

ASSEMBLY BILL NO. 26—COMMITTEE ON EDUCATION

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

PREFILED DECEMBER 5, 2008

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-411)

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 charter schools; revising the deadline for submission of an application for renewal of a written charter; revising provisions governing the exemption from annual performance audits for certain charter schools; revising certain annual reports concerning the progress made by charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill changes the deadline by which a charter school must submit an application for renewal of the written charter from 90 days to 120 days before the expiration of the charter. (NRS 386.530)

A charter school that meets certain requirements, including certain financial and performance standards, is eligible for an exemption from the requirement of an annual performance audit and must instead undergo a performance audit every 3 years. (NRS 386.5515) **Section 2** of this bill provides that if such a charter school no longer satisfies the requirements for an exemption or if reasonable evidence of noncompliance concerning the educational progress exists, the charter school will be required to submit to an annual performance audit. After undergoing the annual performance audit, the charter school may reapply for the exemption.

Existing law requires the board of trustees of a school district and a college or university within the Nevada System of Higher Education which sponsors a charter school to submit an annual report to the State Board of Education on the evaluation of the progress made by the charter school in achieving its educational goals and objectives. (NRS 386.610) **Section 3** of this bill requires an annual report to be made by the Department of Education for each charter school sponsored by the State Board.



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

1 **Section 1.** NRS 386.530 is hereby amended to read as follows:
2 386.530 1. Except as otherwise provided in subsection 2, an
3 application for renewal of a written charter may be submitted to the
4 sponsor of the charter school not less than ~~190~~ 120 days before
5 the expiration of the charter. The application must include the
6 information prescribed by the regulations of the Department. The
7 sponsor shall conduct an intensive review and evaluation of the
8 charter school in accordance with the regulations of the Department.
9 The sponsor shall renew the charter unless it finds the existence of
10 any ground for revocation set forth in NRS 386.535. The sponsor
11 shall provide written notice of its determination not fewer than 30
12 days before the expiration of the charter. If the sponsor intends not
13 to renew the charter, the written notice must:

14 (a) Include a statement of the deficiencies or reasons upon
15 which the action of the sponsor is based; and

16 (b) Prescribe a period of not less than 30 days during which the
17 charter school may correct any such deficiencies.

18 ➡ If the charter school corrects the deficiencies to the satisfaction of
19 the sponsor within the time prescribed in paragraph (b), the sponsor
20 shall renew the charter of the charter school.

21 2. A charter school may submit an application for renewal of
22 its initial charter after 3 years of operation of the charter school. The
23 application must include the information prescribed by the
24 regulations of the Department. The sponsor shall conduct an
25 intensive review and evaluation of the charter school in accordance
26 with the regulations of the Department. The sponsor shall renew the
27 charter unless it finds the existence of any ground for revocation set
28 forth in NRS 386.535. The sponsor shall provide written notice of
29 its determination. If the sponsor intends not to renew the charter, the
30 written notice must:

31 (a) Include a statement of the deficiencies or reasons upon
32 which the action of the sponsor is based; and

33 (b) Prescribe a period of not less than 30 days during which the
34 charter school may correct any such deficiencies.

35 ➡ If the charter school corrects the deficiencies to the satisfaction of
36 the sponsor within the time prescribed in paragraph (b), the sponsor
37 shall renew the charter of the charter school.

38 **Sec. 2.** NRS 386.5515 is hereby amended to read as follows:

39 386.5515 1. To the extent money is available from legislative
40 appropriation or otherwise, a charter school may apply to the
41 Department for money for facilities if:



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1 (a) The charter school has been operating in this State for at
2 least 5 consecutive years and is in good financial standing;

3 (b) Each financial audit and each performance audit of the
4 charter school required by the Department contains no major
5 notations, corrections or errors concerning the charter school for at
6 least 5 consecutive years;

7 (c) The charter school has met or exceeded adequate yearly
8 progress as determined pursuant to NRS 385.3613 or has
9 demonstrated improvement in the achievement of pupils enrolled in
10 the charter school, as indicated by annual measurable objectives
11 determined by the State Board, for the majority of the years of its
12 operation;

13 (d) The charter school offers instruction on a daily basis during
14 the school week of the charter school on the campus of the charter
15 school; and

16 (e) At least 75 percent of the pupils enrolled in the charter
17 school who are required to take the high school proficiency
18 examination have passed that examination, if the charter school
19 enrolls pupils at a high school grade level.

20 2. A charter school that satisfies the requirements of subsection
21 1 shall submit to a performance audit as required by the Department
22 one time every 3 years. The sponsor of the charter school and the
23 Department shall not request a performance audit of the charter
24 school more frequently than every 3 years without ~~showing good~~
25 ~~cause for such a request.~~ *reasonable evidence of noncompliance*
26 *concerning the educational progress of the charter school based*
27 *upon the annual report submitted to the State Board pursuant to*
28 *NRS 386.610. If the charter school no longer satisfies the*
29 *requirements of subsection 1 or if reasonable evidence of*
30 *noncompliance concerning the educational progress of the charter*
31 *school exists based upon the annual report, the charter school*
32 *shall, upon written notice from the sponsor, submit to an annual*
33 *performance audit. Such a charter school:*

34 (a) *May, after undergoing the annual performance audit,*
35 *reapply to the sponsor to determine whether the charter school*
36 *satisfies the requirements of subsection 1.*

37 (b) *Is not eligible for any available money pursuant to*
38 *subsection 1 until the sponsor determines that the charter school*
39 *satisfies the requirements of that subsection.*

40 3. A charter school that does not satisfy the requirements of
41 subsection 1 shall submit a quarterly report of the financial status of
42 the charter school if requested by the sponsor of the charter school.

43 **Sec. 3.** NRS 386.610 is hereby amended to read as follows:

44 386.610 1. On or before August 15 of each year, if the *State*
45 *Board, the* board of trustees of a school district or a college or



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1 university within the Nevada System of Higher Education sponsors
2 a charter school, the *Department, the* board of trustees or the
3 institution, as applicable, shall submit a written report to the State
4 Board. The written report must include:

5 (a) An evaluation of the progress of each charter school
6 sponsored by the *State Board, the* board of trustees or *the*
7 institution, as applicable, in achieving its educational goals and
8 objectives.

9 (b) A description of all administrative support and services
10 provided by the *Department, the* school district or *the* institution, as
11 applicable, to the charter school.

12 2. The governing body of a charter school shall, after 3 years of
13 operation under its initial charter, submit a written report to the
14 sponsor of the charter school. The written report must include a
15 description of the progress of the charter school in achieving its
16 educational goals and objectives. If the charter school submits an
17 application for renewal in accordance with the regulations of the
18 Department, the sponsor may renew the written charter of the school
19 pursuant to subsection 2 of NRS 386.530.

20 **Sec. 4.** This act becomes effective on July 1, 2009.

