant to NRS
42 386.515. The State Board shall adopt:

43 (a) An application process for a charter school that requests a
44 change in the sponsorship of the charter school, which must not



1 require the applicant to undergo the requirements of an initial
2 application to form a charter school; and

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

5 5. Except as otherwise provided in subsection 7, a written
6 charter must be for a term of 6 years unless the governing body of a
7 charter school renews its initial charter after 3 years of operation
8 pursuant to subsection 2 of NRS 386.530. A written charter must
9 include all conditions of operation set forth in subsection ~~2~~ 4 of
10 NRS 386.520 and include the kind of school, as defined in
11 subsections 1 to 4, inclusive, of NRS 388.020 for which the charter
12 school is authorized to operate. If the State Board or a college or
13 university within the Nevada System of Higher Education is the
14 sponsor of the charter school, the written charter must set forth the
15 responsibilities of the sponsor and the charter school with regard to
16 the provision of services and programs to pupils with disabilities
17 who are enrolled in the charter school in accordance with the
18 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
19 seq., and NRS 388.440 to 388.520, inclusive. As a condition of the
20 issuance of a written charter pursuant to this subsection, the charter
21 school must agree to comply with all conditions of operation set
22 forth in NRS 386.550.

23 6. The governing body of a charter school may submit to the
24 sponsor of the charter school a written request for an amendment of
25 the written charter of the charter school. Such an amendment may
26 include, without limitation, the expansion of instruction and other
27 educational services to pupils who are enrolled in grade levels other
28 than the grade levels of pupils currently approved for enrollment in
29 the charter school if the expansion of grade levels does not change
30 the kind of school, as defined in NRS 388.020, for which the charter
31 school is authorized to operate. If the proposed amendment
32 complies with the provisions of this section, NRS 386.500 to
33 386.610, inclusive, and any other statute or regulation applicable to
34 charter schools, the sponsor may amend the written charter in
35 accordance with the proposed amendment. If a charter school
36 wishes to expand the instruction and other educational services
37 offered by the charter school to pupils who are enrolled in grade
38 levels other than the grade levels of pupils currently approved for
39 enrollment in the charter school and the expansion of grade levels
40 changes the kind of school, as defined in NRS 388.020, for which
41 the charter school is authorized to operate, the governing body of
42 the charter school must submit a new application to form a charter
43 school. If such an application is approved, the charter school may
44 continue to operate under the same governing body and an



1 additional governing body does not need to be selected to operate
2 the charter school with the expanded grade levels.

3 7. The State Board shall adopt objective criteria for the
4 issuance of a written charter to an applicant who is not prepared to
5 commence operation on the date of issuance of the written charter.
6 The criteria must include, without limitation, the:

7 (a) Period for which such a written charter is valid; and

8 (b) Timelines by which the applicant must satisfy certain
9 requirements demonstrating its progress in preparing to commence
10 operation.

11 ↪ A holder of such a written charter may apply for grants of money
12 to prepare the charter school for operation. A written charter issued
13 pursuant to this subsection must not be designated as a conditional
14 charter or a provisional charter or otherwise contain any other
15 designation that would indicate the charter is issued for a temporary
16 period.

17 8. The holder of a written charter that is issued pursuant to
18 subsection 7 shall not commence operation of the charter school and
19 is not eligible to receive apportionments pursuant to NRS 387.124
20 until the sponsor has determined that the requirements adopted by
21 the State Board pursuant to subsection 7 have been satisfied and that
22 the facility the charter school will occupy has been inspected and
23 meets the requirements of any applicable building codes, codes for
24 the prevention of fire, and codes pertaining to safety, health and
25 sanitation. Except as otherwise provided in this subsection, the
26 sponsor shall make such a determination 30 days before the first day
27 of school for the:

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

31 (b) Charter school,

32 ↪ whichever date the sponsor selects. The sponsor shall not require
33 a charter school to demonstrate compliance with the requirements of
34 this subsection more than 30 days before the date selected.
35 However, it may authorize a charter school to demonstrate
36 compliance less than 30 days before the date selected.

37 **Sec. 4.** NRS 386.535 is hereby amended to read as follows:

38 386.535 1. The sponsor of a charter school may revoke the
39 written charter of the charter school before the expiration of the
40 charter if the sponsor determines that:

41 (a) The charter school, its officers or its employees have failed
42 to comply with:

43 (1) The terms and conditions of the written charter;

44 (2) Generally accepted standards of accounting and fiscal
45 management; or



1 (3) The provisions of NRS 386.500 to 386.610, inclusive, or
2 any other statute or regulation applicable to charter schools;

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

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

13 2. Before the sponsor revokes a written charter, the sponsor
14 shall provide written notice of its intention to the governing body of
15 the charter school. The written notice must:

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

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

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

27 (d) Prescribe the date on which the sponsor will hold a public
28 hearing to consider whether to revoke the charter.

29 3. Except as otherwise provided in subsection 4, not more than
30 90 days after the notice is provided pursuant to subsection 2, the
31 sponsor shall hold a public hearing to make a determination
32 regarding whether to revoke the written charter. If the charter school
33 corrects the deficiencies to the satisfaction of the sponsor within the
34 time prescribed in paragraph (b) of subsection 2, the sponsor shall
35 not revoke the written charter of the charter school. The sponsor
36 may not include in a written notice pursuant to subsection 2 any
37 deficiency which was included in a previous written notice and
38 which was corrected by the charter school, unless the deficiency
39 recurred after being corrected.

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

43 ***5. After the sponsor of a charter school provides written***
44 ***notice of intent to revoke a written charter pursuant to subsection***
45 ***2, the sponsor may submit a request to the Superintendent of***



1 *Public Instruction pursuant to subsection 6 of NRS 387.124 that*
2 *the apportionment payments to the charter school be paid on a*
3 *monthly rather than a quarterly basis during the process of*
4 *revocation.*

5 **Sec. 5.** NRS 386.549 is hereby amended to read as follows:

6 386.549 1. The governing body of a charter school:

7 (a) Must consist of:

8 (1) At least ~~[three]~~ *two* teachers, as defined in subsection 5;

9 or

10 (2) ~~[Two teachers,]~~ *One teacher*, as defined in subsection 5,
11 and one person who previously held a license to teach issued
12 pursuant to chapter 391 of NRS as long as his or her license was
13 held in good standing, including, without limitation, a retired
14 teacher.

15 (b) *Must consist of at least one parent or legal guardian of a*
16 *pupil enrolled in the charter school who is not a teacher or an*
17 *administrator at the charter school.*

18 (c) *Must consist of at least two members who possess*
19 *knowledge and expertise in one or more of the following areas:*

20 (1) *Accounting;*

21 (2) *Financial services;*

22 (3) *Law; or*

23 (4) *Human resources.*

24 (d) May ~~[consist of,]~~ *include*, without limitation, parents and
25 representatives of nonprofit organizations and businesses. Not
26 more than two persons who serve on the governing body may
27 represent the same organization or business or otherwise represent
28 the interests of the same organization or business. A majority of the
29 members of the governing body must reside in this State. If the
30 membership of the governing body changes, the governing body
31 shall provide written notice to the sponsor of the charter school
32 within 10 working days after such change.

33 2. A person may serve on the governing body only if the
34 person submits an affidavit to the Department indicating that the
35 person:

36 (a) Has not been convicted of a felony relating to serving on the
37 governing body of a charter school or any offense involving moral
38 turpitude.

39 (b) Has read and understands material concerning the roles and
40 responsibilities of members of governing bodies of charter schools
41 and other material designed to assist the governing bodies of charter
42 schools, if such material is provided to the person by the
43 Department.

44 3. The governing body of a charter school is a public body. It is
45 hereby given such reasonable and necessary powers, not conflicting



1 with the Constitution and the laws of the State of Nevada, as may be
2 requisite to attain the ends for which the charter school is
3 established and to promote the welfare of pupils who are enrolled in
4 the charter school.

5 4. The governing body of a charter school shall, during each
6 calendar quarter, hold at least one regularly scheduled public
7 meeting in the county in which the charter school is located.

8 5. As used in subsection 1, "teacher" means a person who:

9 (a) Holds a current license to teach issued pursuant to chapter
10 391 of NRS; and

11 (b) Has at least 2 years of experience as an employed teacher.

12 ➔ The term does not include a person who is employed as a
13 substitute teacher.

14 **Sec. 6.** NRS 386.590 is hereby amended to read as follows:

15 386.590 1. Except as otherwise provided in this subsection,
16 at least 70 percent of the teachers who provide instruction at a
17 charter school must be licensed teachers. If a charter school is a
18 vocational school, the charter school shall, to the extent practicable,
19 ensure that at least 70 percent of the teachers who provide
20 instruction at the school are licensed teachers, but in no event may
21 more than 50 percent of the teachers who provide instruction at the
22 school be unlicensed teachers.

23 2. A governing body of a charter school shall employ:

24 (a) If the charter school offers instruction in kindergarten or
25 grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who
26 are enrolled in those grades. If required by subsection 3 or 4, such a
27 teacher must possess the qualifications required by 20 U.S.C. §
28 6319(a).

29 (b) If the charter school offers instruction in grade 9, 10, 11 or
30 12, a licensed teacher to teach pupils who are enrolled in those
31 grades for the subjects set forth in subsection 4. If required by
32 subsection 3 or 4, such a teacher must possess the qualifications
33 required by 20 U.S.C. § 6319(a).

34 (c) In addition to the requirements of paragraphs (a) and (b):

35 (1) If a charter school specializes in arts and humanities,
36 physical education or health education, a licensed teacher to teach
37 those courses of study.

38 (2) If a charter school specializes in the construction industry
39 or other building industry, licensed teachers to teach courses of
40 study relating to the industry if those teachers are employed
41 full-time.

42 (3) If a charter school specializes in the construction industry
43 or other building industry and the school offers courses of study in
44 computer education, technology or business, licensed teachers to



1 teach those courses of study if those teachers are employed
2 full-time.

3 3. A person who is initially hired by the governing body of a
4 charter school on or after January 8, 2002, to teach in a program
5 supported with money from Title I must possess the qualifications
6 required by 20 U.S.C. § 6319(a). For the purposes of this
7 subsection, a person is not "initially hired" if the person has been
8 employed as a teacher by another school district or charter school in
9 this State without an interruption in employment before the date of
10 hire by his or her current employer.

11 4. A teacher who is employed by a charter school, regardless of
12 the date of hire, must, on or before July 1, 2006, possess the
13 qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches
14 one or more of the following subjects:

- 15 (a) English, reading or language arts;
- 16 (b) Mathematics;
- 17 (c) Science;
- 18 (d) Foreign language;
- 19 (e) Civics or government;
- 20 (f) Economics;
- 21 (g) Geography;
- 22 (h) History; or
- 23 (i) The arts.

24 5. Except as otherwise provided in NRS 386.588, a charter
25 school may employ a person who is not licensed pursuant to the
26 provisions of chapter 391 of NRS to teach a course of study for
27 which a licensed teacher is not required pursuant to subsections 2, 3
28 and 4 if the person has:

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

32 6. Except as otherwise provided in NRS 386.588, a charter
33 school shall employ such administrators for the school as it deems
34 necessary. A person employed as an administrator must possess:

- 35 (a) A valid teacher's license issued pursuant to chapter 391 of
36 NRS with an administrative endorsement;
- 37 (b) A master's degree in school administration, public
38 administration or business administration; or
- 39 (c) At least 5 years of experience in school administration,
40 public administration or business administration and a baccalaureate
41 degree.

42 7. Except as otherwise provided in subsection 8, the portion of
43 the salary or other compensation of an administrator employed by a
44 charter school that is derived from public funds must not exceed the
45 salary or other compensation, as applicable, of the highest paid



1 administrator in a comparable position in the school district in
2 which the charter school is located. For purposes of determining the
3 salary or other compensation of the highest paid administrator in a
4 comparable position in the school district, the salary or other
5 compensation of the superintendent of schools of that school district
6 must not be included in the determination.

7 8. If the salary or other compensation paid to an administrator
8 employed by a charter school from public funds exceeds the
9 maximum amount prescribed in subsection 7, the sponsor of the
10 charter school shall conduct an audit of the salary or compensation.
11 The audit must include, without limitation, a review of the reasons
12 set forth by the governing body of the charter school for the salary
13 or other compensation and the interests of the public in using public
14 funds to pay that salary or compensation. If the sponsor determines
15 that the payment of the salary or other compensation from public
16 funds is justified, the sponsor shall provide written documentation
17 of its determination to the governing body of the charter school and
18 to the Department. If the sponsor determines that the payment of the
19 salary or other compensation from public funds is not justified, the
20 governing body of the charter school shall reduce the salary or
21 compensation paid to the administrator from public funds to
22 an amount not to exceed the maximum amount prescribed in
23 subsection 7.

24 9. A charter school shall not employ a person pursuant to this
25 section if the person's license to teach or provide other educational
26 services has been revoked or suspended in this State or another
27 state.

28 10. On or before November 15 of each year, a charter school
29 shall submit to the Department, in a format prescribed by the
30 Superintendent of Public Instruction, the following information for
31 each ~~licensed-employee~~ *person who is licensed pursuant to*
32 *chapter 391 of NRS and* who is employed by *or under contract*
33 *with* the governing body on October 1 of that year:

34 (a) The amount of salary *or compensation* of the ~~employee;~~
35 *licensed person*, including, without limitation, verification of
36 compliance with subsection 7, if applicable to that ~~employee;~~
37 *person*; and

38 (b) The designated assignment, as that term is defined by the
39 Department, of the ~~employee;~~ *licensed person*.

40 **Sec. 7.** NRS 387.124 is hereby amended to read as follows:

41 387.124 Except as otherwise provided in this section and
42 NRS 387.528:

43 1. On or before August 1, November 1, February 1 and May 1
44 of each year, the Superintendent of Public Instruction shall
45 apportion the State Distributive School Account in the State General



1 Fund among the several county school districts, charter schools and
2 university schools for profoundly gifted pupils in amounts
3 approximating one-fourth of their respective yearly apportionments
4 less any amount set aside as a reserve. The apportionment to a
5 school district, computed on a yearly basis, equals the difference
6 between the basic support and the local funds available pursuant to
7 NRS 387.1235, minus all the funds attributable to pupils who reside
8 in the county but attend a charter school, all the funds attributable to
9 pupils who reside in the county and are enrolled full-time or part-
10 time in a program of distance education provided by another school
11 district or a charter school and all the funds attributable to pupils
12 who are enrolled in a university school for profoundly gifted pupils
13 located in the county. No apportionment may be made to a school
14 district if the amount of the local funds exceeds the amount of basic
15 support.

16 2. Except as otherwise provided in subsection 3, the
17 apportionment to a charter school, computed on a yearly basis, is
18 equal to the sum of the basic support per pupil in the county in
19 which the pupil resides plus the amount of local funds available per
20 pupil pursuant to NRS 387.1235 and all other funds available for
21 public schools in the county in which the pupil resides minus all the
22 funds attributable to pupils who are enrolled in the charter school
23 but are concurrently enrolled part-time in a program of distance
24 education provided by a school district or another charter school. If
25 the apportionment per pupil to a charter school is more than the
26 amount to be apportioned to the school district in which a pupil who
27 is enrolled in the charter school resides, the school district in which
28 the pupil resides shall pay the difference directly to the charter
29 school.

30 3. The apportionment to a charter school that is sponsored by
31 the State Board or by a college or university within the Nevada
32 System of Higher Education, computed on a yearly basis, is equal to
33 the sum of the basic support per pupil in the county in which the
34 pupil resides plus the amount of local funds available per pupil
35 pursuant to NRS 387.1235 and all other funds available for public
36 schools in the county in which the pupil resides, minus all funds
37 attributable to pupils who are enrolled in the charter school but are
38 concurrently enrolled part-time in a program of distance education
39 provided by a school district or another charter school.

40 4. In addition to the apportionments made pursuant to this
41 section, an apportionment must be made to a school district or
42 charter school that provides a program of distance education for
43 each pupil who is enrolled part-time in the program. The amount of
44 the apportionment must be equal to the percentage of the total time
45 services are provided to the pupil through the program of distance



1 education per school day in proportion to the total time services are
2 provided during a school day to pupils who are counted pursuant to
3 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
4 for the school district in which the pupil resides.

5 5. The governing body of a charter school may submit a
6 written request to the Superintendent of Public Instruction to
7 receive, in the first year of operation of the charter school, an
8 apportionment 30 days before the apportionment is required to be
9 made pursuant to subsection 1. Upon receipt of such a request, the
10 Superintendent of Public Instruction may make the apportionment
11 30 days before the apportionment is required to be made. A charter
12 school may receive all four apportionments in advance in its first
13 year of operation.

14 6. *If the sponsor of a charter school provides written notice of*
15 *intent to revoke the charter pursuant to NRS 386.535, the sponsor*
16 *may submit a request to the Superintendent of Public Instruction*
17 *for the charter school to receive its apportionments on a monthly*
18 *rather than quarterly basis during the process of revocation, with*
19 *the monthly apportionment approximating one-twelfth of the*
20 *charter school's yearly apportionments. If the written charter of*
21 *the charter school is subsequently revoked, the sponsor of the*
22 *charter school shall submit written notice of the revocation to the*
23 *Superintendent of Public Instruction and the apportionments to*
24 *the charter school must cease. If the written charter of the charter*
25 *school is not revoked, the sponsor of the charter school shall*
26 *submit written notice of that fact to the Superintendent of Public*
27 *Instruction and the apportionments to the charter school must*
28 *resume pursuant to this section on a quarterly basis.*

29 7. The apportionment to a university school for profoundly
30 gifted pupils, computed on a yearly basis, is equal to the sum of the
31 basic support per pupil in the county in which the university school
32 is located plus the amount of local funds available per pupil
33 pursuant to NRS 387.1235 and all other funds available for public
34 schools in the county in which the university school is located. If the
35 apportionment per pupil to a university school for profoundly gifted
36 pupils is more than the amount to be apportioned to the school
37 district in which the university school is located, the school district
38 shall pay the difference directly to the university school. The
39 governing body of a university school for profoundly gifted pupils
40 may submit a written request to the Superintendent of Public
41 Instruction to receive, in the first year of operation of the university
42 school, an apportionment 30 days before the apportionment is
43 required to be made pursuant to subsection 1. Upon receipt of such a
44 request, the Superintendent of Public Instruction may make the
45 apportionment 30 days before the apportionment is required to be



1 made. A university school for profoundly gifted pupils may receive
2 all four apportionments in advance in its first year of operation.

3 ~~[7-]~~ 8. The Superintendent of Public Instruction shall
4 apportion, on or before August 1 of each year, the money designated
5 as the "Nutrition State Match" pursuant to NRS 387.105 to those
6 school districts that participate in the National School Lunch
7 Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
8 district must be directly related to the district's reimbursements for
9 the Program as compared with the total amount of reimbursements
10 for all school districts in this State that participate in the Program.

11 ~~[8-]~~ 9. If the State Controller finds that such an action is
12 needed to maintain the balance in the State General Fund at a level
13 sufficient to pay the other appropriations from it, the State
14 Controller may pay out the apportionments monthly, each
15 approximately one-twelfth of the yearly apportionment less any
16 amount set aside as a reserve. If such action is needed, the State
17 Controller shall submit a report to the Department of Administration
18 and the Fiscal Analysis Division of the Legislative Counsel Bureau
19 documenting reasons for the action.

20 **Sec. 8.** NRS 387.185 is hereby amended to read as follows:

21 387.185 1. Except as otherwise provided in subsection 2 and
22 NRS 387.528, all school money due each county school district
23 must be paid over by the State Treasurer to the county treasurer on
24 August 1, November 1, February 1 and May 1 of each year or as
25 soon thereafter as the county treasurer may apply for it, upon the
26 warrant of the State Controller drawn in conformity with the
27 apportionment of the Superintendent of Public Instruction as
28 provided in NRS 387.124.

29 2. Except as otherwise provided in NRS 387.528, if the board
30 of trustees of a school district establishes and administers a separate
31 account pursuant to the provisions of NRS 354.603, all school
32 money due that school district must be paid over by the
33 State Treasurer to the school district on August 1, November 1,
34 February 1 and May 1 of each year or as soon thereafter as the
35 school district may apply for it, upon the warrant of the State
36 Controller drawn in conformity with the apportionment of the
37 Superintendent of Public Instruction as provided in NRS 387.124.

38 3. No county school district may receive any portion of the
39 public school money unless that school district has complied with
40 the provisions of this title and regulations adopted pursuant thereto.

41 4. Except as otherwise provided in this subsection ~~[4]~~ and
42 *subsection 6 of NRS 387.124*, all school money due each charter
43 school must be paid over by the State Treasurer to the governing
44 body of the charter school on August 1, November 1, February 1
45 and May 1 of each year or as soon thereafter as the governing body



1 may apply for it, upon the warrant of the State Controller drawn in
2 conformity with the apportionment of the Superintendent of Public
3 Instruction as provided in NRS 387.124. If the Superintendent of
4 Public Instruction has approved, pursuant to subsection 5 of NRS
5 387.124, a request for payment of an apportionment 30 days before
6 the apportionment is otherwise required to be made, the money due
7 to the charter school must be paid by the State Treasurer to the
8 governing body of the charter school on July 1, October 1, January 1
9 or April 1, as applicable.

10 5. Except as otherwise provided in this subsection, all school
11 money due each university school for profoundly gifted pupils must
12 be paid over by the State Treasurer to the governing body of the
13 university school on August 1, November 1, February 1 and May 1
14 of each year or as soon thereafter as the governing body may apply
15 for it, upon the warrant of the State Controller drawn in conformity
16 with the apportionment of the Superintendent of Public Instruction
17 as provided in NRS 387.124. If the Superintendent of Public
18 Instruction has approved, pursuant to subsection ~~6~~ 7 of NRS
19 387.124, a request for payment of an apportionment 30 days before
20 the apportionment is otherwise required to be made, the money due
21 to the university school must be paid by the State Treasurer to the
22 governing body of the university school on July 1, October 1,
23 January 1 or April 1, as applicable.

24 **Sec. 9.** NRS 392.700 is hereby amended to read as follows:

25 392.700 1. If the parent of a child who is subject to
26 compulsory attendance wishes to homeschool the child, the parent
27 must file with the superintendent of schools of the school district in
28 which the child resides a written notice of intent to homeschool the
29 child. The Department shall develop a standard form for the notice
30 of intent to homeschool. The form must not require any information
31 or assurances that are not otherwise required by this section or other
32 specific statute. The board of trustees of each school district shall, in
33 a timely manner, make only the form developed by the Department
34 available to parents who wish to homeschool their child.

35 2. The notice of intent to homeschool must be filed before
36 beginning to homeschool the child or:

37 (a) Not later than 10 days after the child has been formally
38 withdrawn from enrollment in public school; or

39 (b) Not later than 30 days after establishing residency in this
40 State.

41 3. The purpose of the notice of intent to homeschool is to
42 inform the school district in which the child resides that the child is
43 exempt from the requirement of compulsory attendance.

44 4. If the name or address of the parent or child as indicated on a
45 notice of intent to homeschool changes, the parent must, not later



1 than 30 days after the change, file a new notice of intent to
2 homeschool with the superintendent of schools of the school district
3 in which the child resides.

4 5. A notice of intent to homeschool must include only the
5 following:

6 (a) The full name, age and gender of the child;

7 (b) The name and address of each parent filing the notice of
8 intent to homeschool;

9 (c) A statement signed and dated by each such parent declaring
10 that the parent has control or charge of the child and the legal right
11 to direct the education of the child, and assumes full responsibility
12 for the education of the child while the child is being homeschooled;

13 (d) An educational plan for the child that is prepared pursuant to
14 subsection 12;

15 (e) If applicable, the name of the public school in this State
16 which the child most recently attended; and

17 (f) An optional statement that the parent may sign which
18 provides:

19
20 I expressly prohibit the release of any information contained
21 in this document, including, without limitation, directory
22 information as defined in 20 U.S.C. § 1232g(a)(5)(A),
23 without my prior written consent.
24

25 6. Each superintendent of schools of a school district shall
26 accept notice of intent to homeschool that is filed with the
27 superintendent pursuant to this section and meets the requirements
28 of subsection 5, and shall not require or request any additional
29 information or assurances from the parent who filed the notice.

30 7. The school district shall provide to a parent who files a
31 notice a written acknowledgment which clearly indicates that the
32 parent has provided notification required by law and that the child is
33 being homeschooled. The written acknowledgment shall be deemed
34 proof of compliance with Nevada's compulsory school attendance
35 law. The school district shall retain a copy of the written
36 acknowledgment for not less than 15 years. The written
37 acknowledgment may be retained in electronic format.

38 8. The superintendent of schools of a school district shall
39 process a written request for a copy of the records of the school
40 district, or any information contained therein, relating to a child who
41 is being or has been homeschooled not later than 5 days after
42 receiving the request. The superintendent of schools may only
43 release such records or information:



1 (a) To a person or entity specified by the parent of the child, or
2 by the child if the child is at least 18 years of age, upon suitable
3 proof of identity of the parent or child; or

4 (b) If required by specific statute.

5 9. If a child who is or was homeschooled seeks admittance or
6 entrance to any school in this State, the school may use only
7 commonly used practices in determining the academic ability,
8 placement or eligibility of the child. *The parent of the child shall*
9 *notify the superintendent of schools of the school district in which*
10 *the child resides that the parent requests that the notice of intent to*
11 *homeschool filed pursuant to this section be withdrawn. If the*
12 *child enrolls in a charter school, the charter school shall notify the*
13 *board of trustees of the school district in which the child resides of*
14 *the child's enrollment in the charter school.* A homeschooled
15 child seeking admittance to public high school must comply with
16 NRS 392.033.

17 10. A school or organization shall not discriminate in any
18 manner against a child who is or was homeschooled.

19 11. Each school district shall allow homeschooled children to
20 participate in the high school proficiency examination administered
21 pursuant to NRS 389.015 and all college entrance examinations
22 offered in this State, including, without limitation, the ~~[Scholastic~~
23 ~~Aptitude Test,] SAT~~, the ~~[American College Test,] ACT~~, the
24 Preliminary ~~[Scholastic Aptitude Test] SAT~~ and the National Merit
25 Scholarship Qualifying Test. Each school district shall ensure that
26 the homeschooled children who reside in the school district have
27 adequate notice of the availability of information concerning such
28 examinations on the Internet website of the school district
29 maintained pursuant to NRS 389.004.

30 12. The parent of a child who is being homeschooled shall
31 prepare an educational plan of instruction for the child in the subject
32 areas of English, including reading, composition and writing,
33 mathematics, science and social studies, including history,
34 geography, economics and government, as appropriate for the age
35 and level of skill of the child as determined by the parent. The
36 educational plan must be included in the notice of intent to
37 homeschool filed pursuant to this section. If the educational plan
38 contains the requirements of this section, the educational plan must
39 not be used in any manner as a basis for denial of a notice of intent
40 to homeschool that is otherwise complete. The parent must be
41 prepared to present the educational plan of instruction and proof of
42 the identity of the child to a court of law if required by the court.
43 This subsection does not require a parent to ensure that each subject
44 area is taught each year that the child is homeschooled.



1 13. No regulation or policy of the State Board, any school
2 district or any other governmental entity may infringe upon the right
3 of a parent to educate his or her child based on religious preference
4 unless it is:

5 (a) Essential to further a compelling governmental interest; and

6 (b) The least restrictive means of furthering that compelling
7 governmental interest.

8 14. As used in this section, "parent" means the parent,
9 custodial parent, legal guardian or other person in this State who has
10 control or charge of a child and the legal right to direct the education
11 of the child.

12 **Sec. 10.** NRS 392A.083 is hereby amended to read as follows:

13 392A.083 1. Each pupil who is enrolled in a university
14 school for profoundly gifted pupils, including, without limitation, a
15 pupil who is enrolled in a program of special education in a
16 university school for profoundly gifted pupils, must be included in
17 the count of pupils in the school district in which the school is
18 located for the purposes of apportionments and allowances from the
19 State Distributive School Account pursuant to NRS 387.121 to
20 387.126, inclusive, unless the pupil is exempt from compulsory
21 school attendance pursuant to NRS 392.070.

22 2. A university school for profoundly gifted pupils is entitled to
23 receive its proportionate share of any other money available from
24 federal, state or local sources that the school or the pupils who are
25 enrolled in the school are eligible to receive.

26 3. If a university school for profoundly gifted pupils receives
27 money for special education program units directly from this State,
28 the amount of money for special education that the school district
29 pays to the university school for profoundly gifted pupils may be
30 reduced proportionately by the amount of money the university
31 school received from this State for that purpose.

32 4. All money received by a university school for profoundly
33 gifted pupils from this State or from the board of trustees of a school
34 district must be deposited in an account with a bank, credit union or
35 other financial institution in this State.

36 5. The governing body of a university school for profoundly
37 gifted pupils may negotiate with the board of trustees of the school
38 district in which the school is located or the State Board for
39 additional money to pay for services that the governing body wishes
40 to offer.

41 6. To determine the amount of money for distribution to a
42 university school for profoundly gifted pupils in its first year of
43 operation in which state funding is provided, the count of pupils
44 who are enrolled in the university school must initially be
45 determined 30 days before the beginning of the school year of the



1 school district in which the university school is located, based upon
2 the number of pupils whose applications for enrollment have been
3 approved by the university school. The count of pupils who are
4 enrolled in a university school for profoundly gifted pupils must be
5 revised on the last day of the first school month of the school district
6 in which the university school is located for the school year, based
7 upon the actual number of pupils who are enrolled in the university
8 school.

9 7. Pursuant to subsection ~~6~~ 7 of NRS 387.124, the governing
10 body of a university school for profoundly gifted pupils may request
11 that the apportionments made to the university school in its first year
12 of operation be paid to the university school 30 days before the
13 apportionments are otherwise required to be made.

14 8. If a university school for profoundly gifted pupils ceases to
15 operate pursuant to this chapter during a school year, the remaining
16 apportionments that would have been made to the university school
17 pursuant to NRS 387.124 for that school year must be paid on a
18 proportionate basis to the school districts where the pupils who were
19 enrolled in the university school reside.

20 9. If the governing body of a university school for profoundly
21 gifted pupils uses money received from this State to purchase real
22 property, buildings, equipment or facilities, the governing body of
23 the university school shall assign a security interest in the property,
24 buildings, equipment and facilities to the State of Nevada.

25 **Sec. 11.** This act becomes effective on July 1, 2011.



