

ASSEMBLY BILL NO. 334—ASSEMBLYWOMAN SMITH

MARCH 15, 2007

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-413)

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; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district may sponsor charter schools and the State Board of Education may sponsor charter schools. (NRS 386.515) **Section 2** of this bill creates a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District is created for the sole purpose of federal law governing charter schools.

Section 3 of this bill provides that upon closure of a charter school, an administrator of the charter school shall act as a trustee of certain records during the process of closure and for 1 year after the date of closure. If an administrator is not available, the governing body of the charter school shall appoint a qualified person to perform the duties of trustee.

Under existing law, a charter school must accept for enrollment in certain classes, if space is available, children who are otherwise enrolled in a public school or a private school or homeschooled children. (NRS 386.580) Under existing law, these children are included in the count of pupils for the purposes of the basic support guarantee of the State Distributive School Account. (NRS 387.123, 387.1233) **Section 5** of this bill clarifies the legislative declaration concerning the formation of charter schools to provide that the declaration does not preclude the payment of money to a charter school for the enrollment of these children in classes at a charter school. (NRS 386.505)



Under existing law, a charter school may employ administrators for the school who meet certain eligibility requirements. (NRS 386.590) **Section 6** of this bill revises provisions governing the employment of those administrators and revises the eligibility requirements.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board. The State Board is hereby deemed the board of trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an administrator of the charter school to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:*

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. *If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.*

Sec. 4. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and sections 2 and 3 of this act*, a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.



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Sec. 5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude ~~that~~ :

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive ~~that~~ , and sections 2 and 3 of this act.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 6. NRS 386.590 is hereby amended to read as follows:

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

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

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

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the 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



1 study relating to the industry if those teachers are employed full
2 time.

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

8 3. A person who is initially hired by the governing body of a
9 charter school on or after January 8, 2002, to teach in a program
10 supported with money from Title I must possess the qualifications
11 required by 20 U.S.C. § 6319(a). For the purposes of this
12 subsection, a person is not "initially hired" if he has been employed
13 as a teacher by another school district or charter school in this State
14 without an interruption in employment before the date of hire by his
15 current employer.

16 4. A teacher who is employed by a charter school, regardless of
17 the date of hire, must, on or before July 1, 2006, possess the
18 qualifications required by 20 U.S.C. § 6319(a) if he teaches one or
19 more of the following subjects:

- 20 (a) English, reading or language arts;
- 21 (b) Mathematics;
- 22 (c) Science;
- 23 (d) Foreign language;
- 24 (e) Civics or government;
- 25 (f) Economics;
- 26 (g) Geography;
- 27 (h) History; or
- 28 (i) The arts.

29 5. Except as otherwise provided in NRS 386.588, a charter
30 school may employ a person who is not licensed pursuant to the
31 provisions of chapter 391 of NRS to teach a course of study for
32 which a licensed teacher is not required pursuant to subsections 2, 3
33 and 4 if the person has:

- 34 (a) A degree, a license or a certificate in the field for which he is
35 employed to teach at the charter school; and
- 36 (b) At least 2 years of experience in that field.

37 6. Except as otherwise provided in NRS 386.588, a charter
38 school ~~may~~ **shall** employ such administrators for the school as it
39 deems necessary. A person employed as an administrator must
40 possess:

- 41 (a) A valid teacher's license issued pursuant to chapter 391 of
42 NRS with an administrative endorsement;
- 43 (b) A master's degree in school administration, public
44 administration or business administration; or



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(c) ~~If the person has at~~ At least 5 years of experience in *school administration, public administration or business administration* and a baccalaureate degree.

7. *The portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary of the highest paid administrator in a comparable position in the school district, the salary of the superintendent of schools of that school district must not be included in the determination.*

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

~~18.1~~ 9. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee ~~18.1~~, *including, without limitation, verification of compliance with subsection 7, if applicable to that employee;* and

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

Sec. 7. If a person is employed by a charter school as an administrator before July 1, 2007, and he qualified for that position pursuant to paragraph (c) of subsection 6 of NRS 386.590, the person may continue employment in that position even if he does not satisfy the qualifications set forth in section 6 of this act.

Sec. 8. If a person is employed by a charter school as an administrator before July 1, 2007, and the contract of employment with the administrator provides for a salary that violates subsection 7 of NRS 386.590, as amended by section 6 of this act, the administrator may continue to receive that salary only through the term of the existing contract of employment. Any new contract or renewal of the existing contract with that administrator must comply with subsection 7 of NRS 386.590, as amended by section 6 of this act.

Sec. 9. This act becomes effective on July 1, 2007.

