

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)



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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.*

3. *The governing body of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed pursuant to subsection 2 to carry out the provisions of this section.*

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



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standards of academic proficiency. The term does not include a pupil with a disability.

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 ~~it~~:

(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 ~~it~~, 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. 5.5. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~Upon the initial renewal of a written charter and each renewal thereafter, the~~ The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt ~~objective~~:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and



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1 **(b) Objective** criteria for the conditions under which such a
2 request may be granted.

3 4. Except as otherwise provided in subsection 6, a written
4 charter must be for a term of 6 years unless the governing body of a
5 charter school renews its initial charter after 3 years of operation
6 pursuant to subsection 2 of NRS 386.530. A written charter must
7 include all conditions of operation set forth in paragraphs (a) to (o),
8 inclusive, of subsection 2 of NRS 386.520 and include the kind of
9 school, as defined in subsections 1 to 4, inclusive, of NRS 388.020
10 for which the charter school is authorized to operate. If the State
11 Board is the sponsor of the charter school, the written charter must
12 set forth the responsibilities of the sponsor and the charter school
13 with regard to the provision of services and programs to pupils with
14 disabilities who are enrolled in the charter school in accordance with
15 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
16 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of
17 the issuance of a written charter pursuant to this subsection, the
18 charter school must agree to comply with all conditions of operation
19 set forth in NRS 386.550.

20 5. The governing body of a charter school may submit to the
21 sponsor of the charter school a written request for an amendment of
22 the written charter of the charter school. Such an amendment may
23 include, without limitation, the expansion of instruction and other
24 educational services to pupils who are enrolled in grade levels other
25 than the grade levels of pupils currently ~~enrolled~~ *approved for*
26 *enrollment* in the charter school if the expansion of grade levels
27 does not change the kind of school, as defined in NRS 388.020, for
28 which the charter school is authorized to operate. If the proposed
29 amendment complies with the provisions of this section, NRS
30 386.500 to 386.610, inclusive, *and sections 2 and 3 of this act*, and
31 any other statute or regulation applicable to charter schools, the
32 sponsor may amend the written charter in accordance with the
33 proposed amendment. If a charter school wishes to expand
34 the instruction and other educational services offered by the charter
35 school to pupils who are enrolled in grade levels other than the
36 grade levels of pupils currently ~~enrolled~~ *approved for enrollment*
37 in the charter school and the expansion of grade levels changes the
38 kind of school, as defined in NRS 388.020, for which the charter
39 school is authorized to operate, the governing body of the charter
40 school must submit a new application to form a charter school. If
41 such an application is approved, the charter school may continue to
42 operate under the same governing body and an additional governing
43 body does not need to be selected to operate the charter school with
44 the expanded grade levels.



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6. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➔ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

7. The holder of a written charter that is issued pursuant to subsection 6 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 6 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➔ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

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 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. Except as otherwise provided in NRS 386.588, 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.

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

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(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. *Except as otherwise provided in subsection 8, 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 or other compensation, as applicable, 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 or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.*

8. *If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation*



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1 *paid to the administrator from public funds to an amount not to*
2 *exceed the maximum amount prescribed in subsection 7.*

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

6 ~~[8-]~~ **10.** On or before November 15 of each year, a charter
7 school shall submit to the Department, in a format prescribed by the
8 Superintendent of Public Instruction, the following information for
9 each licensed employee who is employed by the governing body on
10 October 1 of that year:

11 (a) The amount of salary of the employee ~~[4]~~ *, including,*
12 *without limitation, verification of compliance with subsection 7, if*
13 *applicable to that employee;* and

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

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

21 **Sec. 8.** If a person is employed by a charter school as an
22 administrator before July 1, 2007, and the contract of employment
23 with the administrator provides for a salary or other compensation
24 that violates subsection 7 of NRS 386.590, as amended by section 6
25 of this act, the administrator may continue to receive that salary or
26 other compensation only through the term of the existing contract of
27 employment. Any new contract or renewal of the existing contract
28 with that administrator must comply with subsection 7 of NRS
29 386.590, as amended by section 6 of this act.

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

