

SENATE BILL NO. 208—SENATORS HARRIS, HARDY, GUSTAVSON,
DENIS, FARLEY; HAMMOND AND SETTELMAYER

MARCH 4, 2015

Referred to Committee on Education

SUMMARY—Requires certain notice to be provided to certain parents and legal guardians when a new charter school will begin accepting applications or an existing charter school expands enrollment or opens a new facility. (BDR 34-729)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring the governing body of a new charter school or a charter school that is expanding enrollment or opening a new facility to provide notice concerning the application and enrollment process to parents or legal guardians who live within a certain distance from the charter school; revising provisions governing a lottery held to determine which applicants may enroll in a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Existing law authorizes a charter school to enroll certain children before enrolling children who are otherwise eligible for enrollment and requires a charter school to determine which applicants to enroll on the basis of a lottery system in the event that more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available. (NRS 386.580) With certain exceptions, **section 1** of this bill requires the governing body of a new charter school to send notice at least 45 days before the charter school begins accepting applications for enrollment to the home of the parent or legal guardian of any child who resides within 2 miles of the charter school stating when the charter school will begin accepting applications for enrollment and providing certain information concerning the application and enrollment process. **Section 3.5** of this bill requires a lottery held to determine which applicants may enroll in a charter school to occur not sooner than 45 days



after the date on which the charter school begins accepting applications for enrollment unless the sponsor of a charter school determines there is good cause to hold it sooner.

Existing law authorizes the parent or legal guardian of any child who resides in this State to submit an application for enrollment in a charter school to the governing body of the charter school. (NRS 386.580) **Section 3.5** clarifies that a parent or legal guardian is authorized to submit such an application annually.

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 a new section to read as follows:

1. Except as otherwise provided in this section, at least 45 days before a new charter school for which a contract has been executed pursuant to NRS 386.527 begins accepting applications for enrollment pursuant to NRS 386.580 or at least 45 days before a charter school that is expanding enrollment or opening a new facility begins accepting applications for enrollment pursuant to NRS 386.580, the governing body of the charter school shall make a reasonable effort to notify each household located within 2 miles from the charter school regarding:

(a) When the charter school will begin accepting applications for enrollment;

(b) How to apply for enrollment; and

(c) The process for enrollment of pupils.

2. If notifying each household within 2 miles from a charter school does not provide a sufficient population density, the governing body of the charter school and the sponsor of the charter school may agree to notify households that are located more than 2 miles from the charter school.

3. A charter school that is not authorized to enroll more than 250 pupils for all facilities that the charter school operates is not required to comply with the provisions of subsection 1. If the charter school does not comply with these provisions, the charter school must develop an alternative plan to inform households located in the area served by the charter school that it is accepting applications for enrollment.

4. If the governing body of a charter school has not acquired a facility to operate the charter school at least 45 days before the date on which the charter school begins accepting applications for enrollment pursuant to NRS 386.580, the sponsor of the charter school may identify a location reasonably believed to be close to where the facility will be located and provide the notification



1 *required pursuant to subsection 1 to each household located*
2 *within two miles from this location.*

3 *5. The sponsor of a charter school may require the charter*
4 *school to provide documentation of any effort to inform*
5 *households located in the area served by the charter school that*
6 *the charter school is accepting applications for enrollment,*
7 *expanding enrollment or opening a new facility.*

8 *6. The sponsor of a charter school may revise the timeline for*
9 *notification prescribed in subsection 1 for good cause.*

10 **Sec. 2.** NRS 386.490 is hereby amended to read as follows:

11 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
12 *section 1 of this act*, the words and terms defined in NRS 386.492
13 to 386.503, inclusive, have the meanings ascribed to them in those
14 sections.

15 **Sec. 2.5.** NRS 386.505 is hereby amended to read as follows:

16 386.505 The Legislature declares that by authorizing the
17 formation of charter schools it is not authorizing:

18 1. The conversion of an existing public school, homeschool or
19 other program of home study to a charter school.

20 2. A means for providing financial assistance for private
21 schools or programs of home study. The provisions of this
22 subsection do not preclude:

23 (a) A private school from ceasing to operate as a private school
24 and reopening as a charter school in compliance with the provisions
25 of NRS 386.490 to 386.649, inclusive.

26 (b) The payment of money to a charter school for the enrollment
27 of children in classes at the charter school pursuant to subsection ~~5~~
28 **6** of NRS 386.580 who are enrolled in a public school of a school
29 district or a private school or who are homeschooled.

30 3. The formation of charter schools on the basis of a single
31 race, religion or ethnicity.

32 **Sec. 3.** NRS 386.551 is hereby amended to read as follows:

33 386.551 The provisions of NRS 386.490 to 386.649, inclusive,
34 *and section 1 of this act*, and any other statute or regulation
35 applicable to a charter school or its officers or employees govern the
36 formation and operation of charter schools in this State.

37 **Sec. 3.5.** NRS 386.580 is hereby amended to read as follows:

38 386.580 1. An application for enrollment in a charter
39 school may be submitted *annually* to the governing body of the
40 charter school by the parent or legal guardian of any child who
41 resides in this State. Except as otherwise provided in this subsection
42 and subsection 2, a charter school shall enroll pupils who are
43 eligible for enrollment in the order in which the applications are
44 received. If the board of trustees of the school district in which the
45 charter school is located has established zones of attendance



pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

(1) Employed by 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;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➡ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.



3. Except as otherwise provided in subsection ~~8.1~~ 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

↳ of a pupil.

4. *A lottery held pursuant to subsection 1 or 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.*

5. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~5.1~~ 6. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

↳ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.



~~16.1~~ 7. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~15.1~~ 6 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~17.1~~ 8. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~15.1~~ 6, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

~~18.1~~ 9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➤ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 3.7. 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 education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

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

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

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



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

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~5~~ 6 of NRS 386.580.

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

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

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

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

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

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

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

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

(b) The conditions prevailing in the school district with respect 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



1 direct the Superintendent to withhold the quarterly apportionment
2 entirely.

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

7 **Sec. 3.8.** NRS 387.1233 is hereby amended to read as follows:
8 387.1233 1. Except as otherwise provided in subsection 2,
9 basic support of each school district must be computed by:

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

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

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

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

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

32 (I) In a public school of the school district and are
33 concurrently enrolled part-time in a program of distance education
34 provided by another school district or a charter school on the last
35 day of the first school month of the school district for the school
36 year, expressed as a percentage of the total time services are
37 provided to those pupils per school day in proportion to the total
38 time services are provided during a school day to pupils who are
39 counted pursuant to subparagraph (2).

40 (II) In a charter school and are concurrently enrolled part-
41 time in a program of distance education provided by a school district
42 or another charter school on the last day of the first school month of
43 the school district for the school year, expressed as a percentage of
44 the total time services are provided to those pupils per school day in



1 proportion to the total time services are provided during a school
2 day to pupils who are counted pursuant to subparagraph (2).

3 (5) The count of pupils not included under subparagraph (1),
4 (2), (3) or (4), who are receiving special education pursuant to the
5 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
6 the first school month of the school district for the school year,
7 excluding the count of pupils who have not attained the age of 5
8 years and who are receiving special education pursuant to
9 subsection 1 of NRS 388.475 on that day.

10 (6) Six-tenths the count of pupils who have not attained the
11 age of 5 years and who are receiving special education pursuant to
12 subsection 1 of NRS 388.475 on the last day of the first school
13 month of the school district for the school year.

14 (7) The count of children detained in facilities for the
15 detention of children, alternative programs and juvenile forestry
16 camps receiving instruction pursuant to the provisions of NRS
17 388.550, 388.560 and 388.570 on the last day of the first school
18 month of the school district for the school year.

19 (8) The count of pupils who are enrolled in classes for at
20 least one semester pursuant to subsection 5 of NRS 386.560,
21 subsection ~~5~~ 6 of NRS 386.580 or subsection 3 of NRS 392.070,
22 expressed as a percentage of the total time services are provided to
23 those pupils per school day in proportion to the total time services
24 are provided during a school day to pupils who are counted pursuant
25 to subparagraph (2).

26 (b) Multiplying the number of special education program units
27 maintained and operated by the amount per program established for
28 that school year.

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

30 2. Except as otherwise provided in subsection 4, if the
31 enrollment of pupils in a school district or a charter school that is
32 located within the school district on the last day of the first school
33 month of the school district for the school year is less than or equal
34 to 95 percent of the enrollment of pupils in the same school district
35 or charter school on the last day of the first school month of the
36 school district for the immediately preceding school year, the largest
37 number from among the immediately preceding 2 school years must
38 be used for purposes of apportioning money from the State
39 Distributive School Account to that school district or charter school
40 pursuant to NRS 387.124.

41 3. Except as otherwise provided in subsection 4, if the
42 enrollment of pupils in a school district or a charter school that is
43 located within the school district on the last day of the first school
44 month of the school district for the school year is more than 95
45 percent of the enrollment of pupils in the same school district or



1 charter school on the last day of the first school month of the school
2 district for the immediately preceding school year, the larger
3 enrollment number from the current year or the immediately
4 preceding school year must be used for purposes of apportioning
5 money from the State Distributive School Account to that school
6 district or charter school pursuant to NRS 387.124.

7 4. If the Department determines that a school district or charter
8 school deliberately causes a decline in the enrollment of pupils in
9 the school district or charter school to receive a higher
10 apportionment pursuant to subsection 2 or 3, including, without
11 limitation, by eliminating grades or moving into smaller facilities,
12 the enrollment number from the current school year must be used
13 for purposes of apportioning money from the State Distributive
14 School Account to that school district or charter school pursuant to
15 NRS 387.124.

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

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

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

28 **Sec. 4.** This act becomes effective on July 1, 2015.

