

Amendment No. 612

Senate Amendment to Assembly Bill No. 205 First Reprint (BDR 34-200)

Proposed by: Senate Committee on Education

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SHORT FORM AMENDMENT

Sections 3.5, 6 and 7 of this act are the only sections affected by this amendment.

KCR/BJE



Date: 5/16/2013

A.B. No. 205—Revises provisions governing charter schools. (BDR 34-200)



If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) **Section 3** of this bill requires that a written performance framework for a charter school be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to **section 8** of this bill. The performance framework must include performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils.

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) **Section 3.5** of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. **Section 3.5** also provides that a rating of a charter school based upon the performance of the charter school for any school year before July 1, 2013, the 2013-2014 school year pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) **Section 5** of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) **Section 12** of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies in the application identified by the Department. (NRS 386.520) Sections 6 and 7 of this bill remove the provisions relating to the review of an application to form a charter school by the Department.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** ~~(of this bill)~~ requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. ~~(Existing law further provides that a proposed sponsor may approve an application to form a charter school if the application is complete and complies with the applicable statutes and regulations.)~~ **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

Section 3.5 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 3.5. 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before ~~July 1, 2013,~~ the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Section 6 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

1 (a) One member who is a teacher or other person licensed pursuant to chapter
2 391 of NRS or who previously held such a license and is retired, as long as his or
3 her license was held in good standing;

4 (b) One member who:

5 (1) Satisfies the qualifications of paragraph (a); or

6 (2) Is a school administrator with a license issued by another state or who
7 previously held such a license and is retired, as long as his or her license was held
8 in good standing;

9 (c) One parent or legal guardian who is not a teacher or employee of the
10 proposed charter school; and

11 (d) Two members who possess knowledge and expertise in one or more of the
12 following areas:

13 (1) Accounting;

14 (2) Financial services;

15 (3) Law; or

16 (4) Human resources.

17 2. In addition to the members who serve pursuant to subsection 1, the
18 committee to form a charter school may include, without limitation, not more than
19 four additional members as follows:

20 (a) Members of the general public;

21 (b) Representatives of nonprofit organizations and businesses; or

22 (c) Representatives of a college or university within the Nevada System of
23 Higher Education.

24 3. A majority of the persons who serve on the committee to form a charter
25 school must be residents of this State at the time that the application to form the
26 charter school is submitted to the Department.

27 4. *The committee to form a charter school shall ensure that the completed*
28 *application:*

29 (a) *Presents the academic, financial and organizational vision and plans for*
30 *the proposed charter school; and*

31 (b) *Provides the proposed sponsor of the charter school with a clear basis for*
32 *assessing the capacity of the applicant to carry out the vision and plans.*

33 5. An application to form a charter school must include all information
34 prescribed by the Department by regulation and:

35 (a) A written description of how the charter school will carry out the provisions
36 of NRS 386.490 to 386.610, inclusive ~~H~~, *and sections 2 to 3.5, inclusive, of this*
37 *act.*

38 (b) A written description of the mission and goals for the charter school. A
39 charter school must have as its stated purpose at least one of the following goals:

40 (1) Improving the academic achievement of pupils;

41 (2) Encouraging the use of effective and innovative methods of teaching;

42 (3) Providing an accurate measurement of the educational achievement of
43 pupils;

44 (4) Establishing accountability and transparency of public schools;

45 (5) Providing a method for public schools to measure achievement based
46 upon the performance of the schools; or

47 (6) Creating new professional opportunities for teachers.

48 (c) The projected enrollment of pupils in the charter school.

49 (d) The proposed dates for accepting applications for enrollment in the initial
50 year of operation of the charter school.

51 (e) The proposed system of governance for the charter school, including,
52 without limitation, the number of persons who will govern, the method for

1 nominating and electing the persons who will govern and the term of office for each
2 person.

3 (f) The method by which disputes will be resolved between the governing body
4 of the charter school and the sponsor of the charter school.

5 (g) The proposed curriculum for the charter school and, if applicable to the
6 grade level of pupils who are enrolled in the charter school, the requirements for the
7 pupils to receive a high school diploma, including, without limitation, whether
8 those pupils will satisfy the requirements of the school district in which the charter
9 school is located for receipt of a high school diploma.

10 (h) The textbooks that will be used at the charter school.

11 (i) The qualifications of the persons who will provide instruction at the charter
12 school.

13 (j) Except as otherwise required by NRS 386.595, the process by which the
14 governing body of the charter school will negotiate employment contracts with the
15 employees of the charter school.

16 (k) A financial plan for the operation of the charter school. The plan must
17 include, without limitation, procedures for the audit of the programs and finances of
18 the charter school and guidelines for determining the financial liability if the charter
19 school is unsuccessful.

20 (l) A statement of whether the charter school will provide for the transportation
21 of pupils to and from the charter school. If the charter school will provide
22 transportation, the application must include the proposed plan for the transportation
23 of pupils. If the charter school will not provide transportation, the application must
24 include a statement that the charter school will work with the parents and guardians
25 of pupils enrolled in the charter school to develop a plan for transportation to ensure
26 that pupils have access to transportation to and from the charter school.

27 (m) The procedure for the evaluation of teachers of the charter school, if
28 different from the procedure prescribed in NRS 391.3125 and 391.3128. If the
29 procedure is different from the procedure prescribed in NRS 391.3125 and
30 391.3128, the procedure for the evaluation of teachers of the charter school must
31 provide the same level of protection and otherwise comply with the standards for
32 evaluation set forth in NRS 391.3125 and 391.3128.

33 (n) The time by which certain academic or educational results will be achieved.

34 (o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS
35 388.020, for which the charter school intends to operate.

36 (p) A statement of whether the charter school will enroll pupils who are in a
37 particular category of at-risk pupils before enrolling other children who are eligible
38 to attend the charter school pursuant to NRS 386.580 and the method for
39 determining eligibility for enrollment in each such category of at-risk pupils served
40 by the charter school.

41 ~~§5. §6. The proposed sponsor of a charter school may request that the~~
42 ~~Department review an application before review by the proposed sponsor to~~
43 ~~determine whether the application~~ ~~is substantially complete and compliant.~~
44 ~~§satisfies the requirements of subsection 3 of NRS 386.525. Upon such a request,~~
45 ~~the Department shall review an application to form a charter school to determine~~
46 ~~whether~~ ~~it is substantially complete and compliant.~~ ~~§the application satisfies the~~
47 ~~requirements of subsection 3 of NRS 386.525. If an application proposes to~~
48 ~~convert an existing public school, homeschool or other program of home study into~~
49 ~~a charter school, the Department shall provide written notice to the applicant that~~
50 ~~the application is ineligible for consideration by the proposed sponsor.~~

51 6. ~~§7.~~ The Department shall provide written notice to the applicant and the
52 proposed sponsor of the charter school of its determination whether the application
53 ~~is substantially complete and compliant.~~ ~~§satisfies the requirements of subsection~~

~~3 of NRS 386.525. If the Department determines that an application is not substantially complete and compliant, it does not satisfy the requirements of subsection 3 of NRS 386.525, the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. 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. If the Department determines an application is substantially complete and compliant, it satisfies the requirements of subsection 3 of NRS 386.525, the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.~~

~~(7) (8.)~~ As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

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

➤ The term does not include a person who is employed as a substitute teacher.

Section 7 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~Except as otherwise provided in this subsection, a committee to form a charter school may submit the application to the proposed sponsor of the charter school. If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application was not substantially complete and compliant pursuant to that section, it does not satisfy the requirements of subsection 3, the application may not be submitted to the proposed sponsor for review pursuant to this section.~~ If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. *The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:*

(a) *Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;*

(b) *Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;*

(c) *Base its determination on documented evidence collected through the process of reviewing the application; and*

(d) *Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.*

3. *The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:*

(a) *The application:*

(1) *Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and*

(2) *Is complete in accordance with the regulations of the Department; and*

(b) *The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS*

1 *386.515 that will likely result in a successful opening and operation of the charter*
2 *school.*

3 4. If the board of trustees of a school district or a college or a university
4 within the Nevada System of Higher Education, as applicable, receives an
5 application to form a charter school, the board of trustees or the institution, as
6 applicable, shall consider the application at a meeting that must be held not later
7 than ~~45~~ 60 days after the receipt of the application, or a *later* period mutually
8 agreed upon by the committee to form the charter school and the board of trustees
9 of the school district or the institution, as applicable, and ensure that notice of the
10 meeting has been provided pursuant to chapter 241 of NRS. ~~If the proposed~~
11 ~~sponsor requested that the Department review the application pursuant to NRS~~
12 ~~386.520, the proposed sponsor shall be deemed to receive the application pursuant~~
13 ~~to this subsection upon transmittal of the application from the Department.~~ The
14 board of trustees, the college or the university, as applicable, shall review an
15 application ~~to determine whether the application:~~

16 ~~(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations~~
17 ~~applicable to charter schools; and~~

18 ~~(b) Is complete in accordance with the regulations of the Department.~~

19 ~~3. in accordance with the requirements for review set forth in subsections 2~~
20 ~~and 3.~~

21 5. ~~The Department shall assist the board of trustees of a school district, the~~
22 ~~college or the university, as applicable, in the review of an application.~~ The board
23 of trustees, the college or the university, as applicable, may approve an application
24 if it satisfies the requirements of ~~paragraphs (a) and (b) of~~ subsection ~~2~~ 3.

25 6. The board of trustees, the college or the university, as applicable, shall
26 provide written notice to the applicant of its approval or denial of the application.

27 ~~4.4.~~ If the board of trustees, the college or the university, as applicable, denies
28 an application, it shall include in the written notice the reasons for the denial and
29 the deficiencies in the application. The applicant must be granted 30 days after
30 receipt of the written notice to correct any deficiencies identified in the written
31 notice and resubmit the application.

32 ~~5.4~~ 7. If the board of trustees, the college or the university, as applicable,
33 denies an application after it has been resubmitted pursuant to subsection ~~4.4~~ 6, the
34 applicant may submit a written request for sponsorship by the State Public Charter
35 School Authority not more than 30 days after receipt of the written notice of denial.
36 Any request that is submitted pursuant to this subsection must be accompanied by
37 the application to form the charter school.

38 ~~6.4~~ 8. If the State Public Charter School Authority receives an application
39 pursuant to subsection 1 or ~~5.4~~ 7, it shall consider the application at a meeting
40 which must be held not later than ~~45~~ 60 days after receipt of the application ~~1~~ *or*
41 *or a later period mutually agreed upon by the committee to form the charter school*
42 *and the State Public Charter School Authority.* ~~If the State Public Charter School~~
43 ~~Authority requested that the Department review the application pursuant to NRS~~
44 ~~386.520, the State Public Charter School Authority shall be deemed to receive the~~
45 ~~application pursuant to this subsection upon transmittal of the application from the~~
46 ~~Department.~~ Notice of the meeting must be posted in accordance with chapter 241
47 of NRS. The State Public Charter School Authority shall review the application in
48 accordance with the ~~Factors~~ *requirements for review* set forth in ~~paragraphs (a)~~
49 ~~and (b) of subsection~~ *subsections 2* ~~1~~ *and 3.* ~~The Department shall assist the~~
50 ~~State Public Charter School Authority in the review of an application.~~ The State
51 Public Charter School Authority may approve an application *only* if it satisfies the
52 requirements of ~~paragraphs (a) and (b) of~~ subsection ~~2~~ 3. Not more than 30 days

1 after the meeting, the State Public Charter School Authority shall provide written
2 notice of its determination to the applicant.

3 ~~7-7~~ 9. If the State Public Charter School Authority denies or fails to act upon
4 an application, the denial or failure to act must be based upon a finding that the
5 applicant failed to ~~adequately address objective criteria established by regulation~~
6 ~~of the Department or the State Board.~~ *satisfy the requirements of subsection 3.*
7 The State Public Charter School Authority shall include in the written notice the
8 reasons for the denial or the failure to act and the deficiencies in the application.
9 The staff designated by the State Public Charter School Authority shall meet with
10 the applicant to confer on the method to correct the identified deficiencies. The
11 applicant must be granted 30 days after receipt of the written notice to correct any
12 deficiencies identified in the written notice and resubmit the application.

13 ~~8-1~~ 10. If the State Public Charter School Authority denies an application
14 after it has been resubmitted pursuant to subsection ~~7-7~~ 9, the applicant may, not
15 more than 30 days after the receipt of the written notice from the State Public
16 Charter School Authority, appeal the final determination to the district court of the
17 county in which the proposed charter school will be located.

18 ~~9-1~~ 11. On or before January 1 of each odd-numbered year, the
19 Superintendent of Public Instruction shall submit a written report to the Director of
20 the Legislative Counsel Bureau for transmission to the next regular session of the
21 Legislature. The report must include:

22 (a) A list of each application to form a charter school that was submitted to the
23 board of trustees of a school district, the State Public Charter School Authority, a
24 college or a university during the immediately preceding biennium;

25 (b) The educational focus of each charter school for which an application was
26 submitted;

27 (c) The current status of the application; and

28 (d) If the application was denied, the reasons for the denial.