

CHAPTER 386 - LOCAL ADMINISTRATIVE ORGANIZATION

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SCHOOL DISTRICTS

NRS 386.010 Creation; power to sue.

1. County school districts, the boundaries of which are conterminous with the boundaries of the counties of the State, are hereby created. The Carson City School District shall be considered as a county school district.

2. Each county school district created by this chapter is hereby declared to be a political subdivision of the State of Nevada whose purpose is to administer the state system of public education.

3. Each school district shall have the power to sue and may be sued.

[47:32:1956]—(NRS A 1967, 37; 1969, 336; 1971, 517)

NRS 386.030 Name. Every county school district shall be designated by the name and style of “..... School District” (using the name of the county or city the boundaries of which are conterminous with the boundaries of the county school district).

[49:32:1956]—(NRS A 1969, 336; 1971, 517)

BOARDS OF TRUSTEES

NRS 386.110 Body corporate; name.

1. The trustees of a school district shall constitute a board, which is hereby created a body corporate.

2. The board of trustees of a county school district shall be designated by the name and style of “The Board of Trustees of the School District” (using the name of the county or city the boundaries of which are conterminous with the boundaries of the county school district).

[57:32:1956]—(NRS A 1969, 336; 1971, 518)

NRS 386.120 County school district: Number of trustees.

1. The board of trustees of a county school district consists of five or seven members as follows:

(a) If 1,000 or more pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to [NRS 386.200](#) or [NRS 386.205](#), [386.215](#) and [386.225](#).

(b) If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as

provided in [NRS 386.160](#) until such time as an alternate manner of election is adopted pursuant to [NRS 386.200](#) or [NRS 386.205](#), [386.215](#) and [386.225](#).

(c) If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph (a). If the board consists of five members, the election of members is governed by paragraph (b).

2. Before the adoption of a resolution pursuant to paragraph (c) of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph (c) of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

[58:32:1956]—(NRS A 1971, 1534; 1979, 1574; 1981, 723; [1987, 181](#); [1995, 4](#))

NRS 386.150 Superintendent of Public Instruction to file certificates with county clerks.

1. On or before June 1 in any year in which a general election is held, the Superintendent of Public Instruction shall file with each clerk of a county whose boundaries are conterminous with a county school district a certificate stating the total number of pupils enrolled during that school year in the county school district.

2. On or before January 1 in any year in which a general election is held, the Superintendent of Public Instruction shall file with each clerk of a county whose boundaries are conterminous with a county school district a certificate stating the number and offices of trustees of the county school district to be filled at the next general election.

[61:32:1956]—(NRS A 1971, 518; [1993, 2207](#))

NRS 386.160 Election of trustees in county school district whose enrollment of pupils is less than 1,000; terms.

1. At the general election in 1980 and every 4 years thereafter, in a county school district where fewer than 1,000 pupils were enrolled during the preceding school year, three trustees shall be elected at large within the district, as follows:

(a) One person who resides at the county seat; but if less than 40 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b) One person who resides in the county but not at the county seat.

(c) One person who resides in the county but not at the county seat; but if 80 percent or more of the residents of the county reside at the county seat then a person who resides at the county seat may be elected to the office.

2. At the general election in 1982 and every 4 years thereafter, in a county school district where fewer than 1,000 pupils were enrolled during the preceding school year, two trustees shall be elected at large within the district, as follows:

(a) One person who resides at the county seat; but if less than 20 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b) One person who resides in the county but who resides neither at the county seat nor in any incorporated city within the county.

3. The term of each person elected to the office of school trustee is 4 years.

[62:32:1956]—(NRS A 1979, 1574)

NRS 386.165 Election of trustees in county school district whose enrollment of pupils is over 25,000; terms.

1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

- (a) As nearly equal in population as practicable; and
- (b) Composed of contiguous territory.

2. In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

Ê The districts must be composed of contiguous territory.

3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

4. In each school district in which more than 25,000 pupils are enrolled, the term of a school trustee is 4 years. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.

(Added to NRS by 1981, 722)

NRS 386.180 Election of trustees in county school district other than Clark or Washoe whose enrollment of pupils drops below 1,000 or in which resolution is adopted pursuant to [NRS 386.120](#).

1. If the certificate of the Superintendent of Public Instruction filed with the county clerk states that the pupil enrollment during the preceding school year in a county school district other than Clark or Washoe was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with [NRS 386.120](#) specifying that the board will consist of five members, and the board of trustees of the district is composed of seven members elected at large based upon a previous pupil enrollment of 1,000 or more, then two of the offices of trustee may not be filled at the next succeeding general election.

2. Thereafter, while continued pupil enrollment in the county school district is less than 1,000, or is 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with [NRS 386.120](#) specifying that the board will consist of five members, the offices of school trustees must be filled as provided by law for school districts having pupil enrollments of less than 1,000.

[64:32:1956]—(NRS A 1971, 1536; 1979, 1576; [1995, 4](#))

NRS 386.190 Election of two additional trustees in county school district whose enrollment of pupils increases to 1,000 or more after general election; exception.

1. If the certificate of the Superintendent of Public Instruction filed with the county clerk states that the pupil enrollment during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the district is composed of five members elected as provided in [NRS 386.160](#), then at the next succeeding general election one additional trustee who resides at the county seat must be elected for a term of 4 years, and one additional trustee who resides in the county but not at the county seat must be elected for a term of 2 years.

2. Thereafter, while continued pupil enrollment in the county school district is 1,000 or more, the offices of school trustees must be filled as provided by law for school districts having pupil enrollments of that size.

3. The provisions of subsections 1 and 2 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more but less than 1,500, and in which the board of trustees of the school district has adopted a resolution specifying that the board will consist of five members.

[65:32:1956]—(NRS A 1973, 27; 1979, 1576; [1995, 5](#))

NRS 386.200 Alternate manner of creating areas for election of trustees within county school district whose enrollment of pupils is 25,000 or less: Procedure; election of trustees; terms; change of boundaries of areas.

1. In addition to the manner of election provided in [NRS 386.205](#), [386.215](#) and [386.225](#), the trustees of a county school district may be elected from school trustee election areas in the alternate manner provided in this section.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the registered voters of a county school district in which 25,000 or fewer pupils are enrolled may file a written petition with the board of county commissioners of the county praying for the creation of school trustee election areas within the county school district in the manner provided in this section. The petition must specify with particularity the school trustee election areas proposed to be created, the number of trustees to be elected from each area, and the manner of their nomination and election. The number of school trustee election areas proposed must not exceed the number of trustees authorized by law for the particular county school district. The description of the proposed school trustee election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular school trustee election area. The signatures to the petition need not all be appended to one paper, but each signer must add to his or her name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall swear or affirm, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of the notice is a proper charge against the county school district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of school trustee election areas within the county school district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the county school district into the number of school trustee election areas specified in the petition, designate them by number and define their boundaries. The territory comprising each school trustee election area must be contiguous. The resolution must further set forth the number of trustees to be elected from each school trustee election area and the manner of their nomination and election.

5. Before June 1 and immediately following the adoption of the resolution creating school trustee election areas within a county school district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the Superintendent of Public Instruction.

6. Upon the creation of school trustee election areas within a county school district the terms of office of all trustees then in office expire on the 1st Monday of January thereafter next following a general election. At the general election held following the creation of school trustee election areas within a county school district, school trustees to represent the odd-numbered school trustee election areas must be elected for terms of 4 years and school trustees to represent the even-numbered school trustee election areas must be elected for terms of 2 years. Thereafter, at each general election, the

offices of school trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. A candidate for the office of trustee of a county school district in which school trustee election areas have been created must be a qualified elector and a resident of the school trustee election area which he or she seeks to represent.

8. The board of county commissioners may by resolution change the boundaries of school trustee election areas or the manner of nomination or election of school trustees after:

- (a) Holding a public hearing of which notice must be given as provided in subsection 3; and
- (b) Receiving, at the hearing or by resolution, the consent of the board of trustees of the school district.

9. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with [NRS 386.120](#) specifying that the board will consist of five members, and the board of trustees of the county school district is composed of seven elected members based upon a previous enrollment of 1,000 or more, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for reduction of the membership of the board of trustees of the county school board from seven to five members, and only five school trustees may thereafter be nominated and elected at the forthcoming elections.

10. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the county school district is composed of five elected members, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for increasing the membership of the board of trustees of the county school district from five to seven members, and two additional school trustees must thereafter be nominated and elected at the forthcoming elections.

11. The provisions of subsection 10 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more but less than 1,500, and in which the board of trustees of the school district has adopted a resolution specifying that the board will consist of five members.

[65.1:32:1956]—(NRS A 1967, 933; 1979, 1577; 1981, 723; [1987, 181](#); [1995, 5](#))

NRS 386.205 Optional districts for election of trustees within county school district whose enrollment of pupils is not more than 25,000: Creation; continuity in number and terms of members of board of trustees.

1. In any county school district in which not more than 25,000 pupils are enrolled, the board of trustees may adopt a resolution dividing the geographical area of the school district into a number of election districts identical to the number of trustees.

2. The election districts must:
 - (a) Be single-member districts.
 - (b) Be formed with reference to assembly districts as far as is practicable.
 - (c) Have nearly equal populations as far as is practicable.

3. This section does not authorize any change in the number of members of the board of trustees.

4. If a board of trustees adopts a resolution pursuant to this section, the members of the board continue to hold office until the next following general election.

5. As used in this section, unless the context otherwise requires, “assembly district” means any district created pursuant to the provisions of [chapter 218B](#) of NRS for the election of members of the Assembly.

(Added to NRS by [1987, 180](#))

NRS 386.215 Optional districts for election of trustees within county school district whose enrollment of pupils is not more than 25,000: Documents to be filed with county clerk. Copies of maps or other documents evidencing the division of the county school district into election districts pursuant to [NRS 386.205](#) must be filed with the appropriate county clerk.

(Added to NRS by [1987, 180](#))

NRS 386.225 Optional districts for election of trustees within county school district whose enrollment of pupils is not more than 25,000: Manner of election.

1. Election districts created pursuant to [NRS 386.205](#) may be constructed so that the:

- (a) Voters in each election district elect a trustee to represent them; or
- (b) Trustees are elected by all of the voters in the county school district.

Ê In either case, each trustee must be a resident of the election district which he or she represents throughout his or her term of office.

2. The board of trustees shall adopt a resolution, after a public hearing on the matter, determining whether each trustee will be elected solely by the voters in the election district of the trustee or all of the voters in the county school district.

(Added to NRS by [1987, 180](#))

NRS 386.240 Qualifications of trustees. A candidate for the office of trustee of a school district shall:

- 1. Be a qualified elector.
- 2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

[69:32:1956]—(NRS A 1971, 518)

NRS 386.250 Nomination of trustee; filing of declaration of candidacy and acceptance of candidacy.

1. Candidates for the office of trustee shall be nominated in the manner provided by the primary election laws of this state.

2. The declaration of candidacy and the acceptance of a candidacy by candidates for the office of trustee of county school districts shall be filed with the county clerk of the county whose boundaries are coterminous with the county school district boundaries.

[70:32:1956]—(NRS A 1960, 284; 1963, 1378; 1971, 518)

NRS 386.260 Election of trustees; certificate of election.

- 1. Trustees shall be elected as provided in the election laws of this state.
- 2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

[71:32:1956]—(NRS A 1959, 810; 1960, 285; 1971, 518; 1973, 88)

NRS 386.270 Vacancies. Except as otherwise provided in [NRS 386.275](#):

1. Any vacancy occurring in a board of trustees must be filled by appointment by the remaining members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of [chapter 238](#) of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. Any person appointed to fill a vacancy must have the qualifications provided in [NRS 386.240](#).

[72:32:1956]—(NRS A 1971, 71; [2003, 387](#))

NRS 386.275 Temporary appointment of vacancy for member in active military service; term of temporary appointment.

1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, the board of trustees may appoint a person to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in [NRS 386.270](#), except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

Ê whichever occurs first.

(Added to NRS by [2003, 386](#))

NRS 386.290 Subsistence and travel for trustee.

1. In addition to salaries required by [NRS 386.320](#), a trustee must be allowed:

(a) Traveling expenses for traveling each way between the trustee's home and the place where board meetings are held at the rate provided for state officers and employees generally.

(b) Living expenses necessarily incurred while in actual attendance at board meetings at the rate provided for state officers and employees generally.

2. Claims for mileage and per diem allowances must be allowed and paid in the same manner as other claims against the school district fund are paid, but no claim for mileage and per diem allowances for living expenses must be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

[74:32:1956]—(NRS A 1960, 144; 1963, 607; 1971, 253; [2007, 602, 2450](#))

NRS 386.300 Trustees: Terms; oaths. Each trustee shall:

1. Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.

2. Hold office until his or her successor is elected and qualified.

3. Take and subscribe to the official oath.

4. File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

[75:32:1956]—(NRS A 1959, 810)

NRS 386.305 Trustees: Interest in certain contracts prohibited. A member of any board of trustees shall not be financially interested in any contract made by the board of trustees of which he or she is a member.

(Added to NRS by 1977, 1113)

NRS 386.310 Officers; organization.

1. The board of trustees shall meet and organize by:

- (a) Electing one of its members as president.
- (b) Electing one of its members as clerk, or by selecting some other qualified person as clerk.
- (c) Electing additional officers as may be deemed necessary.
- (d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

[76:32:1956]—(NRS A 1959, 803; 1971, 519; 1973, 224; 1979, 1579; 1981, 1813)

NRS 386.320 Salaries of trustees; donation of salary; employment and compensation of stenographer.

1. Each member of the board of trustees of a school district in a county whose population is less than 20,000 must receive a salary of \$250 per month.

2. Each member of the board of trustees of a school district in a county whose population is 20,000 or more but less than 100,000 must receive a salary of \$400 per month.

3. Each member of the board of trustees of a school district in a county whose population is 100,000 or more must receive a salary of \$750 per month.

4. A member of the board of trustees of a school district who receives a salary pursuant to this section may:

- (a) Donate all or a part of the monthly salary that he or she receives to a school within the school district or to the school district; or
- (b) In lieu of making a donation after the member receives the salary, request that all or a part of his or her monthly salary be paid directly to a school within the school district or to the school district.

5. The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

[77:32:1956]—(NRS A 1957, 301; 1969, 618; 1977, 792; 1979, 1579; 1981, 1312; [1991, 284, 285](#); [1999, 1753; 2007, 2451](#))

NRS 386.325 Duties of clerk. The clerk shall:

1. Keep the minutes and audio recordings or transcripts of all meetings and transactions of the board of trustees.

2. Subject to the written direction of the board of trustees, draw all orders for the payment of money belonging to the school district.

(Added to NRS by 1969, 619; A [2005, 1412](#))

NRS 386.330 Meetings; quorum; broadcast of meetings on television authorized.

1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

[78:32:1956]—(NRS A 1959, 810; [2007, 80](#); [2011, 1246](#))

NRS 386.340 Seal. The board of trustees may adopt and use a common seal.

[79:32:1956]

NRS 386.345 Membership in county, state and national school board associations; payment of dues, travel and subsistence for attendance at meeting of association.

1. The board of trustees of a school district may:

(a) Acquire and maintain membership in county, state and national school board associations and pay dues to such associations.

(b) Pay the travel expenses and per diem allowances of trustees at the same rate provided for state officers and employees generally when the trustees attend county, state or national school board association meetings.

2. Claims for dues, travel expenses and per diem allowances authorized in subsection 1 shall be presented and allowed as provided by law for other claims against the school district.

(Added to NRS by 1963, 607; A 1975, 33; 1979, 1579; [2007, 602](#))

NRS 386.350 General powers; exceptions. Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools, excluding charter schools and university schools for profoundly gifted pupils, are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

[80:32:1956]—(NRS A 1973, 234; [1999, 3291](#); [2005, 2428](#))

NRS 386.353 Determination of feasibility of consolidation or sharing of services, functions or personnel with other school districts; authorization to consolidate or share services; Committee on Local Government Finance required to adopt regulations to carry out section.

1. The board of trustees of each school district in this State shall determine whether any services, functions or personnel may be feasibly consolidated or shared with one or more other school districts in this State. Services, functions or personnel that the board of trustees may consolidate or share with another school district include, without limitation:

- (a) Purchasing;
- (b) Accounting;
- (c) Recruiting;
- (d) Transportation;
- (e) Chief financial officer;
- (f) Human resources director; and
- (g) Superintendent of schools.

2. Based on the determination made pursuant to subsection 1, the board of trustees may consolidate or share any service, function or personnel with another school district. Nothing in this section requires a board of trustees of a school district to enter into a cooperative agreement for the consolidation or sharing of services, functions or personnel with one or more school districts. The board of trustees may establish any cost-effective and efficient method for the sharing or consolidation of services or personnel.

3. Except as otherwise provided in this subsection, if the board of trustees enters into an agreement with one or more school districts for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. The board of trustees shall not join in a contract pursuant to this subsection if a contractor's license issued pursuant to [chapter 624](#) of NRS is required for any portion of the work to be performed under the contract.

4. The Committee on Local Government Finance created pursuant to [NRS 354.105](#) shall adopt such regulations that are necessary or proper to assist the boards of trustees in carrying out the provisions of this section. Such regulations must include, without limitation:

(a) Procedures and guidelines for how boards of trustees may efficiently and effectively consolidate or share services, functions and personnel with other school districts. Such procedures and guidelines should provide direction to the boards of trustees on ways to prepare contracts or other agreements necessary to implement the provisions of this section.

(b) In the case of sharing personnel with other school districts, procedures for sharing the costs of the payment of premiums or contributions for employee benefits, including, without limitation, retirement, life insurance and health benefits.

(Added to NRS by [2011, 827](#); A [2013, 69](#))

NRS 386.355 Acceptance of federal financial assistance for areas affected by federal activities. Each board of trustees may accept on behalf of and for the school district any moneys or property under the provisions of:

1. "An Act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," being Public Law 874-81st Congress; and

2. "An Act relating to the construction of school facilities in areas affected by federal activities, and for other purposes," being Public Law 815-81st Congress, as the same have been amended.

(Added to NRS by 1961, 42)

NRS 386.360 Preparation of plan for implementation of statutes; transmittal of information concerning statutes to parents and teachers; rules. Repealed. (See chapter 379, Statutes of Nevada 2013, at page 2042.)

NRS 386.365 Policies and regulations in county whose population is 100,000 or more: Procedure.

1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 15 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:

(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.

Ê A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least 15 days before its adoption.

2. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies or regulations may be adopted by the board upon its own finding that an emergency exists.

4. This section applies to policies and regulations concerning:

(a) Attendance rules;

(b) Zoning;

(c) Grading;

(d) District staffing patterns;

(e) Curriculum and program;

(f) Pupil discipline; and

(g) Personnel, except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of the Local Government Employee-Management Relations Act, as provided in [NRS 391.3116](#).

(Added to NRS by 1977, 1012; A 1979, 544, 1162, 1580)

NRS 386.370 Reports to Superintendent of Public Instruction. Annually, on or before July 1 and at such other times as the Superintendent of Public Instruction may require, each board of trustees shall make or cause to be made a report to the Superintendent of Public Instruction, in the manner and form prescribed by the Superintendent.

[82:32:1956]—(NRS A 1959, 803; 1979, 1581)

NRS 386.380 Power to administer oaths. Every member of a board of trustees of a school district may administer oaths and affirmations relating to public schools.

[83:32:1956]—(NRS A 1979, 1581)

NRS 386.390 Acceptance of gifts; acceptance of donation of surplus personal property from another school district; board of trustees required to record, review and report certain gifts; use of form by donor; transmittal of reports to Legislature.

1. Each board of trustees shall have the power to accept on behalf of and for the school district:

(a) Any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated; and

(b) Any donation of surplus personal property of another school district made pursuant to subsection 2 of [NRS 332.185](#).

2. Except as otherwise provided in subsection 3, the board of trustees of each school district shall record each gift or bequest accepted pursuant to this section and prepare a report which includes, for each such gift or bequest:

(a) The amount of the gift or bequest of money or the fair market value of the bequest of property, as applicable;

(b) Except as otherwise provided in subsection 4, the name of the donor of the gift or bequest;

(c) Any instructions provided by the donor concerning the use of the gift or bequest; and

(d) Information concerning any connection between the donor and the board of trustees or any person responsible for the administration of the system of public education in this State, including, without limitation:

(1) Any contract between the donor and the board of trustees;

(2) Any bid by the donor for a contract with the board of trustees;

(3) If the donor is a lobbyist as defined in [NRS 218H.080](#), a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and

(4) Any service by the donor on a committee to form a charter school created pursuant to [NRS 386.520](#).

3. This section does not apply to any gift or bequest:

(a) In an amount less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000; or

(b) That is intended for a public broadcasting service.

4. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 2, unless the donor is required to provide information pursuant to paragraph (d) of subsection 2.

5. The board of trustees of a school district may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 2. If the board of trustees uses such a form, the board of trustees may rely upon the information provided by the donor on the form for purposes of the report required of the school district pursuant to subsection 2 and the board of trustees is not otherwise required to verify the contents of the information provided by the donor on the form.

6. The board of trustees of each school district shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to [NRS 386.330](#) and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees.

7. On or before February 1 of each year, the board of trustees of each school district shall transmit each report prepared pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

[84:32:1956]—(NRS A [2013](#), [1176](#), [1488](#))

NRS 386.410 Employment of private legal counsel. The board of trustees of a school district may employ private legal counsel when the board determines that such employment is necessary.

[86:32:1956]—(NRS A 1971, 519; 1979, 1582)

NRS 386.415 Agreement to prepare lunches for elderly persons; restrictions.

1. The board of trustees of any school district may enter into an agreement with any individual, firm, partnership, corporation, association or public agency which has been approved for such purpose by the Aging and Disability Services Division of the Department of Health and Human Services, whereby the school district agrees to prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the school lunch program of such district.

2. No agreement entered into by a board of trustees of a school district pursuant to the provisions of this section may:

(a) Involve the expenditure by the school district of any school lunch money or other public school money or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement therefor.

(b) Provide for payment to the school district of any amount in excess of the estimated actual cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement. The estimated actual cost shall be negotiated by the board of trustees and the Aging and Disability Services Division of the Department of Health and Human Services.

(c) Permit any program of hot lunches for persons 60 years of age or over and their spouses to interfere in any way with the use of school lunch facilities for public school purposes.

(Added to NRS by 1979, 1574)

PROGRAMS OF SCHOOL-BASED DECISION MAKING FOR PUBLIC SCHOOLS WITHIN DISTRICT

NRS 386.4154 Authority of board of trustees to prescribe rules relating to creation and administration of program. The board of trustees of a school district may prescribe rules relating to the creation and administration of a program of school-based decision making for the public schools within the district. The rules must provide:

1. For the creation of a school council;
2. For the involvement of parents and other members of the community on and with the school council;
3. The requirements for recordkeeping by the school council;
4. The procedure for appealing a decision of the school council;
5. The procedure for a school to obtain a waiver of the requirements of regulations of the board of trustees or the State Board;
6. A method for determining the progress of a pupil in a program of school-based decision making;
7. A method for reporting the progress of a pupil to the pupil, the pupil's parents or guardians, the board of trustees and the State Board;
8. Plans for improving the schools within the district;
9. A method for allocating money to schools that have adopted a program of school-based decision making and for the administration of the budget of the school district; and
10. The procedure which a school council or board of trustees may use to withdraw from a program of school-based decision making.

(Added to NRS by [1993, 2886](#); A [1995, 862](#); [1997, 2357](#))

NRS 386.4156 Authority of board of trustees to waive requirements of regulations for public school adopting program. The board of trustees of a school district may waive the requirements of regulations of the board of trustees and the State Board for a public school within the district that adopts a program of school-based decision making. The board of trustees may not waive statutory requirements.

(Added to NRS by [1993, 2887](#); A [1995, 862](#); [1997, 2357](#))

NRS 386.4158 Authority of State Board of Education to waive required course of study for school council created pursuant to program. The State Board may waive a course of study otherwise required by statute upon application of the board of trustees of a school district on behalf of a school council created pursuant to a program of school-based decision making.

(Added to NRS by [1993, 2887](#); A [1995, 862](#); [1997, 2357](#))

RECYCLING OF MATERIALS; USE OF RECYCLED PRODUCTS

NRS 386.4159 Recycling of paper, paper products and other waste materials; rules and procedures; exception; deposit of money received.

1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products used by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

3. The board of trustees shall adopt rules which prescribe the procedure for the disposition of the paper and paper products to be recycled. The board of trustees may prescribe a procedure for the recycling of other waste material produced on the premises of the schools in the school district and the administrative offices of the school district.

4. Any money received by the school district for recycling or causing to be recycled the paper and paper products it uses must be paid by the board of trustees for credit to the general fund of the school district.

5. As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(Added to NRS by [1999, 3183](#))

NRS 386.416 Definitions. As used in this section and [NRS 386.417](#) and [386.418](#), unless the context otherwise requires:

1. "Postconsumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.

2. "Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:

(a) Postconsumer waste; and

(b) Secondary waste,

Ê but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

3. "Secondary waste" means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value.

(Added to NRS by [1991, 2192](#))

NRS 386.417 Duties of board of trustees.

1. The board of trustees of each school district shall review and revise the specifications for procuring goods and products for the schools in the district to eliminate discrimination against the procurement or purchase of recycled products whenever the quality of a recycled product is reasonably equal to the same product manufactured with virgin resources. Except for specifications which have been established to preserve the public health and safety, all specifications for procurement must be established in a manner which results in the maximum procurement and purchase of recycled products.

2. After consultation with the State Department of Conservation and Natural Resources, the board of trustees of each school district shall adopt regulations governing the bidding procedure and specifications for paper and paper products purchased by the schools in the district that encourage the maximum purchase of recycled paper products. The specifications must give preference to recycled paper products manufactured with the highest percentage of recycled material.

(Added to NRS by [1991, 2193](#))

NRS 386.418 Duties of person authorized to purchase supplies, materials, goods, paper and other products for school district.

1. Except as otherwise provided in this section, the person authorized to purchase supplies and materials for each school district shall, when purchasing goods and products for use by the school district, give preference to recycled products if:

- (a) The product meets the applicable standards;
- (b) The product can be substituted for a comparable nonrecycled product; and
- (c) The product costs no more than a comparable nonrecycled product.

2. When purchasing goods and products for use by the school district, the person authorized to make such purchases may give preference to recycled products if:

- (a) The product meets the applicable standards;
- (b) The product can be substituted for a comparable nonrecycled product; and
- (c) The product costs no more than 5 percent more than a comparable nonrecycled product.

3. When purchasing any paper or paper products for use by the school district, the person authorized to make such purchases shall purchase recycled paper products if the specific recycled paper product is:

- (a) Available at a price not more than that of paper products made from virgin material;
- (b) Of adequate quality; and
- (c) Available to the purchaser within a reasonable period.

4. When purchasing any paper or paper products for use by the school district, the person authorized to make such purchases may purchase recycled paper products if the specific recycled paper product is:

- (a) Available at a price not more than 10 percent higher than that of paper products made from virgin material;
- (b) Of adequate quality; and
- (c) Available to the purchaser within a reasonable period.

(Added to NRS by [1991, 2193](#))

ENVIRONMENTALLY SENSITIVE CLEANING PRODUCTS FOR FLOOR SURFACES IN PUBLIC SCHOOLS

NRS 386.419 Legislative declaration. The Legislature declares that:

1. Children are particularly vulnerable to and may be severely affected by exposure to chemicals, hazardous wastes and other environmental hazards that may be used for cleaning and maintenance in the public schools; and

2. It is the intent of the Legislature to reduce the possible exposure of pupils and school personnel to potentially hazardous chemicals and substances which are used in the cleaning and maintenance of the public schools in this State.

(Added to NRS by [2009, 983](#))

NRS 386.4195 Adoption of standards by Department; distribution and review of sample list of approved products; requirement for use of products; request for certain waivers by school districts authorized.

1. The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.

2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.

3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.

4. Except as otherwise provided in subsections 6 and 7, each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district in accordance with the regulations adopted pursuant to subsection 1.

5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:

(a) Submit a written request to the Department pursuant to subsection 6 or 7.

(b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.

6. If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may submit a written request to the Department for a waiver from purchasing and using environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.

7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.

8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.

9. In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection

1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.

10. The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.

11. As used in this section, “environmentally sensitive cleaning and maintenance products” means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.

(Added to NRS by [2009, 983](#))

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

NRS 386.420 Formation; composition; purposes. The county school district trustees may form a nonprofit association, to be known as the Nevada Interscholastic Activities Association, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the Association to do so, from joining an association formed for similar purposes in another state.

(Added to NRS by 1973, 316; A [1989, 689](#); [2005, 2824](#))

NRS 386.430 Adoption of rules and regulations in manner provided by Nevada Administrative Procedure Act; safety standards for spirit squads; qualifications for coaches of spirit squads; consultation with Homeschool Advisory Councils required under certain circumstances.

1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by [chapter 233B](#) of NRS as may be necessary to carry out the provisions of [NRS 386.420](#) to [386.470](#), inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to [NRS 392.705](#).

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, “spirit squad” means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

(Added to NRS by 1973, 316; A [2003, 2959](#); [2005, 2824](#); [2007, 1513](#), [3029](#); [2013, 538](#))

NRS 386.433 Rules and regulations to include criteria for staging of all-star game and participation of all-star team. [Effective July 1, 2014.] The rules and regulations adopted by the Nevada Interscholastic Activities Association pursuant to [NRS 386.430](#) must provide criteria to be used by the Association when determining whether to approve or disapprove:

1. The staging of an all-star game, contest or meet by any other organization; and
2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.

(Added to NRS by [2013, 538](#), effective July 1, 2014)

NRS 386.435 Adoption of policy for prevention and treatment of injuries to the head which may occur during participation; requirements of policy; annual acknowledgment of policy by parent and pupil.

1. The Nevada Interscholastic Activities Association shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event.

3. Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under [chapter 630](#) or [633](#) of NRS, a physical therapist licensed under [chapter 640](#) of NRS or an athletic trainer licensed under [chapter 640B](#) of NRS.

(Added to NRS by [2011, 785](#))

NRS 386.440 Procedures for review of disputes; stay of decision pending court's final judgment prohibited.

1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to [NRS 386.430](#) must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association or a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to [NRS 386.430](#) must not be stayed by a court pending the court's final judgment on the matter.

(Added to NRS by 1973, 316; A [2005, 2824](#); [2007, 1040](#))

NRS 386.450 Membership of charter schools, private schools and parochial schools. The rules and regulations adopted by the Nevada Interscholastic Activities Association must provide for the membership of charter schools, private schools and parochial schools which may elect to join the Association.

(Added to NRS by 1973, 316; A [1999, 3291](#); [2005, 2824](#))

NRS 386.460 Applicability of regulations and requirements to charter schools, private schools and parochial schools. If a charter school, private school or parochial school elects to become a member of the Nevada Interscholastic Activities Association, the school is subject to the same regulations and requirements and is liable for the same fees and charges as other schools within the Association.

(Added to NRS by 1973, 316; A [1999, 3291](#); [2005, 2824](#))

NRS 386.462 Participation by homeschooled children; applicability of provisions to homeschooled children.

1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to [NRS 386.430](#) if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to [NRS 392.705](#).

2. The provisions of [NRS 386.420](#) to [386.470](#), inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

(Added to NRS by [2003, 2959](#); A [2005, 2824](#); [2007, 3029](#))

NRS 386.463 Limitation on challenges based upon participation by homeschooled children. No challenge may be brought by the Nevada Interscholastic Activities Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children are allowed to participate in the interscholastic activity or event.

(Added to NRS by [2003, 2959](#); A [2005, 2825](#))

NRS 386.464 Limitation on adoption of regulations and rules by school districts and schools concerning eligibility and participation of homeschooled children. A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to [NRS 386.420](#) to [386.470](#), inclusive; or

2. Participation of homeschooled children in interscholastic activities and events pursuant to [NRS 386.420](#) to [386.470](#), inclusive,

È that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to [NRS 386.430](#).

(Added to NRS by [2003, 2959](#); A [2005, 2825](#))

NRS 386.465 Requests to join similar association in another state. The rules and regulations of the Nevada Interscholastic Activities Association must provide criteria for the approval of requests made by public schools for authorization to join an interscholastic activity association formed in another state.

(Added to NRS by [1989, 689](#); A [2005, 2825](#))

NRS 386.470 Determination of liability of Association and public school belonging to similar association in another state.

1. Any liability or action against the Nevada Interscholastic Activities Association must be determined in the same manner and with the same limitations and conditions as provided in [NRS 41.0305](#) to [41.039](#), inclusive. To this extent, the Association shall be deemed a political subdivision of the State.

2. Any liability or action against a public school which is a member of an association for interscholastic activities formed in another state must be determined in the same manner and with the same limitations and conditions as provided in [NRS 41.0305](#) to [41.039](#), inclusive. To this extent, the public school shall be deemed a political subdivision of the State.

(Added to NRS by 1973, 317; A [1987, 97](#); [1989, 689](#); [2005, 2825](#))

CHARTER SCHOOLS

General Provisions

NRS 386.490 Definitions. As used in [NRS 386.490](#) to [386.649](#), inclusive, the words and terms defined in [NRS 386.492](#) to [386.503](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2011, 2353](#); A [2013, 1224](#), [1596](#), [2908](#))

NRS 386.492 “Charter contract” defined. “Charter contract” means the contract executed between the governing body of a charter school and the sponsor of the charter school pursuant to [NRS 386.527](#).

(Added to NRS by [2013, 2907](#))

NRS 386.495 “Director” defined. “Director” means the Director of the State Public Charter School Authority appointed pursuant to [NRS 386.511](#).

(Added to NRS by [2011, 2353](#))

NRS 386.499 “Performance framework” defined. “Performance framework” means the performance framework for a charter school that is required to be incorporated into a charter contract pursuant to [NRS 386.527](#).

(Added to NRS by [2013, 2907](#))

NRS 386.500 “Pupil ‘at risk’ ” defined. A pupil is “at risk” if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of

dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

(Added to NRS by [1997, 1843](#); A [2001, 3125](#); [2003, 19th Special Session, 44](#); [2005, 1656](#), [1662](#), [2398](#); [2007, 1256](#), [2567](#); [2011, 2358](#))

NRS 386.503 “State Public Charter School Authority” defined. “State Public Charter School Authority” means the State Public Charter School Authority created by [NRS 386.509](#).

(Added to NRS by [2011, 2353](#))

NRS 386.505 Legislative declaration concerning formation of charter schools. The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, homeschool or other program of home study to a charter school.

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

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of [NRS 386.490](#) to [386.649](#), inclusive.

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

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

(Added to NRS by [1997, 1843](#); A [1999, 3291](#); [2001, 3125](#); [2007, 1256](#))

NRS 386.506 No authority to convert public school or homeschool to charter school. The provisions of [NRS 386.490](#) to [386.649](#), inclusive, do not authorize an existing public school, homeschool or other program of home study to convert to a charter school.

(Added to NRS by [2001, 3123](#))

State Public Charter School Authority

NRS 386.509 Creation; purpose. The State Public Charter School Authority is hereby created. The purpose of the State Public Charter School Authority is to:

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

2. Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.

3. Serve as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all charter schools, regardless of sponsor, can flourish.

(Added to NRS by [2011, 2353](#))

NRS 386.5095 Appointment and qualifications of members; terms; vacancies; selection of Chair and Vice Chair; compensation, allowances and travel expenses.

1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

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

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

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

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

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

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

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

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

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

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

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

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

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

6. Each member of the State Public Charter School Authority is entitled to receive:

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

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

(Added to NRS by [2011, 2354](#))

NRS 386.5105 Meetings; quorum.

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

2. Four members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

(Added to NRS by [2011, 2355](#))

NRS 386.511 Director: Appointment; term; vacancy; unclassified service.

1. The State Public Charter School Authority shall appoint a Director of the State Public Charter School Authority for a term of 3 years. The State Public Charter School Authority shall ensure that the Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

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

3. The Director is in the unclassified service of the State.

(Added to NRS by [2011, 2355](#))

NRS 386.5115 Director: Pursuing other employment or holding other office for profit prohibited without approval of State Public Charter School Authority. The Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the State Public Charter School Authority.

(Added to NRS by [2011, 2355](#))

NRS 386.512 Director: Duties. The Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

(Added to NRS by [2011, 2355](#))

NRS 386.5125 Employment and qualifications of staff. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of [NRS 386.490](#) to [386.649](#), inclusive. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools in accordance with the provisions of [NRS 386.490](#) to [386.649](#), inclusive.

(Added to NRS by [2011, 2355](#); A [2013, 1596](#))

NRS 386.513 State Public Charter School Authority deemed local education agency for certain purposes; payment of special education program units by Department.

1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If the charter school is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

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

(Added to NRS by [2011, 2356](#))

NRS 386.5135 Account for the State Public Charter School Authority: Creation; interest and income; use of money in Account; acceptance of gifts, grants and bequests authorized.

1. The Account for the State Public Charter School Authority is hereby created in the State General Fund, to be administered by the Director.

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the State Public Charter School Authority.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of [NRS 386.490](#) to [386.649](#), inclusive. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

(Added to NRS by [2011, 2355](#))

Sponsorship of Charter Schools; Review and Approval of Applications to Form Charter Schools; Renewal and Revocation of Charters

NRS 386.515 Sponsorship of charter schools by board of trustees, State Public Charter School Authority and Nevada System of Higher Education; duties and powers of sponsor; development of policies and practices by sponsor; grounds for revocation of sponsorship. [Effective through December 31, 2019.]

1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to [NRS 386.540](#). An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to [NRS 386.525](#). Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to [NRS 386.540](#). An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

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

(a) Evaluating applications to form charter schools as prescribed by [NRS 386.525](#);

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

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

(d) Negotiating and executing charter contracts pursuant to [NRS 386.527](#);

(e) Monitoring, in accordance with [NRS 386.490](#) to [386.649](#), inclusive, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with [NRS 386.530](#), [386.535](#) or [386.5351](#), as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the

sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

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

(b) The procedure and criteria for evaluating charter school applications in accordance with [NRS 386.525](#) and for the renewal of charter contracts pursuant to [NRS 386.530](#);

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

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

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

(Added to NRS by [1997, 1844](#); A [2001, 3125](#); [2005, 2398](#); [2007, 2567](#); [2011, 2358](#); [2013, 1662, 2908](#))

NRS 386.515 Sponsorship of charter schools by board of trustees, State Public Charter School Authority and Nevada System of Higher Education; duties and powers of sponsor; development of policies and practices by sponsor; grounds for revocation of sponsorship. [Effective January 1, 2020.]

1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to [NRS 386.540](#). An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to [NRS 386.525](#). Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to [NRS 386.540](#). An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

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

(a) Evaluating applications to form charter schools as prescribed by [NRS 386.525](#);

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

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

(d) Negotiating and executing charter contracts pursuant to [NRS 386.527](#);

(e) Monitoring, in accordance with [NRS 386.490](#) to [386.649](#), inclusive, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated in accordance with [NRS 386.530](#), [386.535](#) or [386.5351](#), as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the

sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

- (a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;
- (b) The procedure and criteria for evaluating charter school applications in accordance with [NRS 386.525](#) and for the renewal of charter contracts pursuant to [NRS 386.530](#);
- (c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and
- (d) A description of the process of evaluation for the charter schools it sponsors in accordance with [NRS 386.610](#).

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

(Added to NRS by [1997, 1844](#); A [2001, 3125](#); [2005, 2398](#); [2007, 2567](#); [2011, 2358](#); [2013, 1662](#), [2908](#), [2910](#), effective January 1, 2020)

NRS 386.520 Membership and duties of committee to form charter school; contents of application to form charter school.

1. A committee to form a charter school must consist of:
 - (a) One member who is a teacher or other person licensed pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;
 - (b) One member who:
 - (1) Satisfies the qualifications of paragraph (a); or
 - (2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;
 - (c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and
 - (d) Two members who possess knowledge and expertise in one or more of the following areas:
 - (1) Accounting;
 - (2) Financial services;
 - (3) Law; or
 - (4) Human resources.
2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:
 - (a) Members of the general public;
 - (b) Representatives of nonprofit organizations and businesses; or
 - (c) Representatives of a college or university within the Nevada System of Higher Education.
3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.
4. The committee to form a charter school shall ensure that the completed application:
 - (a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and
 - (b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.
5. An application to form a charter school must include all information prescribed by the Department by regulation and:
 - (a) A written description of how the charter school will carry out the provisions of [NRS 386.490](#) to [386.649](#), inclusive.

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

- (1) Improving the academic achievement of pupils;
- (2) Encouraging the use of effective and innovative methods of teaching;
- (3) Providing an accurate measurement of the educational achievement of pupils;
- (4) Establishing accountability and transparency of public schools;
- (5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

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

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

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

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

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

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

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

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

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

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in [NRS 391.3125](#) and [391.3128](#). If the procedure is different from the procedure prescribed in [NRS 391.3125](#) and [391.3128](#), the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in [NRS 391.3125](#) and [391.3128](#).

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

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

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

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

(a) Holds a current license to teach issued pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

Ê The term does not include a person who is employed as a substitute teacher.

(Added to NRS by [1997, 1844](#); A [1999, 3292](#); [2001, 3125](#); [2007, 2568](#); [2009, 257](#); [2011, 2279, 2359, 3044](#); [2013, 1663, 2911](#))

NRS 386.525 Submission of application to form charter school to proposed sponsor; review of application; written notice of approval or denial; opportunity to correct deficiencies; appeal of denial; biennial report by Superintendent of Public Instruction concerning status of applications.

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

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

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

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

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of [NRS 386.515](#).

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

(a) The application:

(1) Complies with [NRS 386.490](#) to [386.649](#), inclusive, and the regulations applicable to charter schools; and

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

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of [NRS 386.515](#) that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to [chapter 241](#) of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

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

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with [chapter 241](#) of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

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

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

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

(c) The current status of the application; and

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

(Added to NRS by [1997, 1846](#); A [1999, 3295](#); [2001, 3127](#); [2005, 1098, 2399, 2537](#); [2007, 2569](#); [2011, 2361, 3047](#); [2013, 1665, 2913](#))

NRS 386.527 Approval of application; charter contract; notice to Department; determination of sponsor; change of sponsor; requirements for commencement of operation. [Effective through December 31, 2019.]

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

(a) The performance framework for the charter school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to [NRS 386.515](#). The State Board shall adopt:

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

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

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

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of [NRS](#)

[386.490](#) to [386.649](#), inclusive, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the written charter or charter contract, as applicable, in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation and is not eligible to receive apportionments pursuant to [NRS 387.124](#) until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

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

(b) Charter school,

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

(Added to NRS by [1999, 3289](#); A [2001, 3129](#); [2005, 1662, 2400, 2538](#); [2007, 1256, 2571](#); [2009, 259](#); [2011, 2363, 3049](#); [2013, 2916](#))

NRS 386.527 Approval of application; charter contract; notice to Department; determination of sponsor; change of sponsor; requirements for commencement of operation. [Effective January 1, 2020.]

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

(a) The performance framework for the charter school;

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

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

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

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

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

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

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

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

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

- (b) A copy of the charter contract and any other documentation relevant to the charter contract.
5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.
6. If the State Public Charter School Authority approves the application:
- (a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.
- (b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.
7. If a college or university within the Nevada System of Higher Education approves the application:
- (a) That institution shall be deemed the sponsor of the charter school.
- (b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.
8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to [NRS 386.515](#). The State Board shall adopt:
- (a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and
- (b) Objective criteria for the conditions under which such a request may be granted.
9. A charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.
10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of [NRS 386.490](#) to [386.649](#), inclusive, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.
11. A charter school shall not commence operation and is not eligible to receive apportionments pursuant to [NRS 387.124](#) until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:
- (a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or
- (b) Charter school,
- È whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

(Added to NRS by [1999, 3289](#); A [2001, 3129](#); [2005, 1662](#), [2400](#), [2538](#); [2007, 1256](#), [2571](#); [2009, 259](#); [2011, 2363](#), [3049](#); [2013, 2916](#), [2918](#), effective January 1, 2020)

NRS 386.528 Incorporation of performance framework into charter contract; establishment of annual performance goals; revision upon renewal of charter contract; duty of sponsor to collect, analyze and report data.

1. The performance framework that is required to be incorporated into the charter contract pursuant to paragraph (a) of subsection 1 of [NRS 386.527](#) must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to [NRS 385.3595](#);

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school; and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school.

(c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations.

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with [NRS 386.490](#) to [386.649](#), inclusive.

3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school.

(Added to NRS by [2013, 2907](#))

NRS 386.530 Renewal of charter contract: Performance report by sponsor; application; criteria for review by sponsor; notice to applicant; term of renewal.

1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of [NRS 386.490](#) to [386.649](#), inclusive;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 2; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of [NRS 386.490](#) to [386.649](#), inclusive.

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with [chapter 241](#) of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

(Added to NRS by [1997, 1849](#); A [2009, 914](#); [2013, 2920](#))

NRS 386.535 Revocation of written charter or termination of charter contract by sponsor: Grounds; written notice; opportunity to correct deficiencies; public hearing; notice to Department. [Effective through December 31, 2019.] Except as otherwise provided in [NRS 386.5351](#):

1. The sponsor of a charter school may revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

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

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

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

(3) Failed to comply with the provisions of [NRS 386.490](#) to [386.649](#), inclusive, or any other statute or regulation applicable to charter schools; or

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

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

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

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

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

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

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

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

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

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

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

(Added to NRS by [1997, 1848](#); A [1999, 3296](#); [2005, 2401](#); [2011, 3051](#); [2013, 2922](#))

NRS 386.535 Termination of charter contract by sponsor: Grounds; written notice; opportunity to correct deficiencies; public hearing; notice to Department. [Effective January 1, 2020.] Except as otherwise provided in [NRS 386.5351](#):

1. The sponsor of a charter school may terminate a charter contract before the expiration of the charter if the sponsor determines that:

- (a) The charter school, its officers or its employees:
 - (1) Committed a material breach of the terms and conditions of the charter contract;
 - (2) Failed to comply with generally accepted standards of fiscal management;
 - (3) Failed to comply with the provisions of [NRS 386.490](#) to [386.649](#), inclusive, or any other statute or regulation applicable to charter schools; or
 - (4) Has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;
- (b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or
- (c) There is reasonable cause to believe that termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

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

- (a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;
- (b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;
- (c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and
- (d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to terminate the charter contract.

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

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

5. If the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

(Added to NRS by [1997, 1848](#); A [1999, 3296](#); [2005, 2401](#); [2011, 3051](#); [2013, 2922](#), [2923](#), effective January 1, 2020)

NRS 386.5351 Revocation of written charter or termination of charter contract by sponsor: Grounds for revocation or termination without adherence to procedural standards based upon ratings of charter school as underperforming; submission of written report to Department. [Effective through December 31, 2019.]

1. The sponsor of a charter school shall revoke the written charter or terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's

annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.

3. The provisions of [NRS 386.535](#) do not apply to the revocation of a written charter or termination of a charter contract pursuant to this section.

(Added to NRS by [2013, 2908](#))

NRS 386.5351 Termination of charter contract by sponsor: Grounds for termination without adherence to procedural standards based upon ratings of charter school as underperforming; submission of written report to Department. [Effective January 1, 2020.]

1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

3. The provisions of [NRS 386.535](#) do not apply to the termination of a charter contract pursuant to this section.

(Added to NRS by [2013, 2908](#); A [2013, 2938](#), effective January 1, 2020)

NRS 386.536 Closure of charter school; duties of governing body; written notice; written plan for closure; financial affairs of charter school; appointment, duties and financial compensation of trustee. [Effective through June 30, 2020.]

1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or upon revocation of a written charter or termination of a charter contract, as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the

sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

(Added to NRS by [2007, 1255](#); A [2009, 933](#); [2013, 1596](#), [2924](#))

NRS 386.536 Closure of charter school; duties of governing body; written notice; written plan for closure; financial affairs of charter school; appointment, duties and financial compensation of trustee. [Effective July 1, 2020.]

1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or upon termination of a charter contract, as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the non-renewal or termination of a charter contract;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the non-renewal or termination of a charter contract;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

- (b) Employees of the charter school; and
- (c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

- (a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;
- (b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;
- (c) Supply any information or documents required by the sponsor of the charter school; and
- (d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

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

(Added to NRS by [2007, 1255](#); A [2009, 933](#); [2013, 1596, 2924, 2925](#), effective July 1, 2020)

NRS 386.540 Regulations. [Effective through December 31, 2019.]

1. The Department shall adopt regulations that prescribe:

- (a) The process for submission of an application pursuant to [NRS 386.515](#) by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;
- (b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to [NRS 386.515](#) at least once every 3 years;
- (c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;
- (d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;
- (e) The process for submission of an application to renew a charter contract;
- (f) The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract; and

(g) The process for submission of an amendment of a written charter or a charter contract pursuant to [NRS 386.527](#) and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of [NRS 386.490](#) to [386.649](#), inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of [NRS 386.5515](#); and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of [NRS 386.5515](#).

(Added to NRS by [1997, 1856](#); A [2001, 3131](#); [2007, 2573](#); [2011, 2365, 3051](#); [2013, 1667, 2926](#))

NRS 386.540 Regulations. [Effective January 1, 2020.]

1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to [NRS 386.515](#) by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to [NRS 386.515](#) at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract;

(f) The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract; and

(g) The process for submission of an amendment of a charter contract pursuant to [NRS 386.527](#) and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of [NRS 386.490](#) to [386.649](#), inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of [NRS 386.5515](#); and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of [NRS 386.5515](#).

(Added to NRS by [1997, 1856](#); A [2001, 3131](#); [2007, 2573](#); [2011, 2365, 3051](#); [2013, 1667, 2926](#), effective January 1, 2020)

NRS 386.545 Duty of Department, board of trustees and sponsor to provide information and assistance; provision of additional services by district-sponsored charter schools; availability of summer school and Internet-based classes for certain charter school pupils; request for additional information by Department.

1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of [NRS 386.490](#) to [386.649](#), inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government;

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to [NRS 386.650](#); and

(e) Provide appropriate information, education and training to a charter school and the governing body of a charter school concerning the applicable provisions of this title and any other laws and regulations that affect charter schools and the governing bodies of charter schools.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

(Added to NRS by [1997, 1856](#); A [1999, 3297](#); [2005, 2402](#); [2007, 2573](#); [2011, 3052](#); [2013, 1668](#))

NRS 386.547 Duty of State Board to review statutes and regulations and to provide information.

The State Board shall:

1. Review all statutes and regulations from which charter schools are exempt and determine whether such exemption assisted or impeded the charter schools in achieving their educational goals and objectives.

2. Make available information concerning the formation and operation of charter schools in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public.

(Added to NRS by [1997, 1856](#))

Governing Body; Operation and Finances; Contracts; Implementation of Statutes; Relations With Board of Trustees

NRS 386.549 Membership and qualifications of governing body; powers; duty to hold public meeting on quarterly basis; authorization of governing body to set salary for attendance at meetings.

1. The governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

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

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

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

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

(a) Holds a current license to teach issued pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

Ê The term does not include a person who is employed as a substitute teacher.

(Added to NRS by [1999, 3290](#); A [2001, 3131](#); [2003, 2697](#); [2005, 2539](#); [2007, 2574](#); [2011, 3053](#); [2013, 1669, 3827](#))

NRS 386.550 Operation: General conditions; limitation on programs of distance education.

1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of [chapter 241](#) of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to [NRS 389.550](#) and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to [NRS 389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#) to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of [NRS 389.018](#), as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with [NRS 392.040](#) regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to [NRS 354.598](#) or otherwise comply with the provisions of [chapter 354](#) of NRS.

(o) If the charter school provides a program of distance education pursuant to [NRS 388.820](#) to [388.874](#), inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of [NRS 392.070](#). As used in this subsection, “distance education” has the meaning ascribed to it in [NRS 388.826](#).

(Added to NRS by [1997, 1849](#); A [1999, 2664, 3256, 3297, 3383](#); [2001, 238, 240, 3132](#); [2013, 3262](#))

NRS 386.551 Operation: Governing provisions. The provisions of [NRS 386.490](#) to [386.649](#), inclusive, and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State.

(Added to NRS by [2005, 1662](#); A [2013, 2927](#))

NRS 386.5515 Operation: Eligibility for available money for facilities for charter schools that meet certain conditions; requirements for performance audit; exemption from annual performance audit; quarterly financial report.

1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to [NRS 386.540](#) contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to [NRS 389.805](#), if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to [NRS 386.610](#). If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

(Added to NRS by [2007, 2567](#); A [2009, 915, 933](#); [2011, 2365, 3054](#); [2013, 1922, 3263](#))

NRS 386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation. Repealed. (See chapter 379, Statutes of Nevada 2013, at page 2042.)

NRS 386.553 Operation for profit prohibited; authorization to incorporate as nonprofit corporation. A charter school:

1. Shall not operate for profit.
2. May be incorporated as a nonprofit corporation pursuant to the provisions of [chapter 82](#) of NRS. (Added to NRS by [2001, 3123](#); A [2013, 1598](#))

NRS 386.555 Support by or affiliation with religion or religious organization prohibited. A charter school shall not be supported by or otherwise affiliated with any religion or religious organization or institution.

(Added to NRS by [1997, 1850](#))

NRS 386.560 Authorization to contract for services and facilities; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property; board of trustees required to allow pupil to participate in class or activity of school district in which pupil resides.

1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to [NRS 386.561](#) before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

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

4. A charter school may:

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

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

(c) Borrow money and otherwise incur indebtedness; and

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

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

Ê If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to [NRS 388.820](#) to [388.874](#), inclusive. Such a pupil must comply with [NRS 388.858](#).

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

Ê If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

(Added to NRS by [1997, 1850](#); A [1999, 3299](#); [2001, 3133](#); [2007, 2575](#); [2009, 934](#); [2011, 2366, 3055](#); [2013, 1598](#))

NRS 386.561 Authorization to contract with sponsor of charter school for certain services; annual service agreement; sponsor required to provide itemized accounting; annual reconciliation of difference; request for independent review by Department. [Effective through December 31, 2019.]

1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to [NRS 386.570](#). If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the written charter or charter contract of the charter school, as applicable.

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its charter contract by the sponsor of the charter school or as a condition to renewal of the charter contract.

(Added to NRS by [2011, 2356](#); A [2013, 2927](#))

NRS 386.561 Authorization to contract with sponsor of charter school for certain services; annual service agreement; sponsor required to provide itemized accounting; annual reconciliation of difference; request for independent review by Department. [Effective January 1, 2020.]

1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to [NRS 386.570](#). If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the charter contract of the charter school.

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its charter contract by the sponsor of the charter school or as a condition to renewal of the charter contract.

(Added to NRS by [2011, 2356](#); A [2013, 2927, 2928](#), effective January 1, 2020)

NRS 386.562 Prohibited provisions of contracts with contractors or educational management organizations.

1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; or

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school.

2. As used in this section, “contractor” or “educational management organization” means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

(Added to NRS by [2011, 2356](#); A [2013, 1599](#))

NRS 386.563 Solicitation or acceptance of gifts or money from charter school by member of board of trustees or employee of school district prohibited; exception; penalty.

1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to [NRS 386.560](#).

3. A person who violates subsection 1 shall be punished for a misdemeanor.

(Added to NRS by [2001, 3123](#))

NRS 386.565 Board of trustees prohibited from interfering with operation and management. [Effective through December 31, 2019.] The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the written charter or charter contract, as applicable, [NRS 386.490](#) to [386.649](#), inclusive, and any other statute or regulation applicable to charter schools or its officers or employees.

(Added to NRS by [1997, 1848](#); A [1999, 3300](#); [2013, 2928](#))

NRS 386.565 Board of trustees prohibited from interfering with operation and management. [Effective January 1, 2020.] The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.
2. Interfere with the operation and management of the charter school except as authorized by the charter contract, [NRS 386.490](#) to [386.649](#), inclusive, and any other statute or regulation applicable to charter schools or its officers or employees.

(Added to NRS by [1997, 1848](#); A [1999, 3300](#); [2013, 2928](#), effective January 1, 2020)

NRS 386.570 Count of pupils for apportionment; deposit of money; payment of quarterly sponsorship fee to sponsor; request by charter school for reduction in sponsorship fee; distribution in first year of operation; payment of remaining apportionments upon cessation of operation; solicitation and acceptance of donations and grants.

1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to [NRS 387.121](#) to [387.126](#), inclusive, unless the pupil is exempt from compulsory attendance pursuant to [NRS 392.070](#). A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to [NRS 387.1235](#).

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee for the administrative costs associated with sponsorship for that school quarter, which must be deducted from the quarterly apportionment to the charter school made pursuant to [NRS 387.124](#). Except as otherwise provided in subsection 4, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of money apportioned to the charter school during the school year pursuant to [NRS 387.124](#).

4. If the governing body of a charter school satisfies the requirements of this subsection, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to [NRS 387.124](#). The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction. Upon appeal, the sponsor of the charter school and the governing

body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of [NRS 386.5515](#); and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of [NRS 387.124](#), the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to [NRS 387.124](#) for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

(Added to NRS by [1997, 1852](#); A [1999, 3300](#); [2001, 3134](#); [2005, 2403](#); [2007, 2576](#); [2009, 935](#); [2011, 765, 2368, 3056](#); [2013, 1600](#))

NRS 386.573 Orders for payment of money; limitations.

1. The governing body of a charter school shall designate a person to draw all orders for the payment of money belonging to the charter school. The orders must be listed on cumulative voucher sheets.

2. The governing body of a charter school shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An order for the payment of money to a member of the governing body of the charter school may only be drawn for salary, travel expenses, subsistence allowances or for services rendered by the member.

4. An action may not be maintained against any governing body of a charter school or the sponsor of a charter school to collect upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

(Added to NRS by [1999, 3290](#))

NRS 386.575 Bankruptcy: Disposition of property; immunity of State and sponsor from liability.

1. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, any real property or other property held by the charter school must be disposed of as provided in [NRS 386.536](#).

2. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the sponsor of the charter school may be held liable for any claims resulting from the bankruptcy.

(Added to NRS by [1997, 1848](#); A [1999, 3301](#); [2013, 1602](#))

Account for Charter Schools

NRS 386.576 Creation; investment; credit of interest and income; deposit of money; payment of claims; acceptance of gifts and grants.

1. The Account for Charter Schools is hereby created in the State General Fund as a revolving loan account, to be administered by the State Public Charter School Authority.

2. The money in the Account must be invested as money in other state accounts is invested. All interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward.

3. All payments of principal and interest on all the loans made to a charter school from the Account must be deposited with the State Treasurer for credit to the Account.

4. Claims against the Account must be paid as other claims against the State are paid.

5. The State Public Charter School Authority may accept gifts, grants, bequests and donations from any source for deposit in the Account.

(Added to NRS by [2001, 3124](#); A [2011, 446](#); [2013, 27th Special Session, 4](#))

NRS 386.577 Authorized uses of money in Account; limitation.

1. After deducting the costs directly related to administering the Account for Charter Schools, the State Public Charter School Authority may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs incurred:

(a) In preparing a charter school to commence its first year of operation; and

(b) To improve a charter school that has been in operation.

2. The total amount of a loan that may be made to a charter school pursuant to subsection 1 must not exceed the lesser of an amount equal to \$500 per pupil enrolled or to be enrolled at the charter school or \$200,000.

(Added to NRS by [2001, 3124](#); A [2013, 27th Special Session, 5](#))

NRS 386.578 Application for loan; requirements of contract for loan; regulations. [Effective through December 31, 2019.]

1. If the governing body of a charter school has a written charter issued or a charter contract executed pursuant to [NRS 386.527](#), the governing body may submit an application to the State Public Charter School Authority for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The State Public Charter School Authority shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the State Public Charter School Authority makes a loan from the Account, the State Public Charter School Authority shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the State Public Charter School Authority by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and [NRS 386.576](#) and [386.577](#).

(Added to NRS by [2001, 3124](#); A [2013, 2929](#); [2013, 27th Special Session, 5](#))

NRS 386.578 Application for loan; requirements of contract for loan; regulations. [Effective January 1, 2020.]

1. If the governing body of a charter school has a charter contract executed pursuant to [NRS 386.527](#), the governing body may submit an application to the State Public Charter School Authority for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The State Public Charter School Authority shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the State Public Charter School Authority makes a loan from the Account, the State Public Charter School Authority shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the State Public Charter School Authority by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and [NRS 386.576](#) and [386.577](#).

(Added to NRS by [2001, 3124](#); A [2013, 2929](#), effective January 1, 2020; [2013, 27th Special Session, 5](#))

Pupils

NRS 386.580 Application for admission; determination of enrollment; authorization to enroll certain children first; discrimination prohibited; exception for charter school that provides education for certain pupils; participation in class or extracurricular activity by pupil enrolled in another school or homeschooled child.

1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to [NRS 388.040](#), the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

- (a) Is a sibling of a pupil who is currently enrolled in the charter school;
- (b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;
- (c) Is a child of a person who is:
 - (1) Employed by the charter school;
 - (2) A member of the committee to form the charter school; or
 - (3) A member of the governing body of the charter school;
- (d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or
- (e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

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

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

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

Ê of a pupil.

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

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and
- (c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to [NRS 392.705](#).

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

class or activity through a program of distance education provided by the charter school pursuant to [NRS 388.820](#) to [388.874](#), inclusive.

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

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

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

(a) With disabilities;

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

(c) Who are at risk.

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

(Added to NRS by [1997, 1850](#); A [1999, 3301](#); [2001, 3135](#); [2003, 2960](#); [2005, 1537, 1664, 2404, 2540](#); [2007, 3029](#); [2009, 261, 580](#); [2013, 2929](#))

NRS 386.582 Transfer of credit. If a pupil has successfully completed equivalent courses at a charter school, the pupil must be allowed to transfer the credit that the pupil received at the charter school as applicable toward advancement to the next grade at any other public school or toward graduation from any other public school.

(Added to NRS by [1999, 3291](#))

NRS 386.583 Adoption of rules for academic retention. The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school. The rules must prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.

(Added to NRS by [1999, 3291](#))

NRS 386.584 Issuance of high school diploma; approval of form for diploma by Department.

1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the Department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

(Added to NRS by [2001, 3124](#))

NRS 386.585 Adoption and distribution of rules of behavior and punishments; procedure for suspension or expulsion of pupils; adoption of rules for truancy.

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

- (a) Written rules of behavior required of and prohibited for pupils attending the charter school; and
- (b) Appropriate punishments for violations of the rules.

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

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

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

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

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

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

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

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

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in [NRS 392.130](#) to [392.220](#), inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

(Added to NRS by [1997, 1851](#); A [2009, 752](#))

Personnel

NRS 386.588 Fingerprinting of nonlicensed applicants; review of criminal history report by Superintendent of Public Instruction under certain circumstances; prohibition on employment of certain applicants.

1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written

permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

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

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

4. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

(Added to NRS by [2005, 2397](#))

NRS 386.590 Employment of licensed teachers required for certain instruction; certain teachers required to possess qualifications prescribed by federal law; qualifications of nonlicensed teachers; qualifications and employment of administrators; limitation on salaries of administrators; submission of information to Department.

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

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

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

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

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

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

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

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

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

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

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

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

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

6. Except as otherwise provided in [NRS 386.588](#), a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher’s license issued pursuant to [chapter 391](#) of NRS with an administrative endorsement;
- (b) A master’s degree in school administration, public administration or business administration; or
- (c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation,

a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

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

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to [chapter 391](#) of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

(Added to NRS by [1997, 1852](#); A [1999, 3302](#); [2001, 3137](#); [2003, 19th Special Session, 44](#); [2005, 2406, 2542](#); [2007, 1258](#); [2011, 3058](#))

NRS 386.593 Certain paraprofessionals required to possess qualifications prescribed by federal law.

1. A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).

2. A person who is employed as a paraprofessional by a charter school, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c).

3. For the purposes of this section, a person is not "initially hired" if the person has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. As used in this section, "paraprofessional" has the meaning ascribed to it in [NRS 391.008](#).

(Added to NRS by [2003, 19th Special Session, 44](#))

NRS 386.595 Employment status; applicability of collective bargaining agreement; request by governing body or school district for employment record; reassignment of licensed employees upon revocation of charter, termination of charter contract or cessation of operation; leave of absence from school district to accept employment with charter school; reinstatement; investigation into misconduct during leave of absence; eligibility for benefits. [Effective through December 31, 2019.]

1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to [NRS 391.311](#) to [391.3197](#), inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to [chapter 288](#) of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter

school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or a charter contract is terminated, as applicable, or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

Ê The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

(Added to NRS by [1997, 1853](#); A [1999, 3303](#); [2001, 1497](#), [3138](#), [3165](#); [2003, 223](#); [2005, 1665](#), [2408](#), [2543](#); [2011, 3060](#); [2013, 2932](#))

NRS 386.595 Employment status; applicability of collective bargaining agreement; request by governing body or school district for employment record; reassignment of licensed employees upon termination of charter contract or cessation of operation; leave of absence from school district to accept employment with charter school; reinstatement; investigation into misconduct during leave of absence; eligibility for benefits. [Effective January 1, 2020.]

1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to [NRS 391.311](#) to [391.3197](#), inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to [chapter 288](#) of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the charter contract of a charter school is terminated or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:
- (a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and
 - (b) The investigation must be conducted within a reasonable time.
8. A licensed employee who is on a leave of absence from a school district pursuant to this section:
- (a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.
 - (b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.
- Ê The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.
9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.
10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.
11. For all employees of a charter school:
- (a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.
 - (b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.
12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:
- (a) Ensure that the premiums for that insurance are paid to the board of trustees; and
 - (b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

(Added to NRS by [1997, 1853](#); A [1999, 3303](#); [2001, 1497, 3138, 3165](#); [2003, 223](#); [2005, 1665, 2408, 2543](#); [2011, 3060](#); [2013, 2932, 2934](#), effective January 1, 2020)

NRS 386.598 Charter school required to designate employee authorized to administer auto-injectable epinephrine; training for proper storage and administration.

- 1. Each charter school shall designate one or more employees of the school who is authorized to administer auto-injectable epinephrine.
- 2. Each charter school shall ensure that each person so designated receives training in the proper storage and administration of auto-injectable epinephrine.

(Added to NRS by [2013, 1224](#))

Reports Required of Governing Body and Sponsor

NRS 386.600 Annual reports of budget required; compilation of reports by Superintendent of Public Instruction.

1. On or before November 1 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Distributive School Account for the preceding year.

(Added to NRS by [1997, 1855](#); A [2009, 937](#); [2013, 2637](#))

NRS 386.605 Submission of accountability information to sponsor of charter school. On or before August 31 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to [NRS 385.347](#) to the sponsor of the charter school for inclusion in the report required pursuant to that section. The information must be submitted in a format prescribed by the sponsor of the charter school.

(Added to NRS by [1997, 1847](#); A [1999, 2664, 3305](#); [2001, 1482, 3140](#); [2003, 19th Special Session, 46](#); [2005, 1174, 2409, 2545](#); [2007, 1958](#); [2009, 2326](#); [2011, 116, 577, 2370](#); [2013, 1923](#))

NRS 386.610 Annual report by sponsor of charter school. [Effective through December 31, 2019.] On or before October 1 of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include:

1. For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.

2. For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

3. An identification of each charter school approved by the sponsor:

(a) Which has not opened and the scheduled time for opening, if any;

(b) Which is open and in operation;

(c) Which has transferred sponsorship;

(d) Whose written charter has been revoked or whose charter contract has been terminated by the sponsor;

(e) Whose charter contract has not been renewed by the sponsor; and

(f) Which has voluntarily ceased operation.

4. A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

5. A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to [NRS 386.561](#), including an itemized accounting of the actual costs of those services.

6. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

(Added to NRS by [1997, 1847](#); A [2001, 3141](#); [2005, 2410, 2546](#); [2007, 2577](#); [2009, 916, 938](#); [2011, 2371](#); [2013, 1670, 2936](#))

NRS 386.610 Annual report by sponsor of charter school. [Effective January 1, 2020.] On or before October 1 of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include:

1. A summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

2. An identification of each charter school approved by the sponsor:

(a) Which has not opened and the scheduled time for opening, if any;

(b) Which is open and in operation;

(c) Which has transferred sponsorship;

(d) Whose charter contract has been terminated by the sponsor;

(e) Whose charter contract has not been renewed by the sponsor; and

(f) Which has voluntarily ceased operation.

3. A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

4. A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to [NRS 386.561](#), including an itemized accounting of the actual costs of those services.

5. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

(Added to NRS by [1997, 1847](#); A [2001, 3141](#); [2005, 2410, 2546](#); [2007, 2577](#); [2009, 916, 938](#); [2011, 2371](#); [2013, 1670, 2936, 2937](#), effective January 1, 2020)

Charter School Financing Law

NRS 386.612 Short title. [NRS 386.612](#) to [386.649](#), inclusive, may be cited as the Charter School Financing Law.

(Added to NRS by [2013, 1588](#))

NRS 386.613 Definitions. As used in [NRS 386.612](#) to [386.649](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 386.614](#) to [386.624](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2013, 1588](#))

NRS 386.614 “Bond” or “revenue bond” defined. “Bond” or “revenue bond” means any bond, note, security or other evidence of indebtedness issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive.

(Added to NRS by [2013, 1588](#))

NRS 386.615 “Cost of the project” defined. “Cost of the project” means all or a designated part of the cost of any project, including any incidental cost pertaining to the project. The cost of a project may include, without limitation, the costs of:

1. Surveys, audits, preliminary plans, other plans, specifications, estimates and other costs of preparations;
2. Appraising, printing, estimating, advice and services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;
3. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;
4. Establishment of a reserve for contingencies;
5. Interest on bonds for any time which does not exceed the estimated period of construction plus 1 year, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;
6. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the project; and
7. Short-term financing and the expense of operation and maintenance of the project.

(Added to NRS by [2013, 1588](#))

NRS 386.616 “Director of the Department of Business and Industry” defined. “Director of the Department of Business and Industry” means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director to perform duties in connection with a project or the issuance of bonds pursuant to [NRS 386.612](#) to [386.649](#), inclusive.

(Added to NRS by [2013, 1589](#))

NRS 386.617 “Expense of operation and maintenance” defined. “Expense of operation and maintenance” means any reasonable and necessary expense of the State for the operation, maintenance and administration of a project or of the collection and administration of revenues from a project and includes, without limitation:

1. Expenses for engineering, auditing, reporting, legal services and other expenses of the Director of the Department of Business and Industry which are directly related to the administration of projects.
2. Premiums for fidelity bonds and policies of property and liability insurance pertaining to projects, and shares of the premiums of blanket bonds and policies which may be reasonably allocated to the State.
3. Payments to pension, retirement, health insurance and other insurance funds.

4. Reasonable charges made by any paying agent, commercial bank, credit union, trust company or other depository bank pertaining to bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive.

5. Services rendered under the terms of a contract, services of professionally qualified persons, salaries, administrative expenses and the cost of materials, supplies and labor pertaining to the issuance of any bonds pursuant to [NRS 386.612](#) to [386.649](#), inclusive, including the expenses of any trustee, receiver or other fiduciary.

6. Costs incurred in the collection and any refund of revenues from a project, including the amount of the refund.

7. Fees and costs incurred by the Director of the Department of Business and Industry for ensuring compliance with the provisions of [NRS 386.612](#) to [386.649](#), inclusive.

(Added to NRS by [2013, 1589](#))

NRS 386.618 “Finance” or “financing” defined. “Finance” or “financing” includes, without limitation, the issuance of bonds by the Director of the Department of Business and Industry for the purpose of using all or any part of the proceeds to pay for or to reimburse a user or the designee of a user for the cost of acquiring, improving or equipping the facilities of a project, or to provide money for the project itself, where appropriate, whether these costs are incurred by the obligor or a designee of the obligor.

(Added to NRS by [2013, 1589](#))

NRS 386.619 “Financing agreement” defined. “Financing agreement” means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to [NRS 386.612](#) to [386.649](#), inclusive, to finance one or more projects and the obligor agrees to:

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by [NRS 386.612](#) to [386.649](#), inclusive; and

3. Comply with all the applicable provisions of [NRS 386.612](#) to [386.649](#), inclusive.

(Added to NRS by [2013, 1590](#))

NRS 386.620 “Mortgage” defined. “Mortgage” means a mortgage, trust deed or other security device.

(Added to NRS by [2013, 1590](#))

NRS 386.621 “Obligor” defined. “Obligor” means a charter school, natural person, partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns, who agrees to make the payments required by a financing agreement.

(Added to NRS by [2013, 1590](#))

NRS 386.622 “Project” defined. “Project” means:

1. Any building, structure or real property owned, to be acquired or used by a charter school for any of its educational purposes and all related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping and parking facilities, together with all the personal property necessary, convenient or appurtenant thereto; or

2. Any capital equipment owned, to be acquired or used by a charter school for any of its educational purposes.

(Added to NRS by [2013, 1590](#))

NRS 386.624 “Revenues” defined. “Revenues” includes, with respect to a project, payments under a lease, agreement of sale or financing agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of an obligor executed and delivered by the obligor to the Director of the Department of Business and Industry or his or her designee or assignee, including a trustee, pursuant to a lease, agreement of sale or financing agreement, or under any guarantee of or insurance with respect to any such lease, agreement of sale or financing agreement.

(Added to NRS by [2013, 1590](#))

NRS 386.628 Declaration of legislative intent.

1. It is the intent of the Legislature to authorize the Director of the Department of Business and Industry to finance facilities or other improvements to be owned, acquired and used by a charter school for any of its educational purposes.

2. The Director of the Department of Business and Industry has all the powers necessary to accomplish the purposes set forth in [NRS 386.612](#) to [386.649](#), inclusive, but these powers must be exercised for the health, safety, convenience, prosperity and welfare of the inhabitants of this State.

3. [NRS 386.612](#) to [386.649](#), inclusive, must be liberally construed in conformity with the purposes set forth in this section.

(Added to NRS by [2013, 1590](#))

NRS 386.630 General power of Director of Department of Business and Industry to issue bonds.

When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor’s designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

(Added to NRS by [2013, 1590](#))

NRS 386.632 Prerequisites to financing project: Findings of Director of Department of Business and Industry; approval of findings by State Board of Finance. [Effective through December 31, 2019.]

Except as otherwise provided in [NRS 386.639](#), the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter or charter contract, as applicable, granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of [NRS 386.612](#) to [386.649](#), inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

(Added to NRS by [2013, 1591](#))

NRS 386.632 Prerequisites to financing project: Findings of Director of Department of Business and Industry; approval of findings by State Board of Finance. [Effective January 1, 2020.] Except as otherwise provided in [NRS 386.639](#), the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the charter contract granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of [NRS 386.612](#) to [386.649](#), inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

(Added to NRS by [2013, 1591](#), effective January 1, 2020)

NRS 386.633 Prerequisites to financing project: Additional considerations by Director of Department of Business and Industry and State Board of Finance; regulations of Director.

1. Except as otherwise provided in [NRS 386.639](#), before financing a project pursuant to [NRS 386.632](#), the Director of the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least \$100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four

rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director and the State Board of Finance before financing a project pursuant to [NRS 386.632](#).

(Added to NRS by [2013, 1591](#))

NRS 386.634 Prerequisites to financing project: Limitation on amount and purpose of financing; establishment of and compliance with guidelines for financing project.

1. The Director of the Department of Business and Industry may provide financing for a project pursuant to [NRS 386.612](#) to [386.649](#), inclusive, if:

- (a) The financing is limited in amount and purpose to the payment of the costs associated with:
 - (1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and
 - (2) The cost of the project;
- (b) The Director makes the findings required by [NRS 386.632](#); and
- (c) The Director complies with the guidelines established by the Director pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to [NRS 386.612](#) to [386.649](#), inclusive.

(Added to NRS by [2013, 1592](#))

NRS 386.636 Bonds: Special obligations of State.

1. All bonds issued by the Director of the Department of Business and Industry pursuant to [NRS 386.612](#) to [386.649](#), inclusive, are special, limited obligations of the State. The principal of and interest on such bonds are payable, subject to the security provisions of [NRS 386.612](#) to [386.649](#), inclusive, solely out of the revenues derived from the financing, leasing or sale of the project or projects to be financed by the bonds.

2. The bonds and interest coupons, if any, which are part of those bonds do not constitute the debt or indebtedness of the State or any city or county within the meaning of any provision or limitation of the Constitution of the State of Nevada or statutes, and do not constitute or give rise to a pecuniary liability of the State or a charge against its general credit or taxing powers. This limitation must be plainly stated on the face of each bond.

(Added to NRS by [2013, 1592](#))

NRS 386.637 Bonds: Form and terms; sale; employment of financial and legal consultants authorized as incidental expense to project.

1. Any bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, must be authorized by an order of the Director of the Department of Business and Industry and must:

- (a) Be in denominations;
- (b) Bear the date or dates;
- (c) Mature at the time or times, not exceeding 40 years after their respective dates;
- (d) Bear interest at a rate or rates;
- (e) Be in the form;
- (f) Carry the registration privileges;
- (g) Be executed in the manner;
- (h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,
Ê as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

(Added to NRS by [2013, 1592](#))

NRS 386.638 Bonds: Security. The principal of, the interest on and any prior redemption premiums due in connection with the bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, are payable from, secured by a pledge of, and constitute a lien on the revenues out of which the bonds have been made payable. In addition, they may, in the discretion of the Director of the Department of Business and Industry, be secured by:

1. A mortgage or mortgages covering all or part of any project financed with the proceeds of the bonds, or upon any other property of the lessees, purchasers or obligors of those projects, or by a pledge of the lease, the agreement of sale or the financing agreement with respect to one or more of the projects, or both.

2. A pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor of one or more of the projects.

3. The proceeds of the bonds and income from investment of the proceeds and of revenues.

(Added to NRS by [2013, 1593](#))

NRS 386.639 Bonds: Refunding.

1. Any bonds issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, may be refunded by the Director of the Department of Business and Industry by the issuance of refunding bonds in an amount which the Director determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by [NRS 386.632](#) are not required with respect to refunding bonds issued pursuant to this section.

(Added to NRS by [2013, 1594](#))

NRS 386.640 Bonds: Exemption from taxation; exceptions.

1. Except as otherwise provided in subsection 2, bonds and other securities issued pursuant to [NRS 386.612](#) to [386.649](#), inclusive, their transfer and the income produced by the bonds and other securities is and must forever be and remain free and exempt from taxation by this State or any political subdivision of this State.

2. The provisions of subsection 1 do not apply to the tax on the transfers of taxable estates imposed by [chapter 375A](#) of NRS or the tax on generation-skipping transfers imposed by [chapter 375B](#) of NRS.

(Added to NRS by [2013, 1594](#))

NRS 386.644 Limitation of actions. No action may be brought questioning the legality of any contract, lease, agreement, indenture, mortgage, order or bonds executed, adopted or taken in connection with any project or improvements authorized by [NRS 386.612](#) to [386.649](#), inclusive, more than 30 days after the effective date of the order of the Director of the Department of Business and Industry authorizing the issuance of those bonds.

(Added to NRS by [2013, 1595](#))

NRS 386.646 Faith of State pledged against repeal, amendment or modification of [NRS 386.612](#) to [386.649](#), inclusive. The faith of the State is hereby pledged that [NRS 386.612](#) to [386.649](#), inclusive, will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

(Added to NRS by [2013, 1595](#))

NRS 386.647 Sufficiency of [NRS 386.612](#) to [386.649](#), inclusive; construction.

1. [NRS 386.612](#) to [386.649](#), inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by [NRS 386.612](#) to [386.649](#), inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in [NRS 386.612](#) to [386.649](#), inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to [NRS 386.612](#) to [386.649](#), inclusive, except that the provisions of [NRS 338.013](#) to [338.090](#), inclusive, apply to any contract for new construction,

repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to [NRS 386.612](#) to [386.649](#), inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by [NRS 386.612](#) to [386.649](#), inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of [NRS 386.612](#) to [386.649](#), inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of [NRS 386.612](#) to [386.649](#), inclusive, without the assistance or intervention of any other officer.

(Added to NRS by [2013, 1595](#))

NRS 386.649 Regulations. The Director of the Department of Business and Industry shall adopt regulations to carry out the provisions of [NRS 386.612](#) to [386.649](#), inclusive, including, without limitation, regulations for:

1. Investment and reinvestment of the proceeds from the sale of the bonds, including, without limitation:

(a) Bonds or other obligations of the United States of America.

(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States of America.

(c) Obligations issued or guaranteed as to principal and interest by any agency or person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(d) Obligations issued or guaranteed by any state of the United States of America, or any political subdivision of any state.

(e) Prime commercial paper.

(f) Prime finance company paper.

(g) Bankers' acceptances drawn on and accepted by commercial banks.

(h) Repurchase agreements fully secured by obligations issued or guaranteed as to principal and interest by the United States of America or by any person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(i) Certificates of deposit issued by credit unions or commercial banks, including banks domiciled outside of the United States of America.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

2. Receiving, holding and disbursing of proceeds of the sale of bonds by one or more banks, credit unions or trust companies located within or without this State.

(Added to NRS by [2013, 1593](#))

AUTOMATED SYSTEM OF ACCOUNTABILITY INFORMATION FOR NEVADA

NRS 386.650 Adoption and maintenance of system; adoption of uniform program for school districts to collect, maintain and transfer data to system; duties of Superintendent of Public Instruction; access to data within system. [Effective through June 30, 2014.]

1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and [NRS 385.347](#) and [385.3572](#); and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

Ê The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. Except as otherwise provided in subsection 9 of [NRS 391.3125](#) and subsection 8 of [NRS 391.3127](#), information on pupil achievement data, as prescribed by the State Board pursuant to [NRS 391.465](#), must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of [NRS 386.655](#).

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

(Added to NRS by [1997, 1227](#); A [2001, 3141](#); [2003, 19th Special Session, 47](#); [2005, 1174, 2410, 2546](#); [2007, 1197, 1959](#); [2010, 26th Special Session, 38](#); [2011, 508, 2371, 3083](#); [2013, 1923, 3147](#))

NRS 386.650 Adoption and maintenance of system; adoption of uniform program for school districts to collect, maintain and transfer data to system; duties of Superintendent of Public Instruction; access to data within system. [Effective July 1, 2014.]

1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and [NRS 385.3469](#) and [385.347](#); and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

Ê The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. Except as otherwise provided in subsection 9 of [NRS 391.3125](#) and subsection 8 of [NRS 391.3127](#), information on pupil achievement data, as prescribed by the State Board pursuant to [NRS 391.465](#), must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of [NRS 386.655](#).

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

- (c) Prescribe the format for the data;
- (d) Prescribe the date by which each school district shall report the data to the Department;
- (e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;
- (f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;
- (g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:
 - (1) Individual pupils;
 - (2) Individual teachers;
 - (3) Individual schools and school districts; and
 - (4) Programs and financial information;
- (h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and
- (i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

(Added to NRS by [1997, 1227](#); A [2001, 3141](#); [2003, 19th Special Session, 47](#); [2005, 1174, 2410, 2546](#); [2007, 1197, 1959](#); [2010, 26th Special Session, 38](#); [2011, 508, 2371, 3083](#); 2013 1923, 2697, 3147, effective July 1, 2014)

NRS 386.655 Operation of system; compliance with federal law governing release and confidentiality of records.

1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to [NRS 386.650](#), comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district and each sponsor of a charter school shall maintain within the automated system of information an

electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the sponsor of the charter school such information as is necessary for the sponsor to carry out the provisions of this subsection.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which the pupil attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

(Added to NRS by [1997, 1228](#); A [2001, 3142](#); [2003, 19th Special Session, 49](#); [2005, 1176, 2412, 2548](#))

EMPOWERMENT SCHOOLS

General Provisions

NRS 386.700 “Empowerment school” defined. As used in [NRS 386.700](#) to [386.780](#), inclusive, unless the context otherwise requires, “empowerment school” means a public school operating under an empowerment plan developed pursuant to [NRS 386.740](#) and approved pursuant to [NRS 386.745](#) or [386.750](#), as applicable.

(Added to NRS by [2007, 3277](#); A [2011, 879](#))

State Program of Empowerment Schools; Participation in Program by School Districts; Policies of Participating School Districts; Enrollment

NRS 386.720 Establishment of Program; required percentage of empowerment schools in certain counties; membership and duties of school district design team; acceptance of gifts and grants by school district.

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

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

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

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

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

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

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

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

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

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

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

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

- (g) Such other members as the board of trustees determines are necessary.
- 5. If a design team is created for a school district, the design team shall:
 - (a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and
 - (b) Advise the board of trustees on issues relating to empowerment schools.
- 6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.
(Added to NRS by [2007, 3277](#); A [2011, 878, 879](#))

NRS 386.725 Adoption of policies and procedures; school choice for pupils; enrollment of pupils in empowerment school; no duty to provide transportation; procedure for empowerment school to obtain waiver from school district regulations.

1. The board of trustees of a school district that participates in the Program of Empowerment Schools may establish policies and procedures for public schools within the school district that wish to convert to empowerment schools which may provide for:
 - (a) The process by which a public school may convert to an empowerment school, including, without limitation, the development of an empowerment plan for the school in accordance with [NRS 386.740](#);
 - (b) Autonomy for the principal of each empowerment school to decide issues relating to the operation of the school, including, without limitation, the school schedule, governance, incentives for employees, staffing, budgeting and the provision of instruction;
 - (c) The opportunity for empowerment schools within the school district to offer an alternative schedule, including, without limitation, a longer school day or a longer school year, or both, and to offer school during the summer; and
 - (d) Other matters as deemed necessary by the board of trustees.
2. The board of trustees of a school district that participates in the Program of Empowerment Schools shall adopt policies and procedures which provide for:
 - (a) Accountability measures designed to ensure that pupils enrolled in an empowerment school are achieving certain goals and standards relating to academic achievement;
 - (b) The process for the selection of empowerment schools and the approval of empowerment plans for those schools;
 - (c) The process for renewal of empowerment plans;
 - (d) The criteria for revocation of an empowerment plan for a school and the procedure for revocation; and
 - (e) The time period for which empowerment plans will be approved.
3. A school district that participates in the Program of Empowerment Schools shall provide a process for a pupil who resides in the school district to attend:
 - (a) An empowerment school regardless of the school which the pupil is otherwise zoned to attend.
 - (b) A school that is not an empowerment school if the pupil is zoned to attend a school that converts to an empowerment school.
4. An empowerment school shall:
 - (a) Enroll first the pupils who are zoned to attend that school.
 - (b) After the enrollment of pupils pursuant to paragraph (a), if the school has space available, enroll pupils who are not otherwise zoned to attend the school on the basis of a lottery system.
5. A school district is not required to provide transportation to a pupil who attends a public school which the pupil is not otherwise zoned to attend.
6. A school district that participates in the Program of Empowerment Schools shall provide a procedure for an empowerment school to obtain a waiver from the requirements and regulations of the board of trustees of the school district. The board of trustees may not waive:

- (a) The requirements of a state or federal law or regulation.
- (b) A policy or requirement relating to safety, including, without limitation, hiring security personnel and following procedures designed to ensure the safety of the school, the personnel employed at the school and the pupils.

(Added to NRS by [2007, 3278](#); A [2011, 879](#); [2013, 1925](#))

School Empowerment Teams; Review of School Empowerment Plans; Waivers From Statutes and Regulations

NRS 386.730 Establishment of empowerment team for school; exception from requirement of empowerment team; development of empowerment plan; participation by charter schools.

1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school shall:

- (a) Establish an empowerment team for the school; and
- (b) Develop an empowerment plan for the school in consultation with the empowerment team.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the responsibilities and duties otherwise assigned to an empowerment team pursuant to [NRS 386.700](#) to [386.780](#), inclusive.

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

- (a) The principal of the school;
- (b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;
- (c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;
- (d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;
- (e) At least two but not more than four representatives of the community or businesses within the community; and
- (f) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

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

- (a) At least one member must have 5 years or more of experience in school finance;
- (b) At least one member must have 5 years or more of experience in school administration or human resources;
- (c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and
- (d) At least one member must have 5 years or more of experience in the collection and analysis of data.

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

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of [NRS 386.700](#) to [386.780](#), inclusive. If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

(Added to NRS by [2007, 3279](#); A [2009, 2326, 2327](#); [2011, 879](#); [2013, 1926, 3806](#))

NRS 386.735 Duties of school empowerment team. An empowerment team for a school shall:

1. Select, from among its members, a Chair and a Vice Chair.
2. Assist the principal in the development of the empowerment plan for the school.
3. Assist in the development of the proposed budget for the school and provide ongoing advice to the principal concerning the expenditure of money apportioned to the school.
4. Provide continued oversight of the school and assist in the management decisions for the school.
(Added to NRS by [2007, 3280](#); A [2011, 879](#))

NRS 386.740 Requirements of school empowerment plan; request for waiver from certain statutes and regulations; budget for empowerment school and discretion over certain percentage of money.

1. Each empowerment plan for a school must:
 - (a) Set forth the manner by which the school will be governed;
 - (b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;
 - (c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;
 - (d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to [NRS 389.550](#) and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to [NRS 389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#);
 - (e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to [chapter 288](#) of NRS;
 - (f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to [chapter 288](#) of NRS;
 - (g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;
 - (h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with [NRS 388.700](#) or [388.720](#), as applicable;
 - (i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;
 - (j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;
 - (k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to [NRS 385.357](#);
 - (l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and
 - (m) Set forth the calendar and schedule for the school.
2. If the empowerment plan includes an incentive pay structure, that pay structure must:
 - (a) Provide an incentive for all staff employed at the school;
 - (b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and
 - (c) Be in addition to the salary or hourly rate of pay negotiated pursuant to [chapter 288](#) of NRS that is otherwise payable to the employee.
3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to [NRS 387.121](#) to [387.126](#), inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

(Added to NRS by [2007, 3280](#); A [2009, 2328, 2330](#); [2011, 879](#); [2013, 1927, 3264, 3806](#))

NRS 386.745 Review of empowerment plan for public school or district-sponsored charter school; opportunity to correct deficiencies; term of effectiveness; request for amendment; review of request for waiver from statute or regulation by State Board.

1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, that develops an empowerment plan pursuant to [NRS 386.740](#) shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of [NRS 386.740](#).

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

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

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

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

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the

chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

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

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

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

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

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

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

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of [NRS 386.730](#), the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

(Added to NRS by [2007, 3281](#); A [2011, 879](#))

NRS 386.750 Review of empowerment plan for State Public Charter School Authority-sponsored and Nevada System of Higher Education-sponsored charter schools; opportunity to correct deficiencies; term of effectiveness; request for amendment; review of request for waiver from statute or regulation by State Board.

1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education which develops an empowerment plan pursuant to [NRS 386.740](#) shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of [NRS 386.740](#).

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

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

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

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

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

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

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of [NRS 386.730](#), the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

(Added to NRS by [2007, 3283](#); A [2011, 879](#))

Reports; Compliance With Laws; Regulations

NRS 386.760 Quarterly report by empowerment school; annual financial audit required; compilation of reports and audits.

1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

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

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

(a) The financial status of the school; and

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

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

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

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

- (a) Governor;
- (b) Department; and
- (c) Legislative Committee on Education.

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

- (a) Governor; and
- (b) Legislative Committee on Education.

(Added to NRS by [2007, 3284](#); A [2011, 879](#))

NRS 386.765 Compliance with state law; exception if waiver granted; acceptance of gifts and grants by empowerment school.

1. Except as otherwise provided pursuant to a waiver granted in accordance with [NRS 386.745](#) or [386.750](#), each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to [NRS 389.520](#) and the examinations that are administered pursuant to [NRS 389.550](#) and [389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#).

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

(Added to NRS by [2007, 3284](#); A [2011, 879](#); [2013, 3265](#))

NRS 386.780 Regulations. The State Board may adopt regulations to carry out the provisions of [NRS 386.700](#) to [386.780](#), inclusive.

(Added to NRS by [2007, 3284](#); A [2011, 879](#))