

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; requiring the Superintendent of Public Instruction to submit a report to the Legislature concerning the applications to form charter schools that were submitted during the preceding biennium; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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



10 This bill provides that if the State Board denies an application, it must include
11 in the written notice of denial the reasons for the denial and must also provide the
12 committee to form the charter school an opportunity to correct the deficiencies.

13 This bill requires the Superintendent of Public Instruction to provide a report to
14 each session of the Legislature that includes certain information concerning the
15 applications to form charter schools that were submitted during the preceding
16 biennium.

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



1 an applicant proposes to form a charter school exclusively for the
2 enrollment of pupils who receive special education pursuant to NRS
3 388.440 to 388.520, inclusive, the applicant may submit the written
4 request and application directly to the Subcommittee without first
5 seeking approval from the board of trustees of a school district. Any
6 request that is submitted pursuant to this subsection must be
7 accompanied by the application to form the charter school.

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

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

30 7. *If the State Board denies an application, it shall include in*
31 *the written notice the reasons for the denial and the deficiencies in*
32 *the application. The applicant must be granted 30 days after*
33 *receipt of the written notice to correct any deficiencies identified in*
34 *the written notice and resubmit the application.*

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

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



1 *(a) A list of each application to form a charter school that was*
2 *submitted to the board of trustees of a school district or the State*
3 *Board during the immediately preceding biennium;*

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

6 *(c) The current status of the application; and*

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

8 **Sec. 2.** Section 1 of this act applies to each application to form
9 a charter school that is pending before the Subcommittee on Charter
10 Schools or the State Board of Education on and after the effective
11 date of this act, regardless of whether the application was submitted
12 to the Subcommittee or State Board before the effective date of this
13 act.

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

