

Nevada Revised Statutes
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.

↳ 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.

↳ 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 conterminous 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,

↳ 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 coterminous 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 50,000 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](#))

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 386.355 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.

1. Not later than 60 days after receipt of a memorandum pursuant to subsection 3 of [NRS 385.210](#) or an addendum to a memorandum pursuant to subsection 4 of that section, the board of trustees of a school district shall determine which statutes and bills described in the memorandum or addendum, as applicable, directly affect pupils, parents, teachers, administrators or other educational personnel and require a plan for implementation. If the board of trustees determines that a statute or bill requires a plan for implementation, the board of trustees shall prepare a brief plan, which must ensure that the school district and the public schools within the school district will comply with the statute or bill on the date on which the statute or bill becomes effective and thereafter.

2. The board of trustees shall provide written notice to the parents and legal guardians of pupils who are enrolled in public schools within the school district, and to all teachers, administrators and other educational personnel who are employed by the board of trustees and the governing body of each charter school that is located within the school district of the:

(a) Information contained in the memorandum provided pursuant to subsection 3 of [NRS 385.210](#) or the addendum provided pursuant to subsection 4 of that section, as applicable, that directly affects pupils, parents, teachers, administrators or other educational personnel; and

(b) Brief plan for implementation of the statutes or bills, if any.

3. The written notice provided pursuant to subsection 2 to the parents and legal guardians may be:

(a) Included in other notices that the board of trustees provides to parents and legal guardians.

(b) Provided in a language other than English if the board of trustees determines that it is necessary for the parent or legal guardian to understand the notice.

4. Each board of trustees may prescribe or enforce rules, not inconsistent with law or rules prescribed by the State Board, for its own government and the government of public schools under its charge.

5. Each board of trustees shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to [NRS 202.265](#).

[81:32:1956]—(NRS A 1989, 657; [1999, 1753](#); [2001, 114](#); [2005, 1655](#))

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.

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

[84:32:1956]

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 hot lunches for aged persons and their spouses; limitations.

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,

↳ 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](#))

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,

↳ 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 386.500 “Pupil ‘at risk’ ” defined. For the purposes of [NRS 386.500](#) to [386.610](#), inclusive, 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](#))

Subcommittee on Charter Schools; Charter School District; Renewal and Revocation of Charters

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 386.500](#) to [386.610](#), 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 386.500](#) to [386.610](#), 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](#))

NRS 386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

(Added to NRS by [1999, 3289](#))

NRS 386.508 Charter School District for State Board-Sponsored Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board or sponsored by a college or university within the Nevada System of Higher Education. The State Board is hereby deemed the Board of Trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the School District for purposes of federal law governing charter schools.

(Added to NRS by [2007, 1255](#); A [2007, 2579](#))

NRS 386.515 Sponsorship of charter schools by board of trustees, State Board and Nevada System of Higher Education.

1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. 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 Board shall sponsor charter schools whose applications have been approved by the State Board pursuant to [NRS 386.525](#). Except as otherwise provided by specific statute, if the State Board sponsors a charter school, the State Board or the Department 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 sponsor charter schools. (Added to NRS by 1997, 1844; A [2001, 3125](#); [2005, 2398](#); [2007, 2567](#))

NRS 386.520 Membership of committee to form charter school; submission of application to Department; opportunity to correct deficiencies.

1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

- (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.

↳ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application 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 386.500](#) to [386.610](#), 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 opportunities for pupils to learn;
- (2) Encouraging the use of effective methods of teaching;
- (3) Providing an accurate measurement of the educational achievement of pupils;
- (4) Establishing accountability 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 of enrollment for 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 of selecting 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](#). If the procedure is different from the procedure prescribed in [NRS 391.3125](#), 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](#).

(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.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason 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.

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

(a) Holds a current license to teach issued pursuant to [chapter 391](#) of NRS; and

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

↳ 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](#))

NRS 386.525 Review of application to form charter school; assistance of Department; opportunity to correct deficiencies; appeal of denial; biennial report by Superintendent of Public Instruction concerning applications.

1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, a college or university within the Nevada System of Higher Education or directly to the Subcommittee on Charter Schools. If the board of trustees of a school district, a college or a university, 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 45 days after the receipt of the application, or a 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, the university or the Subcommittee on Charter Schools, as applicable, shall review an application to determine whether the application:

(a) Complies with [NRS 386.500](#) to [386.610](#), inclusive, and the regulations applicable to charter schools; and

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

2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. 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.

3. 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.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Board to the Subcommittee on Charter Schools created pursuant to [NRS 386.507](#) 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.

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

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

7. If the State Board 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.

8. If the State Board denies an application after it has been resubmitted pursuant to subsection 7, the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

9. 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 Board, 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](#))

NRS 386.527 Approval of application; contents and term of written charter; request for change in sponsorship; new application required to expand grade levels under certain circumstances; issuance of charter to applicant who is not prepared to commence operation.

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

2. If the State Board approves the application:

- (a) The State Board 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.

3. 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.

4. 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) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo 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.

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

6. 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 of the charter school. 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 expansion of grade levels does not change the kind of school, as defined in [NRS 388.020](#), for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, [NRS 386.500](#) to [386.610](#), inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in [NRS 388.020](#), for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

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

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

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

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

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to [NRS 387.124](#) until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 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,

↪ 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](#))

NRS 386.530 Renewal of charter: Application; intensive review by sponsor; opportunity to correct deficiencies.

1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in [NRS 386.535](#).

The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:

- (a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and
- (b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

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

2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in [NRS 386.535](#). The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:

- (a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and
- (b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

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

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

NRS 386.535 Revocation of charter; written notice; opportunity to correct deficiencies; public hearing.

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

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

- (1) The terms and conditions of the written charter;
- (2) Generally accepted standards of accounting and fiscal management; or
- (3) The provisions of [NRS 386.500](#) to [386.610](#), inclusive, or any other statute or regulation applicable to charter schools;

- (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 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, 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 charter.

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. 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 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.

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

NRS 386.536 Appointment of trustee upon closure of charter school; financial compensation for trustee.

1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall 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. The administrator 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.

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

3. 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 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. 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](#))

NRS 386.540 Regulations.

1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the Subcommittee on Charter Schools and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the Subcommittee on Charter Schools, the State Board and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of [NRS 386.500](#) to [386.610](#), 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](#))

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.

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 386.500](#) to [386.610](#), 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; and

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

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. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

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

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; 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.

1. The governing body of a charter school:

(a) Must consist of:

(1) At least three teachers, as defined in subsection 5; or

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

(b) May consist of, 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.

2. A person may serve on the governing body only if the person submits an affidavit to the Department 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 Department.

3. 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.

4. 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.

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

(a) Holds a current license to teach issued pursuant to [chapter 391](#) of NRS; and

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

↪ 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](#))

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 achievement and proficiency examinations administered pursuant to [NRS 389.015](#) and the examinations required pursuant to [NRS 389.550](#) 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](#))

NRS 386.551 Operation: Limitation on additional terms and conditions. The provisions of [NRS 386.500](#) to [386.610](#), 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. Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.

(Added to NRS by [2005, 1662](#))

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 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 adequate yearly progress as determined pursuant to [NRS 385.3613](#) or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, 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 State Board 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), (d) and (e) 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](#))

NRS 386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation.

1. Not later than 60 days after receipt of a memorandum pursuant to subsection 3 of [NRS 385.210](#) or an addendum to a memorandum pursuant to subsection 4 of that section, the governing body of a charter school shall determine which statutes and bills described in the memorandum or addendum, as applicable, directly affect pupils, parents, teachers, administrators or other educational personnel of the charter school and require a plan for implementation. If the governing body determines that a statute or bill requires a plan for implementation, the governing body shall prepare a brief plan, which must ensure that the charter school will comply with the statute or bill on the date on which the statute or bill becomes effective and thereafter.

2. The governing body of a charter school shall provide to the parents and legal guardians of pupils who are enrolled in the charter school, and to all teachers, administrators and other educational personnel who are employed by the charter school, written notice of the:

(a) Information contained in the memorandum provided pursuant to subsection 3 of [NRS 385.210](#) or the addendum provided pursuant to subsection 4 of that section, as applicable, that directly affects pupils, parents, teachers, administrators or other educational personnel of the charter school; and

(b) Brief plan for implementation of the statutes or bills, if any.

3. The written notice provided pursuant to subsection 2 to the parents and legal guardians may be:

(a) Included in other notices that the charter school provides to parents and legal guardians.

(b) Provided in a language other than English if the governing body determines that it is necessary for the parent or legal guardian to understand the notice.

(Added to NRS by [2005, 1654](#))

NRS 386.553 Operation for profit prohibited. A charter school shall not operate for profit.
(Added to NRS by [2001, 3123](#))

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; 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 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.

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. 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.

➤ 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](#).

5. 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.

➤ 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.

6. 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 4 and 5 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](#))

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. 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, [NRS 386.500](#) to [386.610](#), 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](#))

NRS 386.570 Count of pupils for apportionment; deposit of money; reimbursement of sponsor for administrative expenses; distribution in first year of operation; payment of remaining apportionments upon cessation of operation; solicitation and acceptance of donations and grants; purchase of real property.

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.

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 sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to [NRS 386.535](#) as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to [NRS 387.124](#), as adjusted by the final computation of apportionment pursuant to subsection 4 of [NRS 387.1243](#).

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to [NRS 387.124](#), as adjusted by the final computation of apportionment pursuant to subsection 4 of [NRS 387.1243](#).

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to [NRS 387.124](#), as adjusted by the final computation of apportionment pursuant to subsection 4 of [NRS 387.1243](#).

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to [NRS 387.124](#), as adjusted by the final computation of apportionment pursuant to subsection 4 of [NRS 387.1243](#).

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 Board 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.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

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

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: Assignment of property to State of Nevada; immunity from liability.

1. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, the governing body of the charter school shall make an assignment of all real property and other property of the charter school to the State of Nevada for the repayment of all money received by the charter school from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the State may take any lawful action necessary to recover the money.

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](#))

Fund for Charter Schools

NRS 386.576 Creation; investment; deposit of money; payment of claims; acceptance of gifts and grants.

1. The Fund for Charter Schools is hereby created in the State Treasury as a revolving loan fund, to be administered by the Department.
2. The money in the revolving fund must be invested as other state funds are invested. All interest and income earned on the money in the revolving fund must be credited to the revolving fund. Any money remaining in the revolving fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward.
3. All payments of principal and interest on all the loans made to a charter school from the revolving fund must be deposited in the State Treasury for credit to the revolving fund.
4. Claims against the revolving fund must be paid as other claims against the State are paid.
5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the revolving fund.

(Added to NRS by [2001, 3124](#))

NRS 386.577 Authorized uses of money in Fund; limitation.

1. After deducting the costs directly related to administering the Fund for Charter Schools, the Department may use the money in the Fund for Charter Schools, including repayments of principal and interest on loans made from the Fund, and interest and income earned on money in the Fund, 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 in 1 year must not exceed \$25,000.

(Added to NRS by [2001, 3124](#))

NRS 386.578 Application for loan; requirements of contract for loan; regulations.

1. If the governing body of a charter school has a written charter issued pursuant to [NRS 386.527](#), the governing body may submit an application to the Department for a loan from the Fund 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 Department shall, within the limits of money available for use in the Fund, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Fund, the Department 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 Department by a charter school that desires to receive a loan from the Fund; and
 - (2) Period for repayment and the rate of interest for loans made from the Fund.
 - (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](#))

Pupils

NRS 386.580 Application for admission; determination of enrollment; 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 that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

- (a) Is a sibling of a pupil who is currently enrolled in the charter school;
- (b) Was enrolled, 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 employed in a full-time position by 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.

↳ 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,
- ↳ 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](#).

↳ 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.

↳ 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](#))

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 licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee, including, without limitation, verification of compliance with subsection 7, if applicable to that employee; and

(b) The designated assignment, as that term is defined by the Department, of the employee.

(Added to NRS by 1997, 1852; A [1999, 3302](#); [2001, 3137](#); [2003, 19th Special Session, 44](#); [2005, 2406, 2542](#); [2007, 1258](#))

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; reassignment upon revocation of charter or cessation of operation; leave of absence to accept employment with charter school; reinstatement; eligibility for benefits.

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. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the 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 an 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 teach at the charter school pursuant to subsection 4; or

(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 4.

4. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 3 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, the employee may return to his or her former teaching position with the board of trustees. After the third school year, an 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 employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

5. An 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.

➔ 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.

6. 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.

7. 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.

8. 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.

9. 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](#))

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 15 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](#))

NRS 386.605 Submission of accountability information to school district; review of accountability information by consultant. [Effective through June 30, 2010.]

1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of [NRS 385.347](#) to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to [NRS 218E.625](#) may authorize a person or entity with whom it contracts pursuant to [NRS 385.359](#) to review and analyze information submitted by charter schools pursuant to this section and [NRS 385.357](#), consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to [NRS 385.359](#).

(Added to NRS by 1997, 1847; A [1999, 2664, 3305](#); [2001, 1482, 3140](#); [2003, 19th Special Session, 46](#); [2005, 1174, 2409, 2545](#); [2007, 1958](#))

NRS 386.605 Submission of accountability information to school district; review of accountability information by consultant. [Effective July 1, 2010.]

1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of [NRS 385.347](#) to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to [NRS 218E.625](#) may authorize a person or entity with whom it contracts pursuant to [NRS 385.359](#) to review and analyze information submitted by charter schools pursuant to this section and pursuant to [NRS 385.357](#), [385.3745](#) or [385.3746](#), whichever is applicable for the school, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to [NRS 385.359](#).

(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](#), effective July 1, 2010)

NRS 386.610 Annual report by sponsor of charter school; report of progress by governing body.

1. On or before August 15 of each year, if the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education sponsors a charter school, the Department, the board of trustees or the institution, as applicable, shall submit a written report to the State Board. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the State Board, the board of trustees or the institution, as applicable, in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the Department, the school district or the institution, as applicable, to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for

renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of [NRS 386.530](#).

(Added to NRS by 1997, 1847; A [2001, 3141](#); [2005, 2410, 2546](#); [2007, 2577](#); [2009, 916, 938](#))

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.

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 paragraph (b) of subsection 1 of [NRS 385.361](#);

(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 and which paraprofessionals, if any, are assigned to provide services 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 designation of schools and school districts pursuant to [NRS 385.3623](#) and [385.377](#), respectively, 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, 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.

↪ 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 but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

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 and paraprofessionals;
- (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](#))

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. [Effective through June 30, 2011.] 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](#))

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; limitation on total number of empowerment schools statewide; membership and duties of school district design team; acceptance of gifts and grants by school district. [Effective through June 30, 2011.]

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. Except as otherwise provided in this subsection, 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.

↳ The total number of schools which operate as empowerment schools in this State must not exceed 100 schools. The Department shall adopt procedures to ensure compliance with the provisions of this subsection.

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 districts.

(Added to NRS by [2007, 3277](#))

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. [Effective through June 30, 2011.]

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.

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

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](#))

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. [Effective through June 30, 2010.]

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:

(1) The empowerment team; and

(2) The school support team, if a school support team has been established for the school pursuant to [NRS 385.3745](#).

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 a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support 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;

(f) The facilitator of the school support team, if a school support team has been established for the school pursuant to [NRS 385.3745](#); and

(g) 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.

↳ 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](#))

NRS 386.730 Establishment of empowerment team for school; exception from requirement of empowerment team; development of empowerment plan; participation by charter schools. [Effective July 1, 2010, through June 30, 2011.]

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:

(1) The empowerment team; and

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

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 a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support 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;

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

- (g) 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.
- ↳ 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](#), effective July 1, 2010)

NRS 386.735 Duties of school empowerment team. [Effective through June 30, 2011.] 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](#))

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. [Effective through June 30, 2010.]

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) If a school support team has been established for the school pursuant to [NRS 385.3745](#), require the principal and the empowerment team for the school to work in consultation with the school support team;
 - (d) 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;
 - (e) 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 389.015](#) and [389.550](#);
 - (f) 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;
 - (g) 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;
 - (h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;
 - (i) 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;
 - (j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;
 - (k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;
 - (l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to [NRS 385.357](#);
 - (m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and
 - (n) 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](#))

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. [Effective July 1, 2010, through June 30, 2011.]

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) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to [NRS 385.361](#), require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) 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;

(e) 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 389.015](#) and [389.550](#);

(f) 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;

(g) 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;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) 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;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to [NRS 385.357](#), the turnaround plan for the school implemented pursuant to [NRS 385.37603](#) or the plan for restructuring the school implemented pursuant to [NRS 385.37607](#), whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) 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](#), effective July 1, 2010)

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. [Effective through June 30, 2011.]

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 Board 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](#))

NRS 386.750 Review of empowerment plan for State Board-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. [Effective through June 30, 2011.]

1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Board 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 Board 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](#))

Reports; Compliance With Laws; Regulations

NRS 386.760 Quarterly report by empowerment school; annual financial audit required; compilation of reports and audits. [Effective through June 30, 2011.]

1. Each empowerment school, other than a charter school that is sponsored by the State Board 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 Board 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 Board 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 Board 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](#))

NRS 386.765 Compliance with state law; exception if waiver granted; acceptance of gifts and grants by empowerment school. [Effective through June 30, 2011.]

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 389.015](#) and [389.550](#).

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](#))

NRS 386.780 Regulations. [Effective through June 30, 2011.] 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](#))