

ASSEMBLY BILL NO. 168—ASSEMBLYMEN DENIS, SMITH, HARDY,
ANDERSON, ATKINSON, BUCKLEY, CHRISTENSEN,
GANSERT, GERHARDT, GIUNCHIGLIANI, GOICOECHEA,
HOGAN, HORNE, KIRKPATRICK, KOIVISTO, MANENDO,
MARVEL, MCCLEARY, MUNFORD, OCEGUERA, PARNELL
AND PIERCE

MARCH 4, 2005

JOINT SPONSORS: SENATORS TITUS, CARLTON,
HARDY, HECK AND LEE

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-861)

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

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

AN ACT relating to education; revising provisions governing the
review of applications to form charter schools submitted
for sponsorship by the State Board of Education; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the submission of applications to form charter schools for sponsorship by the board of trustees of a school district or the State Board of Education. The board of trustees has discretion whether to approve or deny an application. Applications denied by the board of trustees may be submitted to the State Board, which is required to approve an application if it meets the requirements of the law. (NRS 386.525)

This bill amends existing law to grant the State Board discretion whether to approve or deny an application, similar to the discretion that is currently granted to the board of trustees of a school district.



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

1 **Section 1.** NRS 386.525 is hereby amended to read as follows:
2 386.525 1. Upon approval of an application by the
3 Department, a committee to form a charter school may submit
4 the application to the board of trustees of the school district in which
5 the proposed charter school will be located. If applicable, a
6 committee may submit an application directly to the Subcommittee
7 on Charter Schools pursuant to subsection 4. If the board of trustees
8 of a school district receives an application to form a charter school,
9 it shall consider the application at a regularly scheduled meeting that
10 must be held not later than 30 days after the receipt of the
11 application, and ensure that notice of the meeting has been provided
12 pursuant to chapter 241 of NRS. The board of trustees, the
13 Subcommittee on Charter Schools or the State Board, as applicable,
14 shall review an application to determine whether the application:
15 (a) Complies with NRS 386.500 to 386.610, inclusive, and the
16 regulations applicable to charter schools; and
17 (b) Is complete in accordance with the regulations of the
18 Department.
19 2. The Department shall assist the board of trustees of a school
20 district in the review of an application. The board of trustees may
21 approve an application if it satisfies the requirements of paragraphs
22 (a) and (b) of subsection 1. The board of trustees shall provide
23 written notice to the applicant of its approval or denial of the
24 application.
25 3. If the board of trustees denies an application, it shall include
26 in the written notice the reasons for the denial and the deficiencies
27 in the application. The applicant must be granted 30 days after
28 receipt of the written notice to correct any deficiencies identified in
29 the written notice and resubmit the application.
30 4. If the board of trustees denies an application after it has been
31 resubmitted pursuant to subsection 3, the applicant may submit a
32 written request for sponsorship by the State Board to the
33 Subcommittee on Charter Schools created pursuant to NRS 386.507
34 not more than 30 days after receipt of the written notice of denial. If
35 an applicant proposes to form a charter school exclusively for the
36 enrollment of pupils who receive special education pursuant to NRS
37 388.440 to 388.520, inclusive, the applicant may submit the written
38 request and application directly to the Subcommittee without first
39 seeking approval from the board of trustees of a school district. Any
40 request that is submitted pursuant to this subsection must be
41 accompanied by the application to form the charter school.



1 5. If the Subcommittee receives a request pursuant to
2 subsection 4, it shall hold a meeting to consider the request and the
3 application. The meeting must be held not later than 30 days after
4 receipt of the application. Notice of the meeting must be posted in
5 accordance with chapter 241 of NRS. The Subcommittee shall
6 review the application in accordance with the factors set forth in
7 paragraphs (a) and (b) of subsection 1. The Subcommittee ~~{shall}~~
8 *may* approve an application if it satisfies the requirements of
9 paragraphs (a) and (b) of subsection 1.

10 6. The Subcommittee shall transmit the application and the
11 recommendation of the Subcommittee for approval or denial of the
12 application to the State Board. Not more than 14 days after the date
13 of the meeting of the Subcommittee pursuant to subsection 5, the
14 State Board shall hold a meeting to consider the recommendation of
15 the Subcommittee. Notice of the meeting must be posted in
16 accordance with chapter 241 of NRS. The State Board shall review
17 the application in accordance with the factors set forth in paragraphs
18 (a) and (b) of subsection 1. The State Board ~~{shall}~~ *may* approve an
19 application if it satisfies the requirements of paragraphs (a) and (b)
20 of subsection 1. Not more than 30 days after the meeting, the State
21 Board shall provide written notice of its determination to the
22 applicant.

23 7. If the State Board denies the application, the applicant may,
24 not more than 30 days after the receipt of the written notice from the
25 State Board, appeal the final determination to the district court of
26 the county in which the proposed charter school will be located.

27 **Sec. 2.** Section 1 of this act applies to each application to form
28 a charter school that is pending before the Subcommittee on Charter
29 Schools or the State Board of Education on and after the effective
30 date of this act, regardless of whether the application was submitted
31 to the Subcommittee or State Board before the effective date of this
32 act.

33 **Sec. 3.** This act becomes effective upon passage and approval.



