

## Amendment No. 351

Senate Amendment to Senate Bill No. 460

(BDR 34-1108)

**Proposed by:** Senate Committee on Education**Amends:** Summary: No Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KRO/RBL



Date: 4/17/2015

S.B. No. 460—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)



## SENATE BILL NO. 460—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; authorizing the restart of certain charter schools under a new charter contract in certain circumstances; prohibiting the Department of Education from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The federal No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils. (20 U.S.C. §§ 6301 et seq.) In 2011, the United States Department of Education made it possible for states to apply to the Department for a waiver of some of the provisions of the Act. In August 2012, the Nevada Department of Education received approval from the United States Department of Education to implement an accountability system for public schools that allows for a waiver from some of the specific provisions of the Act. This approval is conditioned on the Nevada Department of Education tracking the performance of pupils in public schools, including measuring, reporting and supporting the achievement of pupils. Since the approval of the waiver, the Nevada Department of Education has developed the Nevada School Performance Framework for the statewide system of accountability for public schools. (NRS 385.347)

Existing law requires the statewide system of accountability to: (1) include a method to rate each public school; (2) include a method to implement consequences, rewards and supports for public schools based upon the ratings; and (3) establish annual measurable objectives and performance targets for public schools. (NRS 385.3594) **Section 2** of this bill requires the State Board of Education to adopt regulations that prescribe: (1) an alternative performance framework to evaluate certain schools which serve certain populations; and (2) the manner in which such schools will be included in the statewide system of accountability.

**Section 3** of this bill requires a public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board to request the board of trustees of the school district or sponsor of the charter

school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework. If approved, **section 3** provides that the board of trustees of the school district or the sponsor of a charter school, as applicable, must apply to the State Board on behalf of the school to be rated using the alternative performance framework. **Section 3** also prescribes eligibility requirements for a school to be rated using the alternative performance framework.

Existing law requires the sponsor of a charter school to revoke the written charter or terminate the charter contract of a 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. (NRS 386.5351) **Section 4** of this bill instead requires the sponsor of a charter school to revoke the written charter or terminate ~~for not renew~~ the charter contract of a charter school **or restart the charter school under a new charter contract** if the charter school receives an annual rating established as the lowest possible rating indicating underperformance for any 3 **out of 5 years**. ~~for the 6 year term of a charter contract unless the sponsor of a charter school determines to take other action. Section 4 authorizes the sponsor of a charter school to determine not to revoke the written charter or terminate the charter contract of a charter school if the charter school has demonstrated continued improvement in meeting annual performance goals. If the sponsor of a charter school makes such a determination, section 4 authorizes the sponsor to take certain actions.~~ **Section 4** ~~also: (1) authorizes~~ **requires the Department to adopt regulations governing procedures for the restart of** a charter school ~~that receives an annual rating established as the lowest rating possible indicating the underperformance of a public school to request assistance from the sponsor of the~~ **under a new** charter ~~school in improving performance reported in the annual rating; and (2) requires the sponsor of a charter school to provide assistance to improve performance at the school upon receipt of such a request.~~ **contract.**

**Section 4** ~~is of this bill~~ **4 also** prohibits the Department from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year.

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

**Section 1.** Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to section 3 of this act. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.3891, inclusive.*

**2.** *The regulations adopted pursuant to subsection 1 must also set forth the manner in which:*

*(a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to section 3 of this act will be accounted for within the statewide system of accountability; and*

*(b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 389.550 and, if applicable for the grade levels of the pupils enrolled, the examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.*

**Sec. 3. 1.** *A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to section 2 of this act must request the board of*

trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A school is eligible to be rated using the alternative performance framework if ~~it~~ :

(a) The school specifies that the mission of the school is to serve pupils who:

(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;

(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or

(6) Have an individualized education program; and

(b) At least 75 percent of the pupils enrolled at the school ~~+~~

~~(a) Have been expelled or suspended from a public school, including, without limitation a charter school;~~

~~(b) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;~~

~~(c) Have a record of behavioral issues;~~

~~(d) Are academically disadvantaged;~~

~~(e) Have been adjudicated delinquent; or~~

~~(f) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320;~~ fall within one or more of the categories listed in paragraph (a).

4. ~~A public school that does not meet the requirements of subsection 3 may seek to be rated using the alternative performance framework by demonstrating a legitimate reason to support using the alternative performance framework which may be granted in the discretion of the Department.~~

~~5.~~ As used in this section, “academically disadvantaged” includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

Sec. 3.5. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated ~~or~~ or restarted, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for evaluating charter school applications in accordance with NRS 386.525 and for the renewal of charter contracts pursuant to NRS 386.530;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

**Sec. 4.** NRS 386.5351 is hereby amended to read as follows:

386.5351 1. ~~The~~ Except as otherwise provided in subsection 2, the sponsor of a charter school shall revoke the written charter or terminate ~~for not renew~~ the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives ~~three~~ three ~~consecutive~~ consecutive ~~year~~ annual ratings ~~rating~~ 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 ~~or~~ for any 3 out of 5 years ~~of the 6 year term of a charter contract.~~ A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of

the charter school ~~for any~~ must not be included in the count of annual ratings for the purposes of this subsection for:

(a) Any school year before the 2013-2014 [2014-2015] school year ~~must not be included in the count of consecutive annual ratings for the purposes of this subsection; and~~

(b) The 2014-2015 school year.

2. ~~Following a public hearing, the sponsor of a charter school may determine not to take any of the actions in subsection 1 if the charter school has demonstrated continued improvement in meeting the annual performance goals established pursuant to NRS 386.528. If the sponsor makes such a determination, the sponsor may take any of the following actions:~~

~~(a) Extend the period for determining the performance of the charter school;~~

~~(b) Establish or continue, as applicable, a plan to improve pupil achievement and school performance which includes reviewing and revising the existing governing structure of the school as necessary to carry out the plan; or~~

~~(c) Make any changes to the charter contract as needed to ensure measurable performance.~~

3. ~~If a charter school receives an annual rating 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, the charter school may request assistance from the sponsor of the charter school. Upon receipt of such a request, the sponsor of the charter school shall take actions to provide assistance to the charter school to improve performance at the school.~~

~~4.~~ If a written charter is revoked or 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 or restart of the charter school not later than 10 days after revoking the written charter or terminating the charter contract ~~or restarting the school~~ or restarting the school.

3. ~~5.~~ The provisions of NRS 386.535 do not apply to the revocation of a written charter or termination of a charter contract or restart of the charter school pursuant to this section.

4. The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

Sec. 5. ~~The Department shall not consider a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year. The Department may consider a school's annual rating pursuant to the statewide system of accountability based on the performance of a school for any school year before the 2014-2015 school year and any school year after the 2014-2015 school year.~~ (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2015.