

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; 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 this 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 and the Department of 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 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 instead requires: (1) the State Public Charter School Authority to conduct such an evaluation annually for the State; and (2) other sponsors of charter schools to conduct such an evaluation before approving an application to form a charter school. **Section 5** also requires such an evaluation to include consideration of demographic information and the needs of any pupils who are at high risk of dropping out of school. **Section 9** of this bill requires the State Public Charter School Authority to conduct the first evaluation by not later than July 30, 2019. Before approving an application to form a charter school, **section 6.3** of this bill requires the proposed sponsor of the charter school to determine that the proposed charter school will address one or more needs identified in the applicable geographic evaluation and that it has received sufficient public input. If the proposed sponsor is the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, **section 6.3** requires the proposed sponsor in renewing the application to form a charter school, to solicit input from the board of trustees of the school district in which the proposed charter school will be located. **Sections 6.6 and 6.9** of this bill make conforming changes.

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** of this bill 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, the Department and each board of trustees of a school district in this State shall collaborate 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



1 by the Department pursuant to NRS 388A.105 or 388A.110. An
2 application must be approved by the Department before the board of
3 trustees may sponsor a charter school. Not more than 180 days after
4 receiving approval to sponsor charter schools, the board of trustees
5 shall provide public notice of its ability to sponsor charter schools
6 and solicit applications for charter schools.

7 2. The State Public Charter School Authority shall sponsor
8 charter schools whose applications have been approved by the State
9 Public Charter School Authority pursuant to NRS 388A.255. Except
10 as otherwise provided by specific statute, if the State Public Charter
11 School Authority sponsors a charter school, the State Public Charter
12 School Authority is responsible for the evaluation, monitoring and
13 oversight of the charter school.

14 3. A college or university within the Nevada System of Higher
15 Education may submit an application to the Department to sponsor
16 charter schools in accordance with the regulations adopted by the
17 Department pursuant to NRS 388A.105 or 388A.110. An
18 application must be approved by the Department before a college or
19 university within the Nevada System of Higher Education may
20 sponsor charter schools.

21 4. The board of trustees of a school district or a college or
22 university within the Nevada System of Higher Education may enter
23 into an agreement with the State Public Charter School Authority to
24 provide technical assistance and support in preparing an application
25 to sponsor a charter school and planning and executing the duties of
26 a sponsor of a charter school as prescribed in this section.

27 5. Before ~~{the State Public Charter School Authority or}~~ a
28 board of trustees of a school district or a college or university within
29 the Nevada System of Higher Education that is approved to sponsor
30 charter schools ~~{begins soliciting applications}~~ *approves an*
31 *application* to form a charter school, the ~~{State Public Charter~~
32 ~~School Authority,}~~ board of trustees or college or university, as
33 applicable, shall prepare, in collaboration with the Department and,
34 to the extent practicable, the school district in which the proposed
35 charter school will be located and any other sponsor of a charter
36 school located in that school district, an evaluation of ~~{the}~~
37 *demographic information of pupils, the* academic needs of pupils
38 *and the needs of any pupils who are at risk of dropping out of*
39 *school* in *the* geographic areas served by the sponsor.

40 6. *On or before January 31 of each year, the State Public*
41 *Charter School Authority shall prepare, in collaboration with the*
42 *Department and, to the extent practicable, the board of trustees of*
43 *each school district in this State and any other sponsor of a*
44 *charter school in this State, an evaluation of demographic*
45 *information of pupils, the academic needs of pupils and the needs*



of any pupils who are at risk of dropping out of school in this State.

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

388A.223 1. 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 388A.249;

(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 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 ~~and~~ ; ~~and~~

(i) Conducting site evaluations of each campus of a charter school its 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,



1 the sponsor shall review and evaluate nationally recognized policies
2 and practices for sponsoring organizations of charter schools. The
3 policies and practices must include, without limitation:

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

7 (b) The procedure and criteria for soliciting and evaluating
8 charter school applications in accordance with NRS 388A.249,
9 which must include, without limitation:

10 (1) Specific application procedures and timelines for
11 committees to form a charter school that plan to enter into a contract
12 with an educational management organization to operate the charter
13 school, committees to form a charter school that do not plan to enter
14 into such a contract and charter management organizations; and

15 (2) A description of the manner in which the sponsor will
16 evaluate the previous performance of an educational management
17 organization or other person with whom a committee to form a
18 charter school plans to enter into a contract to operate a charter
19 school or a charter management organization that submits an
20 application to form a charter school;

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

23 (d) The procedure for amending a written charter or charter
24 contract and the criteria for determining whether a request for such
25 an amendment will be approved which must include, without
26 limitation, any manner in which such procedures and criteria will
27 differ if the sponsor determines that the amendment is material or
28 strategically important;

29 (e) If deemed appropriate by the sponsor, a strategic plan for
30 recruiting charter management organizations, educational
31 management organizations or other persons to operate charter
32 schools based on the priorities of the sponsor and the needs of the
33 pupils that will be served by the charter schools that will be
34 sponsored by the sponsor;

35 (f) A description of how the sponsor will maintain oversight of
36 the charter schools it sponsors, which must include, without
37 limitation:

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

41 (2) A strategic plan for the oversight and provision of
42 technical support to charter schools that are sponsored by the
43 sponsor in the areas of academic, fiscal and organizational
44 performance; and



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

3. 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.

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

Sec. 6.3. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, 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, which may include, without limitation, natural persons from different geographic areas of the United States 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 applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) *Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;*

(d) *If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;*

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

~~(f)~~ (f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

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 this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; ~~and~~

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school ~~H~~;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

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

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

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

(c) The current status of the application; and

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

Sec. 6.6. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.



2. The board of trustees, the college or the university, as applicable, may approve an application if ~~it satisfies~~ the requirements of subsection 3 of NRS 388A.249 ~~it~~ **are satisfied**.

3. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies . ~~in the application.~~ 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.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 6.9. NRS 388A.255 is hereby amended to read as follows:

388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if ~~it satisfies~~ the requirements of subsection 3 of NRS 388A.249 ~~it~~ **are satisfied**. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that ~~the applicant failed to satisfy~~ the requirements of subsection 3 of NRS 388A.249 ~~it~~ **have not been satisfied**. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies . ~~in the application.~~ The staff designated by the State Public Charter School Authority 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



1 to correct any deficiencies identified in the written notice and
2 resubmit the application.

3 3. If the State Public Charter School Authority denies an
4 application after it has been resubmitted pursuant to subsection 2,
5 the applicant may, not more than 30 days after the receipt of the
6 written notice from the State Public Charter School Authority,
7 appeal the final determination to the district court of the county in
8 which the proposed charter school will be located.

9 **Sec. 7.** 1. The State Public Charter School Authority shall
10 complete its initial plan to manage the growth of charter schools in
11 this State required to be established pursuant to section 3 of this act
12 and submit a copy of the plan to the Department of Education and
13 the Director of the Legislative Counsel Bureau for transmittal to the
14 Legislative Committee on Education by not later than January 1,
15 2020.

16 2. The Legislative Committee on Education shall hold a
17 hearing as soon as possible after receipt of the plan pursuant to
18 subsection 1, during which the State Public Charter School
19 Authority shall present the plan to the Committee. The Committee
20 shall:

21 (a) Evaluate, review and comment on the plan; and

22 (b) Make recommendations to the State Public Charter School
23 Authority concerning the plan.

24 3. The Department of Education shall make recommendations
25 to the State Public Charter School Authority concerning the plan.

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

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

31 2. Prepare and submit a report of such evaluations to the
32 Director of the Legislative Counsel Bureau for transmittal to the
33 Legislative Committee on Education by not later than June 30,
34 2020.

35 **Sec. 9.** The State Public Charter School Authority shall
36 conduct the first evaluation required pursuant to subsection 6 of
37 NRS 388A.220, as amended by section 5 of this act, by not later
38 than July 30, 2019.

39 **Sec. 10.** This act becomes effective upon passage and
40 approval.

