
ASSEMBLY BILL NO. 180—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 8, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-1034)

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

~

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 to the State Board of Education; revising provisions governing the requirements for licensed teachers in charter schools; revising provisions governing the requirements for members of governing bodies of charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law gives the board of trustees of a school district the discretion to
2 approve or disapprove an application to form a charter school. If the board of
3 trustees denies the application, however, the applicant may submit a request for
4 sponsorship by the State Board of Education. Existing law requires the State Board
5 to approve the application and sponsor the charter school if the application meets
6 certain statutory requirements. (NRS 386.525)

7 Under existing law, a person may serve on the governing body of a charter
8 school only if he submits an affidavit to the Department of Education indicating
9 that he has not been convicted of certain felonies or offenses. (NRS 386.549)
10 Existing law requires a charter school to employ a licensed teacher to teach pupils
11 in kindergarten and grades 1-5. If the charter school offers instruction in grades
12 6-12, the charter school must employ a licensed teacher to teach the following
13 subjects: (1) English; (2) mathematics; (3) science; and (4) social studies.
14 (NRS 386.590)

15 This bill gives the State Board of Education the authority to deny an application
16 to form a charter school even if certain statutory requirements are met. This bill
17 creates an additional requirement to be fulfilled before a person may serve on a



governing body of a charter school. A person must submit an affidavit to the Department indicating that he has read and understands the material concerning membership on the governing body, if such material is provided by the Department.

This bill requires a charter school to hire a licensed teacher to teach pupils in grades 7 and 8. Additionally, this bill requires a charter school that offers instruction in grades 9-12 to employ a licensed teacher to teach certain subjects.

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

Section 1. NRS 386.525 is hereby amended to read as follows:

386.525 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. If applicable, a committee may submit an application directly to the Subcommittee on Charter Schools pursuant to subsection 4. If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at a regularly scheduled meeting that must be held not later than 30 days after the receipt of the application, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the Subcommittee on Charter Schools or the State Board, 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 in the review of an application. The board of trustees may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees 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 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. If an applicant proposes to form a charter school exclusively for the



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

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

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

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

33 **Sec. 2.** NRS 386.549 is hereby amended to read as follows:

34 386.549 1. The governing body of a charter school must
35 consist of at least three teachers, as defined in subsection 4, and may
36 consist of, without limitation, parents and representatives of
37 nonprofit organizations and businesses. A majority of the members
38 of the governing body must reside in this State. If the membership
39 of the governing body changes, the governing body shall provide
40 written notice to the sponsor of the charter school within 10 working
41 days after such change. A person may serve on the governing body
42 only if he submits an affidavit to the Department indicating that the
43 person ~~[has]~~ :



1 (a) *Has* not been convicted of a felony relating to serving on the
2 governing body of a charter school or any offense involving moral
3 turpitude.

4 (b) *Has read and understands material concerning the roles*
5 *and responsibilities of members of governing bodies of charter*
6 *schools and other material designed to assist the governing bodies*
7 *of charter schools, if such material is provided to the person by the*
8 *Department.*

9 2. The governing body of a charter school is a public body. It is
10 hereby given such reasonable and necessary powers, not conflicting
11 with the Constitution and the laws of the State of Nevada, as may be
12 requisite to attain the ends for which the charter school is
13 established and to promote the welfare of pupils who are enrolled in
14 the charter school.

15 3. The governing body of a charter school shall, during each
16 calendar quarter, hold at least one regularly scheduled public
17 meeting in the county in which the charter school is located.

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

19 (a) Holds a current license to teach issued pursuant to chapter
20 391 of NRS; and

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

22 ➔ The term does not include a person who is employed as a
23 substitute teacher.

24 **Sec. 3.** NRS 386.590 is hereby amended to read as follows:

25 386.590 1. Except as otherwise provided in this subsection,
26 at least 70 percent of the teachers who provide instruction at a
27 charter school must be licensed teachers. If a charter school is a
28 vocational school, the charter school shall, to the extent practicable,
29 ensure that at least 70 percent of the teachers who provide
30 instruction at the school are licensed teachers, but in no event may
31 more than 50 percent of the teachers who provide instruction at the
32 school be unlicensed teachers.

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

34 (a) If the charter school offers instruction in kindergarten or
35 grade 1, 2, 3, 4, ~~or~~ 5, 6, 7 or 8, a licensed teacher to teach pupils
36 who are enrolled in those grades. If required by subsection 3 or 4,
37 such a teacher must possess the qualifications required by 20 U.S.C.
38 § 6319(a).

39 (b) ~~Except as otherwise provided in subsections 3 and 4, if~~ *If*
40 the charter school offers instruction in grade ~~6, 7, 8,~~ 9, 10, 11 or
41 12, a licensed teacher to teach pupils who are enrolled in those
42 grades for the ~~following courses of study:~~

43 ~~—— (1) English, including reading, composition and writing;~~

44 ~~—— (2) Mathematics;~~

45 ~~—— (3) Science; and~~



~~(4) Social studies, which includes only the subjects of history, geography, economics and government.] 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 he 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 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 he 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. 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 he is employed to teach at the charter school; and

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



1 6. A charter school may employ such administrators for the
2 school as it deems necessary. A person employed as an
3 administrator must possess:

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

6 (b) If the person has at least 5 years of experience in
7 administration, a baccalaureate degree.

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

11 8. On or before November 15 of each year, a charter school
12 shall submit to the Department, in a format prescribed by the
13 Superintendent of Public Instruction, the following information for
14 each licensed employee who is employed by the governing body on
15 October 1 of that year:

16 (a) The amount of salary of the employee; and

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

19 **Sec. 4.** Section 1 of this act applies to each application to form
20 a charter school that is pending before the Subcommittee on Charter
21 Schools or the State Board of Education on and after the effective
22 date of this act, regardless of whether the application was submitted
23 to the Subcommittee or State Board before the effective date of this
24 act.

25 **Sec. 5.** 1. This section and sections 1 and 4 of this act
26 becomes effective upon passage and approval.

27 2. Sections 2 and 3 of this act become effective on July 1,
28 2005.



