

ASSEMBLY BILL NO. 462—COMMITTEE ON EDUCATION

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools.
(BDR 34-1090)

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 education; requiring the State Public Charter School Authority to establish a plan to manage the growth of charter schools; requiring sponsors of charter schools to provide notice to the Department of Education and certain other sponsors of certain actions relating to opening or expanding a charter school; revising provisions governing the duties of a sponsor of a charter school; revising provisions governing evaluations conducted by sponsors of charter schools; revising provisions governing the duties of sponsors of charter schools; requiring certain reports to be submitted to the Legislative Committee on Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education that has been approved to sponsor a charter school or the State Public Charter School Authority to approve an application to form a charter school and enter into a charter contract with the governing body of the charter school. (NRS 388A.252, 388A.270) **Section 3** of the bill requires the State Public Charter School Authority to establish a plan to manage the growth of charter schools in this State which sets forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools. The plan must be reviewed and revised as necessary biennially. **Section 7** of this bill requires the initial plan to be completed and submitted to the Legislative Committee on Education by not later than January 1, 2020. **Section 4** of this bill requires the sponsor of a charter school to provide written notice to the Department of Education and, if the sponsor is not a school district, to the board of trustees of the school district where a charter school is located or proposed to be



located, as applicable, when the sponsor receives notice of certain actions that may be taken or takes certain actions to open or expand a charter school.

Existing law requires the sponsor of a charter school to evaluate academic needs of pupils in the geographic areas served by the sponsor before soliciting applications to form a charter school. (NRS 388A.220) **Section 5** of this bill requires additional consideration to demographic information and the needs of any pupils who are at high risk of dropping out of school in those areas before soliciting applications. In addition, **section 5** requires the sponsor of a charter school to conduct such an evaluation each year after a charter school it sponsors. **Section 9** of this bill requires each sponsor of a charter school to conduct that evaluation for the charter schools it sponsors by not later than January 1, 2020.

Existing law requires the sponsor of a charter school to carry out certain responsibilities. (NRS 388A.223) **Section 6** of this bill adds the duty to conduct site evaluations of each campus of a charter school that it sponsors during the first, third and fifth years after entering into or renewing a charter contract. **Section 8** requires the initial site evaluation to be completed and a report submitted by each sponsor of a charter school to the Legislative Committee on Education by not later than June 30, 2020.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *The State Public Charter School Authority shall establish a plan to manage the growth of charter schools in this State. The plan must set forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools.*

2. *To develop the plan pursuant to subsection 1, the Authority shall determine the projected number of:*

(a) *New charter schools that the Authority will approve;*

(b) *Additional campuses of charter schools that the Authority will approve;*

(c) *Charter schools that will expand the grade levels offered at the charter schools or will otherwise increase enrollment of pupils at the charter schools; and*

(d) *Charter schools whose charter contracts will expire and the likelihood that the charter contracts will be renewed;*

3. *In addition to the information described in subsection 2, to develop the plan pursuant to subsection 1, the Authority shall consider:*

(a) *Information relating to pupils included in the statewide system of accountability for public schools, including, without limitation, information relating to specific groups and subgroups of pupils;*



(b) Information relating to the academic needs of pupils in the various geographic areas of the State; and

(c) Any other information the Authority deems necessary to determine whether increasing the number of charter schools or expanding the campuses of existing charter schools will best serve the pupils of this State.

4. The Authority shall collaborate with the Department and each board of trustees of a school district in this State in developing the plan pursuant to subsection 1.

5. The Authority shall review the plan at least biennially and revise the plan as necessary.

Sec. 4. 1. The sponsor of a charter school shall provide written notice to the Department and, if the sponsor is not a school district, to the board of trustees of a school district in which a charter school is located or proposed to be located, as applicable, within 45 days from the date on which the sponsor:

(a) Receives notice of intent to submit an application to operate a charter school;

(b) Receives an application to operate a charter school;

(c) Receives a request to amend the charter contract of a charter school pursuant to NRS 388A.279; and

(d) Approves an application to operate a charter school or a request to amend the charter contract of a charter school.

2. The written notice must include, to the extent applicable:

(a) The location or proposed location of the charter school, as applicable, and the geographic area served or to be served by the charter school;

(b) The grade levels to be served by the charter school;

(c) The estimated number of pupils to be enrolled at the charter school; and

(d) The proposed date and year to open the charter school or amend the charter contract, as applicable.

Sec. 5. NRS 388A.220 is hereby amended to read as follows:

388A.220 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 388A.105 or 388A.110. 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 388A.255. Except



1 as otherwise provided by specific statute, if the State Public Charter
2 School Authority sponsors a charter school, the State Public Charter
3 School Authority is responsible for the evaluation, monitoring and
4 oversight of the charter school.

5 3. A college or university within the Nevada System of Higher
6 Education may submit an application to the Department to sponsor
7 charter schools in accordance with the regulations adopted by the
8 Department pursuant to NRS 388A.105 or 388A.110. An
9 application must be approved by the Department before a college or
10 university within the Nevada System of Higher Education may
11 sponsor charter schools.

12 4. The board of trustees of a school district or a college or
13 university within the Nevada System of Higher Education may enter
14 into an agreement with the State Public Charter School Authority to
15 provide technical assistance and support in preparing an application
16 to sponsor a charter school and planning and executing the duties of
17 a sponsor of a charter school as prescribed in this section.

18 5. Before the State Public Charter School Authority or a board
19 of trustees of a school district or a college or university within the
20 Nevada System of Higher Education that is approved to sponsor
21 charter schools begins soliciting applications to form a charter
22 school, the State Public Charter School Authority, board of trustees
23 or college or university, as applicable, shall prepare, in collaboration
24 with the Department and, to the extent practicable, the school
25 district in which the proposed charter school will be located and any
26 other sponsor of a charter school located in that school district, an
27 evaluation of ~~the~~ *demographic information of pupils, the*
28 *academic needs of pupils and the needs of any pupils who are at*
29 *risk of dropping out of school* in the geographic areas served by the
30 sponsor.

31 *6. After the initial evaluation, the sponsor of a charter school*
32 *shall conduct the evaluation described in subsection 5 on or before*
33 *January 1 each year for any charter school it sponsors.*

34 **Sec. 6.** NRS 388A.223 is hereby amended to read as follows:

35 388A.223 1. Each sponsor of a charter school shall carry out
36 the following duties and powers:

37 (a) Evaluating applications to form charter schools as prescribed
38 by NRS 388A.249;

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

43 (c) Declining to approve applications to form charter schools
44 that do not satisfy the requirements of NRS 388A.249;



(d) Negotiating, developing and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter 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;

(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 restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; ~~and~~

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330 ~~H~~; and

(i) Conducting site evaluations of each campus of a charter school it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Such evaluations must include, without limitation, evaluating pupil achievement and school performance at each campus of the charter school and identifying any deficiencies relating to pupil achievement and school performance. The sponsor shall develop a plan with the charter school to correct any such deficiencies. A sponsor may conduct a brief evaluation of a charter school in the third year if the charter school receives, in the immediately preceding year, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools.

2. 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 soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter



1 school, committees to form a charter school that do not plan to enter
2 into such a contract and charter management organizations; and

3 (2) A description of the manner in which the sponsor will
4 evaluate the previous performance of an educational management
5 organization or other person with whom a committee to form a
6 charter school plans to enter into a contract to operate a charter
7 school or a charter management organization that submits an
8 application to form a charter school;

9 (c) The procedure and criteria for evaluating applications for the
10 renewal of charter contracts pursuant to NRS 388A.285;

11 (d) The procedure for amending a written charter or charter
12 contract and the criteria for determining whether a request for such
13 an amendment will be approved which must include, without
14 limitation, any manner in which such procedures and criteria will
15 differ if the sponsor determines that the amendment is material or
16 strategically important;

17 (e) If deemed appropriate by the sponsor, a strategic plan for
18 recruiting charter management organizations, educational
19 management organizations or other persons to operate charter
20 schools based on the priorities of the sponsor and the needs of the
21 pupils that will be served by the charter schools that will be
22 sponsored by the sponsor;

23 (f) A description of how the sponsor will maintain oversight of
24 the charter schools it sponsors, which must include, without
25 limitation:

26 (1) An assessment of the needs of the charter schools that are
27 sponsored by the sponsor that is prepared with the input of the
28 governing bodies of such charter schools; and

29 (2) A strategic plan for the oversight and provision of
30 technical support to charter schools that are sponsored by the
31 sponsor in the areas of academic, fiscal and organizational
32 performance; and

33 (g) A description of the process of evaluation for the charter
34 schools it sponsors in accordance with NRS 388A.351.

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

39 4. The provisions of this section do not establish a private right
40 of action against the sponsor of a charter school.

41 **Sec. 7.** 1. The State Public Charter School Authority shall
42 complete its initial plan to manage the growth of charter schools in
43 this State required to be established pursuant to section 3 of this act
44 and submit a copy of the plan to the Director of the Legislative



1 Counsel Bureau for transmittal to the Legislative Committee on
2 Education by not later than January 1, 2020.

3 2. The Legislative Committee on Education shall hold a
4 hearing as soon as possible after receipt of the plan pursuant to
5 subsection 1, during which the State Public Charter School
6 Authority shall present the plan to the Committee.

7 **Sec. 8.** Unless a request for an extension is approved by the
8 State Board of Education, each sponsor of a charter school shall:

9 1. Complete the site evaluation of each charter school it
10 sponsors as required by NRS 388A.223, as amended by section 6 of
11 this act; and

12 2. Prepare and submit a report of such evaluations to the
13 Director of the Legislative Counsel Bureau for transmittal to the
14 Legislative Committee on Education by not later than June 30,
15 2020.

16 **Sec. 9.** The sponsor of a charter school shall conduct the
17 evaluation required pursuant to NRS 388A.220, as amended by
18 section 5 of this bill, for any school which it sponsors by not later
19 than January 1, 2020.

20 **Sec. 10.** This act becomes effective upon passage and
21 approval.

