

SENATE BILL NO. 292—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF NEVADA ASSOCIATION OF SCHOOL BOARDS)

MARCH 7, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes regarding charter schools. (BDR 34-382)

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; requiring the department of education to establish an account for each charter school to pay the costs incurred by a school district if the charter school ceases to operate as a charter school during a school year; providing that a certain percentage of the apportionment to a charter school from the state distributive school account must be set aside and deposited in the account established by the department; revising provisions governing the operation, finances and personnel of charter schools; requiring charter schools to comply with provisions governing the minimum ages required for pupils to enroll in certain grades; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 1. *The department shall establish an account for each charter school*
4 *to pay the costs incurred by the school district that sponsors the charter*
5 *school if the charter school ceases to operate as a charter school during a*
6 *school year. The money set aside pursuant to subsection 4 of NRS*
7 *387.124 must be deposited in the account.*

8 2. *If a charter school ceases to operate as a charter school during a*
9 *school year, the department shall pay to the school district that sponsored*
10 *the charter school the money that was deposited in the account for the*
11 *charter school pursuant to subsection 4 of NRS 387.124 before the*
12 *charter school ceased operation.*



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1 *3. If a charter school operates for an entire school year, the*
2 *department shall pay to the charter school the money that was deposited*
3 *in the account for the charter school during the school year in*
4 *accordance with subsection 4 of NRS 387.124.*

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

6 386.525 1. Upon approval of an application by the department, a
7 committee to form a charter school may submit the application to the board
8 of trustees of the school district in which the proposed charter school will
9 be located. If the board of trustees of a school district receives an
10 application to form a charter school, it shall consider the application at ~~its~~
11 ~~next~~ a regularly scheduled meeting ~~but~~ *that must be held* not later than
12 ~~14~~ 30 days after the receipt of the application, and ensure that notice of
13 the meeting has been provided pursuant to chapter 241 of NRS. The board
14 of trustees shall review the application to determine whether the
15 application:

16 (a) Complies with NRS 386.500 to 386.610, inclusive, *and section 1 of*
17 *this act* and the regulations applicable to charter schools; and

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

19 2. *In addition to the considerations set forth in paragraphs (a) and*
20 *(b) of subsection 1, the board of trustees of a school district that reviews*
21 *an application to form a charter school may consider the financial effect,*
22 *if any, of the proposed charter school on the school district and the*
23 *financial viability of the proposed charter school. The board of trustees*
24 *of a school district shall not deny an application solely on the basis of the*
25 *considerations set forth in this subsection.*

26 3. The department shall assist the board of trustees of a school district
27 in the review of an application. The board of trustees ~~shall~~ *may* approve
28 an application if it satisfies the requirements of paragraphs (a) and (b) of
29 subsection 1. The board of trustees shall provide written notice to the
30 applicant of its approval or denial of the application.

31 ~~3~~ 4. If the board of trustees denies an application, it shall include in
32 the written notice the reasons for the denial and the deficiencies in the
33 application. The applicant must be granted 30 days after receipt of the
34 written notice to correct any deficiencies identified in the written notice
35 and resubmit the application.

36 ~~4~~ 5. If the board of trustees denies an application after it has been
37 resubmitted pursuant to subsection ~~3~~ 4, the applicant may submit a
38 written request to the subcommittee on charter schools created pursuant to
39 NRS 386.507, not more than 30 days after receipt of the written notice of
40 denial, to direct the board of trustees to reconsider the application. The
41 subcommittee shall consider requests for reconsideration in the order in
42 which they are received. If the subcommittee receives such a request, it
43 shall consider the request at its next regularly scheduled meeting and
44 ensure that notice of the meeting is posted in accordance with chapter 241
45 of NRS. Not more than 30 days after the meeting, the subcommittee shall
46 provide written notice of its determination to the applicant and to the board
47 of trustees. If the subcommittee denies the request for reconsideration, the
48 applicant may, not more than 30 days after the receipt of the written notice



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

3 ~~15-1~~ 6. If the subcommittee on charter schools grants a request to
4 direct reconsideration, the written notice to the board of trustees of the
5 school district that denied the application must include, without limitation,
6 instructions to the board of trustees concerning the reconsideration of the
7 application. Not more than 30 days after receipt of the written notice from
8 the subcommittee directing the reconsideration, the board of trustees shall
9 reconsider the application in accordance with the instructions of the
10 subcommittee, make a final determination on the application and provide
11 written notice of the determination to the applicant. If, upon
12 reconsideration of the application, the board of trustees denies the
13 application, the applicant may, not more than 30 days after the receipt of
14 the written notice from the board of trustees, appeal the final determination
15 to the district court of the county in which the proposed charter school will
16 be located.

17 **Sec. 3.** NRS 386.549 is hereby amended to read as follows:

18 386.549 1. The governing body of a charter school shall consist of at
19 least three teachers, as defined in NRS 391.311, and may consist of,
20 without limitation, parents and representatives of nonprofit organizations
21 and businesses. *Each member of the governing body must reside within*
22 *the county in which the charter school is located.*

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

28 *3. The governing body of a charter school shall hold at least four*
29 *regularly scheduled public meetings each year in the county in which the*
30 *charter school is located.*

31 **Sec. 4.** NRS 386.550 is hereby amended to read as follows:

32 386.550 A charter school shall:

33 1. Comply with all laws and regulations relating to discrimination and
34 civil rights.

35 2. Remain nonsectarian, including, without limitation, in its
36 educational programs, policies for admission and employment practices.

37 3. Refrain from charging tuition or fees, levying taxes or issuing
38 bonds.

39 4. Comply with any plan for desegregation ordered by a court that is in
40 effect in the school district in which the charter school is located.

41 5. Comply with the provisions of chapter 241 of NRS.

42 6. Except as otherwise provided in this subsection, schedule and
43 provide annually at least as many days of instruction as are required of
44 other public schools located in the same school district as the charter
45 school is located. The governing body of a charter school may submit a
46 written request to the superintendent of public instruction for a waiver from
47 providing the days of instruction required by this subsection. The
48 superintendent of public instruction may grant such a request if the
49 governing body demonstrates to the satisfaction of the superintendent that:



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- 1 (a) Extenuating circumstances exist to justify the waiver; and
2 (b) The charter school will provide at least as many hours or minutes of
3 instruction as would be provided under a program consisting of 180 days.

4 7. Cooperate with the board of trustees of the school district in the
5 administration of the achievement and proficiency examinations
6 administered pursuant to NRS 389.015 and the examinations required
7 pursuant to NRS 389.550 to the pupils who are enrolled in the charter
8 school.

9 8. Comply with applicable statutes and regulations governing the
10 achievement and proficiency of pupils in this state.

11 9. Provide instruction in the core academic subjects set forth in
12 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils
13 who are enrolled in the charter school, and provide at least the courses of
14 ~~instruction~~ study that are required of pupils by statute or regulation for
15 promotion to the next grade or graduation from a public high school and
16 require the pupils who are enrolled in the charter school to take those
17 courses of study. This subsection does not preclude a charter school from
18 offering, or requiring the pupils who are enrolled in the charter school to
19 take, other courses of study that are required by statute or regulation.

20 10. *If applicable to the grade levels of pupils who are enrolled in the*
21 *charter school, require the pupils to complete the requirements for*
22 *graduation from a public high school and receipt of a high school*
23 *diploma that are required of the other pupils who are enrolled in the*
24 *public high schools of the school district that sponsors the charter*
25 *school.*

26 11. *If the parent or legal guardian of a child submits an application*
27 *to enroll in kindergarten, first grade or second grade at the charter*
28 *school, comply with NRS 392.040 regarding the ages for enrollment in*
29 *those grades.*

30 12. Refrain from using public money to purchase real property or
31 buildings without the approval of the sponsor.

32 ~~11.1~~ 13. Hold harmless, indemnify and defend the sponsor of the
33 charter school against any claim or liability arising from an act or omission
34 by the governing body of the charter school or an employee or officer of
35 the charter school. An action at law may not be maintained against the
36 sponsor of a charter school for any cause of action for which the charter
37 school has obtained liability insurance.

38 ~~12.1~~ 14. Provide written notice to the parents or legal guardians of
39 pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of
40 whether the charter school is accredited by the Commission on Schools of
41 the Northwest Association of Schools and Colleges.

42 ~~13.1~~ 15. Adopt a final budget in accordance with the regulations
43 adopted by the department. A charter school is not required to adopt a final
44 budget pursuant to NRS 354.598 or otherwise comply with the provisions
45 of chapter 354 of NRS.

46 **Sec. 5.** NRS 386.590 is hereby amended to read as follows:

47 386.590 1. Except as otherwise provided in this subsection, at least
48 70 percent of the teachers who provide instruction at a charter school must
49 be licensed teachers. If a charter school is a vocational school, the charter



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1 school shall, to the extent practicable, ensure that at least 70 percent of the
2 teachers who provide instruction at the school are licensed teachers, but in
3 no event may more than 50 percent of the teachers who provide instruction
4 at the school be unlicensed teachers.

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

6 (a) If the charter school offers instruction in kindergarten or grade 1, 2,
7 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those
8 grades.

9 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or
10 12, a licensed teacher to teach pupils who are enrolled in those grades for
11 the following courses of study:

12 (1) English, including reading, composition and writing;

13 (2) Mathematics;

14 (3) Science; and

15 (4) Social studies, which includes only the subjects of history,
16 geography, economics and government.

17 *A licensed teacher may be employed pursuant to this paragraph to teach*
18 *a course of study, regardless of whether he holds an endorsement in a*
19 *subject area related to that course of study only if the charter school*
20 *complies with paragraph (c).*

21 (c) In addition to the requirements of paragraphs (a) and (b) ~~§~~, *for*
22 *each course of study identified in paragraph (b), at least one licensed*
23 *teacher who holds an endorsement in a subject area related to that*
24 *course of study. A teacher employed pursuant to this paragraph may*
25 *provide instruction in the course of study for which he holds an*
26 *endorsement or may supervise the instruction in that course of study*
27 *provided by other licensed teachers who do not hold such an*
28 *endorsement, or both.*

29 (d) *In addition to the requirements of paragraphs (a), (b) and (c):*

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

33 (2) If a charter school specializes in the construction industry or other
34 building industry, licensed teachers to teach courses of study relating to the
35 industry if those teachers are employed full time.

36 (3) If a charter school specializes in the construction industry or other
37 building industry and the school offers courses of study in computer
38 education, technology or business, licensed teachers to teach those courses
39 of study if those teachers are employed full time.

40 3. A charter school may employ a person who is not licensed pursuant
41 to the provisions of chapter 391 of NRS to teach a course of study for
42 which a licensed teacher is not required pursuant to subsection 2 if the
43 person has:

44 (a) A degree, a license or a certificate in the field for which he is
45 employed to teach at the charter school; and

46 (b) At least 2 years of experience in that field.

47 4. A charter school may employ such administrators for the school as
48 it deems necessary. A person employed as an administrator must possess:



1 (a) A master's degree in school administration, public administration or
2 business administration; or

3 (b) If the person has at least 5 years of experience in administration, a
4 baccalaureate degree ~~H~~ *in education*.

5 5. A charter school shall not employ a person pursuant to this section if
6 his license to teach or provide other educational services has been revoked
7 or suspended in this state or another state.

8 **Sec. 6.** NRS 387.124 is hereby amended to read as follows:

9 387.124 Except as otherwise provided in NRS 387.528:

10 1. On or before August 1, November 1, February 1 and May 1 of each
11 year, the superintendent of public instruction shall, except as otherwise
12 provided in subsections 2 and 3, apportion the state distributive school
13 account in the state general fund among the several county school districts
14 and charter schools in amounts approximating one-fourth of their
15 respective yearly apportionments less any amount set aside as a reserve.
16 The apportionment to a school district, computed on a yearly basis, equals
17 the difference between the basic support and the local funds available
18 pursuant to NRS 387.1235, minus all the funds attributable to pupils who
19 reside in the county but attend a charter school. No apportionment may be
20 made to a school district if the amount of the local funds exceeds the
21 amount of basic support. The apportionment to a charter school, computed
22 on a yearly basis, is equal to the sum of the basic support per pupil in the
23 county in which the pupil resides plus the amount of local funds available
24 per pupil pursuant to NRS 387.1235 and all other funds available for public
25 schools in the county in which the pupil resides ~~H~~ *minus the amount of*
26 *money set aside pursuant to subsection 4*. If the apportionment per pupil
27 to a charter school is more than the amount to be apportioned to the school
28 district in which a pupil who is enrolled in the charter school resides, the
29 school district in which the pupil resides shall pay the difference directly to
30 the charter school.

31 2. The governing body of a charter school may submit a written
32 request to the superintendent of public instruction to receive, in the first
33 year of operation of the charter school, an apportionment 30 days before
34 the apportionment is required to be made pursuant to subsection 1. Upon
35 receipt of such a request, the superintendent of public instruction may
36 make the apportionment 30 days before the apportionment is required to be
37 made. A charter school may receive all four apportionments in advance in
38 its first year of operation.

39 3. If the state controller finds that such an action is needed to maintain
40 the balance in the state general fund at a level sufficient to pay the other
41 appropriations from it, he may pay out the apportionments monthly, each
42 approximately one-twelfth of the yearly apportionment less any amount set
43 aside as a reserve. If such action is needed, the state controller shall submit
44 a report to the department of administration and the fiscal analysis division
45 of the legislative counsel bureau documenting reasons for the action.

46 4. *For each school year, each time that an apportionment is paid to a*
47 *charter school pursuant to this section, 3 percent of the amount of that*
48 *apportionment must be set aside and deposited in the account for the*
49 *charter school that is established pursuant to section 1 of this act. If the*



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1 *charter school operates for the entire school year, the total amount of*
2 *money withheld from the charter school pursuant to this subsection for*
3 *that school year must be paid directly to the charter school not later than*
4 *30 days after the completion of the school year of the charter school. If*
5 *the charter school ceases to operate as a charter school during the school*
6 *year, the money set aside must be paid to the school district that*
7 *sponsored the charter school in accordance with section 1 of this act.*

8 **Sec. 7.** NRS 387.1243 is hereby amended to read as follows:

9 387.1243 1. The first apportionment based on an estimated number
10 of pupils and special education program units and succeeding
11 apportionments are subject to adjustment from time to time as the need
12 therefor may appear.

13 2. The apportionments to a school district may be adjusted during a
14 fiscal year by the department of education, upon approval by the board of
15 examiners and the interim finance committee, if the department of taxation
16 and the county assessor in the county in which the school district is located
17 certify to the department of education that the school district will not
18 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property
19 of the Federal Government located within the county if:

20 (a) The leasehold interest, possessory interest, beneficial interest or
21 beneficial use of the property is subject to taxation pursuant to NRS
22 361.157 and 361.159 and one or more lessees or users of the property are
23 delinquent in paying the tax; and

24 (b) The total amount of tax owed but not paid for the fiscal year by any
25 such lessees and users is at least 5 percent of the proceeds that the school
26 district would have received from the tax levied pursuant to subsection 1 of
27 NRS 387.195.

28 If a lessee or user pays the tax owed after the school district's
29 apportionment has been increased in accordance with the provisions of this
30 subsection to compensate for the tax owed, the school district shall repay to
31 the *state* distributive school account in the state general fund an amount
32 equal to the tax received from the lessee or user for the year in which the
33 school district received an increased apportionment, not to exceed the
34 increase in apportionments made to the school district pursuant to this
35 subsection.

36 3. On or before August 1 of each year, the board of trustees of a school
37 district shall provide to the department, in a format prescribed by the
38 department, the count of pupils calculated pursuant to subparagraph (6) of
39 paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one
40 semester during the immediately preceding school year. The count of
41 pupils submitted to the department must be included in the final adjustment
42 computed pursuant to subsection 4.

43 4. A final adjustment for each school district and charter school must
44 be computed as soon as practicable following the close of the school year,
45 but not later than August 25. The final computation must be based upon the
46 actual counts of pupils required to be made for the computation of basic
47 support and the limits upon the support of special education programs,
48 except that for any year when the total enrollment of pupils and children in
49 a school district or a charter school located within the school district



1 described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS
2 387.123 is greater on the last day of any school month of the school district
3 after the second school month of the school district and the increase in
4 enrollment shows at least:

5 (a) A 3 percent gain, basic support as computed from first month
6 enrollment for the school district or charter school must be increased by 2
7 percent.

8 (b) A 6 percent gain, basic support as computed from first month
9 enrollment for the school district or charter school must be increased by an
10 additional 2 percent.

11 5. If the final computation of apportionment for any school district or
12 charter school exceeds the actual amount paid to the school district or
13 charter school during the school year, the additional amount due must be
14 paid before September 1. If the final computation of apportionment for any
15 school district or charter school is less than the actual amount paid to the
16 school district or charter school during the school year, the difference must
17 be repaid to the state distributive school account in the state general fund
18 by the school district or charter school before September 25. *For the*
19 *purposes of this subsection, the "actual amount paid":*

20 (a) *With respect to a charter school, shall be deemed to include the*
21 *amount of money set aside from the apportionment to the charter school*
22 *pursuant to subsection 4 of NRS 387.124.*

23 (b) *With respect to a school district that sponsors a charter school,*
24 *shall be deemed to exclude the amount of money, if any, paid to the*
25 *school district pursuant to section 1 of this act.*

26 **Sec. 8.** NRS 392.040 is hereby amended to read as follows:

27 392.040 1. Except as otherwise provided by law, each parent,
28 custodial parent, guardian or other person in the State of Nevada having
29 control or charge of any child between the ages of 7 and 17 years shall
30 send the child to a public school during all the time the public school is in
31 session in the school district in which the child resides.

32 2. A child who is 5 years of age on or before September 30 of a school
33 year may be admitted to kindergarten at the beginning of that school year,
34 and his enrollment must be counted for purposes of apportionment. If a
35 child is not 5 years of age on or before September 30 of a school year, the
36 child must not be admitted to kindergarten.

37 3. Except as otherwise provided in subsection 4, a child who is 6 years
38 of age on or before September 30 of a school year must:

39 (a) If he has not completed kindergarten, be admitted to kindergarten at
40 the beginning of that school year; or

41 (b) If he has completed kindergarten, be admitted to the first grade at
42 the beginning of that school year,

43 and his enrollment must be counted for purposes of apportionment. If a
44 child is not 6 years of age on or before September 30 of a school year, the
45 child must not be admitted to the first grade until the beginning of the
46 school year following his sixth birthday.

47 4. The parents, custodial parent, guardian or other person within the
48 State of Nevada having control or charge of a child who is 6 years of age
49 on or before September 30 of a school year may elect for the child not to



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1 attend kindergarten or the first grade during that year. The parents,
2 custodial parent, guardian or other person who makes such an election shall
3 file with the board of trustees of the appropriate school district a waiver in
4 a form prescribed by the board.

5 5. Whenever a child who is 6 years of age is enrolled in a public
6 school, each parent, custodial parent, guardian or other person in the State
7 of Nevada having control or charge of the child shall send him to the public
8 school during all the time the school is in session. This requirement for
9 attendance does not apply to any child under the age of 7 years who has not
10 yet been enrolled or has been formally withdrawn from enrollment in
11 public school.

12 6. A child who is 7 years of age on or before September 30 of a school
13 year must:

14 (a) If he has completed kindergarten and the first grade, be admitted to
15 the second grade.

16 (b) If he has completed kindergarten, be admitted to the first grade.

17 (c) If the parents, custodial parent, guardian or other person in the State
18 of Nevada having control or charge of the child waived the child's
19 attendance from kindergarten pursuant to subsection 4, undergo an
20 assessment by the district pursuant to subsection 7 to determine whether
21 the child is prepared developmentally to be admitted to the first grade. If
22 the district determines that the child is prepared developmentally, he must
23 be admitted to the first grade. If the district determines that the child is not
24 so prepared, he must be admitted to kindergarten.

25 The enrollment of any child pursuant to this subsection must be counted for
26 apportionment purposes.

27 7. Each school district shall prepare and administer before the
28 beginning of each school year a developmental screening test to a child:

29 (a) Who is 7 years of age on or before September 30 of the next school
30 year; and

31 (b) Whose parents waived his attendance from kindergarten pursuant to
32 subsection 4,
33 to determine whether the child is prepared developmentally to be admitted
34 to the first grade. The results of the test must be made available to the
35 parents, custodial parent, guardian or other person within the State of
36 Nevada having control or charge of the child.

37 8. A child who becomes a resident of this state after completing
38 kindergarten or beginning first grade in another state in accordance with
39 the laws of that state may be admitted to the grade he was attending or
40 would be attending had he remained a resident of the other state regardless
41 of his age, unless the board of trustees of the school district determines that
42 the requirements of this section are being deliberately circumvented.

43 9. As used in this section, "kindergarten" includes:

44 (a) A kindergarten established by the board of trustees of a school
45 district pursuant to NRS 388.060; ~~and~~

46 (b) *A kindergarten established by the governing body of a charter*
47 *school; and*



- 1 (c) An authorized program of instruction for kindergarten offered in a
- 2 child's home pursuant to NRS 388.060.
- 3 **Sec. 9.** This act becomes effective on July 1, 2001.

