

SENATE BILL NO. 46—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CARSON CITY SCHOOL DISTRICT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-353)

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

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

AN ACT relating to education; establishing the Program of Empowerment Districts; repealing provisions governing the Program of Empowerment Schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes a Program of Empowerment Schools for public
2 schools within this State and authorizes the board of trustees of a school district to
3 approve public schools within the school district to operate as empowerment
4 schools. (NRS 388G.050) The principal of a public school that participates in the
5 Program is required to establish an empowerment team and develop an
6 empowerment plan for the school. (NRS 388G.100) The empowerment plan is
7 required to address certain issues and may include a request for a waiver from state
8 laws or regulations relating to education. (NRS 388G.120) To become effective, an
9 empowerment plan for a public school in a school district must be approved by the
10 board of trustees of the school district and, if the plan includes a request for a
11 waiver from a state law or regulation, by the State Board of Education.
12 (NRS 388G.130)

13 This bill establishes the Program of Empowerment Districts that replaces the
14 Program of Empowerment Schools. **Section 2** of this bill requires the
15 superintendent of a school district that participates in the Program to develop an
16 empowerment plan that includes a comprehensive educational and operational
17 program for the school district and requests a waiver from any state law or
18 regulation adopted pursuant thereto that would hinder the comprehensive
19 educational and operational program. **Section 2** authorizes the creation of a design
20 team to advise the board of trustees of the school district on the empowerment plan
21 and issues relating to the empowerment district. **Section 2** requires the
22 superintendent of a school district that participates in the Program to develop the
23 empowerment plan with the assistance and advice of the design team if one has



24 been created. **Section 3** of this bill requires a superintendent of a school district that
25 develops an empowerment plan to submit the proposed plan to a designee of the
26 board of trustees of the school district for review and sets forth procedures for the
27 approval or denial of such a plan. **Section 3** requires an empowerment plan which
28 is approved by the board of trustees of a school district to be transmitted to the
29 State Board of Education for review of any request for a waiver from a state law or
30 regulation. **Section 4** of this bill requires the superintendent of an empowerment
31 district to submit an annual report to the board of trustees of the school district
32 regarding the compliance of the school district with the empowerment plan and
33 requires the board of trustees of each empowerment district to transmit the report to
34 the Governor, the Department of Education and the Joint Interim Standing
35 Committee on Education. **Sections 1, 5 and 7** of this bill make conforming changes
36 to remove references to the Program of Empowerment Schools and establish the
37 Program of Empowerment Districts.

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

1 **Section 1.** NRS 388G.010 is hereby amended to read as
2 follows:

3 388G.010 As used in NRS 388G.010 to 388G.220, inclusive,
4 unless the context otherwise requires, “empowerment ~~[school”]~~
5 *district*” means a ~~[public]~~ school *district* operating under an
6 empowerment plan developed pursuant to NRS ~~[388G.120]~~
7 **388G.050** and approved pursuant to NRS 388G.130 . ~~[or 388G.140,~~
8 ~~as applicable.]~~

9 **Sec. 2.** NRS 388G.050 is hereby amended to read as follows:

10 388G.050 1. There is hereby established a Program of
11 Empowerment ~~[Schools]~~ *Districts* for ~~[public schools]~~ *school*
12 *districts* within this State. The *board of trustees of a school district*
13 *may direct the school district to participate in the* Program ~~[does~~
14 ~~not include a university school for profoundly gifted pupils.]~~ *of*
15 *Empowerment Districts.*

16 2. ~~[The board of trustees of a school district which is located:~~

17 ~~—(a) In a county whose population is less than 100,000 may~~
18 ~~approve public schools located within the school district to operate~~
19 ~~as empowerment schools.~~

20 ~~—(b) In a county whose population is 100,000 or more but less~~
21 ~~than 700,000 shall approve not less than 5 percent of the schools~~
22 ~~located within the school district to operate as empowerment~~
23 ~~schools.~~

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



1 ~~4.~~ The board of trustees of a school district that participates in
2 the Program of Empowerment ~~[Schools]~~ *Districts* may create a
3 design team for the school district. If such a design team is created,
4 the membership of the design team must consist of the following
5 persons appointed by the board of trustees:

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

7 (b) The superintendent of the school district, or the
8 superintendent's designee;

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

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

13 (e) Representatives of organizations that represent teachers and
14 other educational personnel;

15 (f) Representatives of the community in which the school
16 district is located and representatives of businesses within the
17 community; and

18 (g) Such other members as the board of trustees determines are
19 necessary.

20 ~~5.~~ 3. If a design team is created for a school district, the
21 design team shall ~~[]~~ *advise the board of trustees on:*

22 (a) ~~[Recommend]~~ *The empowerment plan for the district,*
23 *including, without limitation, recommending* policies and
24 procedures ~~[relating to]~~ *for inclusion in the* empowerment ~~[schools~~
25 ~~to the board of trustees of the school district;]~~ *plan;* and

26 (b) ~~[Advise the board of trustees on issues]~~ *Issues* relating to *the*
27 empowerment ~~[schools.]~~ *district.*

28 *4. The superintendent of a school district that participates in*
29 *the Program of Empowerment Districts shall develop an*
30 *empowerment plan for the school district. If a design team has*
31 *been created pursuant to subsection 2, the superintendent shall*
32 *develop the empowerment plan with the assistance and advice of*
33 *the design team.*

34 *5. The empowerment plan developed pursuant to subsection 4*
35 *must include:*

36 (a) *A comprehensive educational and operational program for*
37 *the school district which may include, without limitation:*

38 (1) *Innovative curriculum or instructional methods;*

39 (2) *Provisions regarding community participation, campus*
40 *governance and parental involvement;*

41 (3) *Modifications to the school day or the school year;*

42 (4) *Provisions regarding the budget of the school district*
43 *and funding for the programs of the school district;*

44 (5) *Accountability and assessment measures; and*



1 (6) Any other innovation determined to be appropriate by
2 the superintendent of the school district.

3 (b) A request for a waiver from any provision of this title or
4 any regulation adopted pursuant thereto which the superintendent
5 determines would hinder the implementation or prevent the school
6 district from achieving the goals of the comprehensive educational
7 and operational program required by paragraph (a).

8 (c) For each law or regulation for which a waiver is requested
9 pursuant to paragraph (b), a description of how the proposed
10 waiver will further the comprehensive educational or operational
11 program of the school district required by paragraph (a).

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

15 **Sec. 3.** NRS 388G.130 is hereby amended to read as follows:

16 388G.130 1. ~~[Except as otherwise provided in subsection 10,~~
17 ~~the empowerment team] The superintendent of a [public] school [,~~
18 ~~other than a charter school that is sponsored by the State Public~~
19 ~~Charter School Authority or by a college or university within the~~
20 ~~Nevada System of Higher Education, that] district who develops an~~
21 empowerment plan pursuant to NRS ~~[388G.120] 388G.050~~ shall
22 submit the proposed empowerment plan to the designee of the board
23 of trustees appointed pursuant to this subsection for review ~~[and~~
24 ~~approval]~~ pursuant to this section. The board of trustees shall
25 designate a ~~[person] member of the board of trustees~~ to review
26 ~~[each] the~~ proposed empowerment plan and recommend the
27 approval or denial of the plan to the board of trustees.

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

35 3. ~~[Except as otherwise provided in subsection 10, if] If~~ the
36 board of trustees approves an empowerment plan, the president of
37 the board of trustees ~~[, the principal of the public school] and [the~~
38 ~~chair of the empowerment team, if the principal is not the chair,] the~~
39 *superintendent of the school district* shall each sign the plan. The
40 empowerment plan is effective for ~~[3] 5~~ years *after the date on*
41 *which it is approved by the board of trustees*, unless the
42 ~~[empowerment team] superintendent of the school district~~
43 determines that the school *district* will no longer operate under the
44 plan or the board of trustees of the school district revokes the plan.



1 4. ~~Except as otherwise provided in subsection 10, if~~ **If** the
2 board of trustees denies an empowerment plan, the board of trustees
3 shall:

4 (a) Return the plan to the ~~empowerment team~~ **superintendent**
5 **of the school district** with a written statement indicating the reason
6 for the denial; and

7 (b) Provide the ~~empowerment team~~ **superintendent of the**
8 **school district** with a reasonable opportunity to correct any
9 deficiencies identified in the written statement and resubmit it for
10 approval. ~~An empowerment plan may be resubmitted not more than~~
11 ~~once in a school year.~~

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

23 ~~6. Except as otherwise provided in subsection 10, the~~
24 ~~empowerment team~~ **The superintendent of the school district** may
25 submit a written request to the board of trustees for an amendment
26 to the empowerment plan approved pursuant to this section,
27 including an explanation of the reason for the amendment. An
28 amendment must be approved in the same manner as the
29 empowerment plan was approved.

30 ~~[7.]~~ **6.** If the empowerment plan includes a request for a
31 waiver from a ~~statute~~ **state law** or regulation, the board of trustees
32 shall forward the approved empowerment plan to the State Board
33 for review of the request for a waiver. The State Board shall review
34 the empowerment plan and may approve or deny the request for a
35 waiver from a ~~statute~~ **state law** or regulation. ~~Unless the statute~~
36 **If a state law** or regulation is required by federal law or is required
37 to carry out federal law ~~.~~

38 ~~[8.]~~ **, the State Board shall deny the request. A request for a**
39 **waiver is not effective unless approved by the State Board.**

40 **7.** If the State Board approves the request for a waiver for a
41 school ~~district~~ **district**, the Department shall provide written notice of the
42 approval to the board of trustees of the school district that submitted
43 the empowerment plan. ~~on behalf of the school.~~

44 ~~[9.]~~ **8.** If the State Board denies a request for a waiver, the State
45 Board shall:



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

3 (b) ~~[[Except as otherwise provided in subsection 10, provide]~~
4 *Provide* the ~~[empowerment team]~~ *superintendent of the school*
5 *district* with a reasonable opportunity to correct any deficiencies
6 identified in the written statement and resubmit it for approval. ~~[A~~
7 ~~request for a waiver may be resubmitted by the school district, after~~
8 ~~the empowerment team corrects any deficiencies, not more than~~
9 ~~once in a school year.~~

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

14 *9. The respective school district shall post a copy of the*
15 *empowerment plan, and any amendment to the empowerment*
16 *plan, that has been approved by the board of trustees of the school*
17 *district in a prominent location on the Internet website maintained*
18 *by the school district.*

19 **Sec. 4.** NRS 388G.200 is hereby amended to read as follows:

20 388G.200 1. ~~[Each]~~ *The superintendent of an* empowerment
21 ~~[school, other than a charter school that is sponsored by the State~~
22 ~~Public Charter School Authority or by a college or university within~~
23 ~~the Nevada System of Higher Education,]~~ *district* shall, on ~~[a~~
24 ~~quarterly]~~ *an annual* basis, submit to the board of trustees of the
25 school district ~~[in which the school is located]~~ a report ~~[that~~
26 ~~includes:~~

27 ~~—(a) The financial status of the school; and~~

28 ~~—(b) A description of]~~ *describing* the ~~[school's]~~ compliance *by*
29 *the school district* with each component of the empowerment plan .
30 ~~[[for the school.]~~

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

36 ~~—(a) The financial status of the school; and~~

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

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



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

7 ~~—5.] On or before July 1 of each year, the board of trustees of~~
8 ~~each [school] empowerment district shall [compile] transmit the~~
9 ~~[reports and audits] report required pursuant to [subsections]~~
10 ~~subsection 1 [and 3, if any, and forward the compilation] to the:~~

- 11 (a) Governor;
12 (b) Department; and
13 (c) Joint Interim Standing Committee on Education.

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

- 17 ~~—(a) Governor; and~~
18 ~~—(b) Joint Interim Standing Committee on Education.]~~

19 **Sec. 5.** NRS 388G.210 is hereby amended to read as follows:

20 388G.210 ~~[1.]~~ Except as otherwise provided pursuant to a
21 waiver granted in accordance with NRS 388G.130 , ~~[or 388G.140.]~~
22 each empowerment ~~[school,] district,~~ each person employed by an
23 empowerment ~~[school] district~~ and each pupil enrolled in *a school*
24 *located in* an empowerment ~~[school] district~~ shall comply with the
25 applicable requirements of state law, including, without limitation,
26 the standards of content and performance prescribed pursuant to
27 NRS 389.520 and the examinations that are administered pursuant
28 to NRS 390.105 and the college and career readiness assessment
29 administered pursuant to NRS 390.610.

30 ~~[2. Each empowerment school may accept gifts, grants and~~
31 ~~donations from any source for the support of its empowerment plan.~~
32 ~~A person who gives a gift, grant or donation may designate all or~~
33 ~~part of the gift, grant or donation specifically to carry out the~~
34 ~~incentive pay structure of the school, if applicable.]~~

35 **Sec. 6.** The provisions of subsection 1 of NRS 218D.380 do
36 not apply to any provision of this act which adds or revises a
37 requirement to submit a report to the Legislature.

38 **Sec. 7.** NRS 388G.060, 388G.100, 388G.110, 388G.120 and
39 388G.140 are hereby repealed.

40 **Sec. 8.** This act becomes effective on July 1, 2023.



LEADLINES OF REPEALED SECTIONS

388G.060 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 requirements and regulations.

388G.100 Establishment of empowerment team for school; exception from requirement of empowerment team; development of empowerment plan; participation by charter schools.

388G.110 Duties of school empowerment team.

388G.120 Requirements of school empowerment plan; request for waiver from certain statutes and regulations; budget for empowerment school and discretion over certain percentage of money.

388G.140 Review of empowerment plan for State Public Charter School Authority-sponsored and Nevada System of Higher Education-sponsored charter schools; opportunity to correct deficiencies; term of effectiveness; request for amendment; review of request for waiver from statute or regulation by State Board.

