
ASSEMBLY BILL NO. 169—ASSEMBLYMEN BUSTAMANTE ADAMS,
BOBZIEN; BENITEZ-THOMPSON, DALY, DIAZ, FLORES,
MUNFORD AND NEAL

FEBRUARY 16, 2011

JOINT SPONSORS: SENATORS DENIS AND KIHUEN

Referred to Committee on Education

SUMMARY—Revises provisions governing the authority of charter schools to enter into certain contracts. (BDR 34-752)

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; authorizing the governing body of a charter school to contract with an educational management organization for certain purposes; prescribing limitations on such contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the governing body of a charter school to contract with
2 the board of trustees of the school district in which the charter school is located or
3 the Nevada System of Higher Education for the provision of facilities and services
4 for the operation of the charter school. (NRS 386.560) Existing regulations provide
5 that such a contract may also be entered into by the governing body of a charter
6 school with an educational management organization, but such contracts are limited
7 to an initial term of not more than 2 years and are subject to certain other
8 limitations. (NAC 386.405) **Section 1** of this bill authorizes the governing body of
9 a charter school to contract with an educational management organization. **Section**
10 **1** requires that the length of such a contract must not exceed the term of the charter
11 school's written charter, requires that the contract allow the governing body of the
12 charter school to terminate the contract and provides that the contract must not
13 prohibit the governing body from entering into a contract with another educational
14 management organization.



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

1 **Section 1.** NRS 386.560 is hereby amended to read as follows:
2 386.560 1. The governing body of a charter school may
3 contract with the board of trustees of the school district in which the
4 charter school is located , ~~for~~ the Nevada System of Higher
5 Education *or an educational management organization* for the
6 provision of facilities to operate the charter school or to perform any
7 service relating to the operation of the charter school, including,
8 without limitation, transportation, the provision of health services
9 for the pupils who are enrolled in the charter school and the
10 provision of school police officers.

11 2. *If the governing body of a charter school enters into a*
12 *contract with an educational management organization pursuant*
13 *to subsection 1, the governing body of the charter school shall*
14 *ensure that the contract:*

15 (a) *Is for a term which does not exceed the term of the written*
16 *charter of the charter school;*

17 (b) *Allows the governing body of the charter school to*
18 *terminate the contract before the expiration of the contract; and*

19 (c) *Does not prohibit the governing body of the charter school*
20 *from entering into a contract with another educational*
21 *management organization.*

22 3. A charter school may use any public facility located within
23 the school district in which the charter school is located. A charter
24 school may use school buildings owned by the school district only
25 upon approval of the board of trustees of the school district and
26 during times that are not regular school hours.

27 ~~[3-]~~ 4. The board of trustees of a school district may donate
28 surplus personal property of the school district to a charter school
29 that is located within the school district.

30 ~~[4-]~~ 5. Except as otherwise provided in this subsection, upon
31 the request of a parent or legal guardian of a pupil who is enrolled in
32 a charter school, the board of trustees of the school district in which
33 the pupil resides shall authorize the pupil to participate in a class
34 that is not available to the pupil at the charter school or participate in
35 an extracurricular activity, excluding sports, at a public school
36 within the school district if:

37 (a) Space for the pupil in the class or extracurricular activity is
38 available; and

39 (b) The parent or legal guardian demonstrates to the satisfaction
40 of the board of trustees that the pupil is qualified to participate in the
41 class or extracurricular activity.

42 ➡ If the board of trustees of a school district authorizes a pupil to
43 participate in a class or extracurricular activity, excluding sports,



pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

~~[5]~~ 6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➤ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

~~[6]~~ 7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections ~~[4]~~ 5 and ~~[5]~~ 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

8. As used in this section, "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom the governing body of a charter school contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school.

Sec. 2. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance



1 education provided by a charter school, and pupils who are enrolled
2 in a university school for profoundly gifted pupils located in the
3 county, for:

4 (a) Pupils in the kindergarten department.

5 (b) Pupils in grades 1 to 12, inclusive.

6 (c) Pupils not included under paragraph (a) or (b) who are
7 receiving special education pursuant to the provisions of NRS
8 388.440 to 388.520, inclusive.

9 (d) Pupils who reside in the county and are enrolled part-time in
10 a program of distance education provided pursuant to NRS 388.820
11 to 388.874, inclusive.

12 (e) Children detained in facilities for the detention of children,
13 alternative programs and juvenile forestry camps receiving
14 instruction pursuant to the provisions of NRS 388.550, 388.560
15 and 388.570.

16 (f) Pupils who are enrolled in classes pursuant to subsection ~~4~~
17 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to
18 subsection 5 of NRS 386.580.

19 (g) Pupils who are enrolled in classes pursuant to subsection 3
20 of NRS 392.070.

21 (h) Pupils who are enrolled in classes and taking courses
22 necessary to receive a high school diploma, excluding those pupils
23 who are included in paragraphs (d), (f) and (g).

24 2. The State Board shall establish uniform regulations for
25 counting enrollment and calculating the average daily attendance of
26 pupils. In establishing such regulations for the public schools, the
27 State Board:

28 (a) Shall divide the school year into 10 school months, each
29 containing 20 or fewer school days, or its equivalent for those public
30 schools operating under an alternative schedule authorized pursuant
31 to NRS 388.090.

32 (b) May divide the pupils in grades 1 to 12, inclusive, into
33 categories composed respectively of those enrolled in elementary
34 schools and those enrolled in secondary schools.

35 (c) Shall prohibit the counting of any pupil specified in
36 subsection 1 more than once.

37 3. Except as otherwise provided in subsection 4 and NRS
38 388.700, the State Board shall establish by regulation the maximum
39 pupil-teacher ratio in each grade, and for each subject matter
40 wherever different subjects are taught in separate classes, for each
41 school district of this State which is consistent with:

42 (a) The maintenance of an acceptable standard of instruction;

43 (b) The conditions prevailing in the school district with respect
44 to the number and distribution of pupils in each grade; and



(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➔ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last



1 day of the first school month of the school district for the school
2 year, expressed as a percentage of the total time services are
3 provided to those pupils per school day in proportion to the total
4 time services are provided during a school day to pupils who are
5 counted pursuant to subparagraph (2).

6 (II) In a charter school and are concurrently enrolled part-
7 time in a program of distance education provided by a school district
8 or another charter school on the last day of the first school month of
9 the school district for the school year, expressed as a percentage of
10 the total time services are provided to those pupils per school day in
11 proportion to the total time services are provided during a school
12 day to pupils who are counted pursuant to subparagraph (2).

13 (5) The count of pupils not included under subparagraph (1),
14 (2), (3) or (4), who are receiving special education pursuant to the
15 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
16 the first school month of the school district for the school year,
17 excluding the count of pupils who have not attained the age of 5
18 years and who are receiving special education pursuant to
19 subsection 1 of NRS 388.490 on that day.

20 (6) Six-tenths the count of pupils who have not attained the
21 age of 5 years and who are receiving special education pursuant to
22 subsection 1 of NRS 388.490 on the last day of the first school
23 month of the school district for the school year.

24 (7) The count of children detained in facilities for the
25 detention of children, alternative programs and juvenile forestry
26 camps receiving instruction pursuant to the provisions of NRS
27 388.550, 388.560 and 388.570 on the last day of the first school
28 month of the school district for the school year.

29 (8) The count of pupils who are enrolled in classes for at
30 least one semester pursuant to subsection ~~4~~ 5 of NRS 386.560,
31 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
32 expressed as a percentage of the total time services are provided to
33 those pupils per school day in proportion to the total time services
34 are provided during a school day to pupils who are counted pursuant
35 to subparagraph (2).

36 (b) Multiplying the number of special education program units
37 maintained and operated by the amount per program established for
38 that school year.

39 (c) Adding the amounts computed in paragraphs (a) and (b).

40 2. If the enrollment of pupils in a school district or a charter
41 school that is located within the school district on the last day of the
42 first school month of the school district for the school year is less
43 than or equal to 95 percent of the enrollment of pupils in the same
44 school district or charter school on the last day of the first school
45 month of the school district for the immediately preceding school



1 year, the largest number from among the immediately preceding 2
2 school years must be used for purposes of apportioning money from
3 the State Distributive School Account to that school district or
4 charter school pursuant to NRS 387.124.

5 3. If the enrollment of pupils in a school district or a charter
6 school that is located within the school district on the last day of the
7 first school month of the school district for the school year is more
8 than 95 percent of the enrollment of pupils in the same school
9 district or charter school on the last day of the first school month of
10 the school district for the immediately preceding school year, the
11 larger enrollment number from the current year or the immediately
12 preceding school year must be used for purposes of apportioning
13 money from the State Distributive School Account to that school
14 district or charter school pursuant to NRS 387.124.

15 4. Pupils who are excused from attendance at examinations or
16 have completed their work in accordance with the rules of the board
17 of trustees must be credited with attendance during that period.

18 5. Pupils who are incarcerated in a facility or institution
19 operated by the Department of Corrections must not be counted for
20 the purpose of computing basic support pursuant to this section. The
21 average daily attendance for such pupils must be reported to the
22 Department of Education.

23 6. Pupils who are enrolled in courses which are approved by
24 the Department as meeting the requirements for an adult to earn a
25 high school diploma must not be counted for the purpose of
26 computing basic support pursuant to this section.

27 **Sec. 4.** This act becomes effective on July 1, 2011.

