

SENATE BILL NO. 441—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Provides for the separate regulation of online charter schools. (BDR 34-392)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions relating to programs of distance education; establishing provisions relating to charter schools for distance education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district or charter school to provide a program of distance education if the school district or charter school satisfies certain requirements. (NRS 388.838) **Sections 6-14** of this bill establish provisions for a charter school to operate exclusively as a charter school for distance education. **Section 11** of this bill authorizes a charter school sponsored by the State Public Charter School Authority or a committee to form a charter school or charter management organization that has applied for sponsorship from the Authority to apply to the Authority for authorization to operate as a charter school for distance education. **Section 11** requires a charter school, committee to form a charter school or charter management organization to satisfy certain requirements to be authorized as a charter school for distance education. **Section 11** also requires a charter contract to operate a charter school for distance education to include certain provisions. **Section 12** of this bill authorizes a charter school for distance education to use certain methods to collect certain information. **Section 13** of this bill designates the Authority as the local educational agency for all charter schools for distance education sponsored by the Authority and authorizes the Authority to deem a charter school for distance education sponsored by the Authority a local educational agency. **Section 14** of this bill requires the Authority to adopt certain regulations. **Section 15** of this bill provides that a charter school that has an existing written charter or charter contract with the Authority to operate a program of distance education entered into on or before July 31, 2019, is deemed a charter school for distance education.



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Existing law requires a pupil who wishes to enroll full-time in a program of distance education to receive permission from the board of trustees of the school district where the pupil resides. (NRS 388.854) **Section 3** of this bill removes that requirement. **Section 5** of this bill prohibits a school district that offers a full-time program of distance education from enrolling a pupil in the program who resides outside that school district. Existing law requires that the apportionment to a school district, charter school or university school for profoundly gifted pupils from the State Distributive School Account consider the funds attributed to pupils who reside in the county who are enrolled full-time or part-time in a program of distance education. (NRS 387.124) **Section 1** of this bill removes the consideration of funds attributed to pupils enrolled full-time in a program of distance education provided by another school district as such enrollment is prohibited by **section 5**. Existing law requires all money due to a charter school to be paid at certain times during the year, unless a withholding is authorized by the Superintendent of Public Instruction in certain circumstances. (NRS 387.185) **Section 2** of this bill authorizes a similar withholding by the State Public Charter School Authority in certain circumstances.

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

Section 1. NRS 387.124 is hereby amended to read as follows:
387.124 Except as otherwise provided in this section and NRS
387.1241, 387.1242 and 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.163, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled ~~{full-time or}~~ part-time in a program of distance education provided by another school district or a charter school ~~{}~~ *or full-time in a program of distance education provided by that school district or a charter school located in that school district*, all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county and all the funds deposited in education savings accounts established on behalf of children who reside in the county pursuant to NRS 353B.700 to 353B.930, inclusive. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.



2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:

(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

3. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

4. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 2. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, if the board of trustees of a school



1 district establishes and administers a separate account pursuant to
2 the provisions of NRS 354.603, all school money due that school
3 district must be paid over by the State Treasurer to the school
4 district on August 1, November 1, February 1 and May 1 of each
5 year or as soon thereafter as the school district may apply for it,
6 upon the warrant of the State Controller drawn in conformity with
7 the apportionment of the Superintendent of Public Instruction as
8 provided in NRS 387.124.

9 3. No county school district may receive any portion of the
10 public school money unless that school district has complied with
11 the provisions of this title and regulations adopted pursuant thereto.

12 4. Except as otherwise provided in this subsection, unless the
13 Superintendent of Public Instruction authorizes a withholding
14 pursuant to NRS 387.1244 ~~or~~ *or the State Public Charter School*
15 *Authority authorizes a withholding pursuant to section 14 of this*
16 *act*, all school money due each charter school must be paid over by
17 the State Treasurer to the governing body of the charter school on
18 August 1, November 1, February 1 and May 1 of each year or as
19 soon thereafter as the governing body may apply for it, upon the
20 warrant of the State Controller drawn in conformity with the
21 apportionment of the Superintendent of Public Instruction as
22 provided in NRS 387.124. If the Superintendent of Public
23 Instruction has approved, pursuant to subsection 3 of NRS
24 387.1241, a request for payment of an apportionment 30 days before
25 the apportionment is otherwise required to be made, the money due
26 to the charter school must be paid by the State Treasurer to the
27 governing body of the charter school on July 1, October 1, January 1
28 or April 1, as applicable.

29 5. Except as otherwise provided in this subsection, unless the
30 Superintendent of Public Instruction authorizes a withholding
31 pursuant to NRS 387.1244, all school money due each university
32 school for profoundly gifted pupils must be paid over by the State
33 Treasurer to the governing body of the university school on
34 August 1, November 1, February 1 and May 1 of each year or as
35 soon thereafter as the governing body may apply for it, upon the
36 warrant of the State Controller drawn in conformity with the
37 apportionment of the Superintendent of Public Instruction as
38 provided in NRS 387.124. If the Superintendent of Public
39 Instruction has approved, pursuant to NRS 387.1242, a request for
40 payment of an apportionment 30 days before the apportionment is
41 otherwise required to be made, the money due to the university
42 school must be paid by the State Treasurer to the governing body of
43 the university school on July 1, October 1, January 1 or April 1, as
44 applicable.



Sec. 3. NRS 388.854 is hereby amended to read as follows:

388.854 1. ~~{Before a pupil may enroll full time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.}~~

~~—2.}~~ A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

~~{3.—If the board of trustees of a school district grants permission for a pupil to enroll full time in a program of distance education pursuant to subsection 1 or if}~~

2. *If* a pupil enrolls part-time in a program of distance education pursuant to subsection ~~{2.}~~ 1, the board of trustees of the school district in which the pupil resides shall enter into a written agreement with the board of trustees of the school district or the governing body of the charter school, as applicable, that provides the program of distance education. ~~{If the pupil enrolls part time in a program of distance education, the}~~ *The* agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 2 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

~~{4.}~~ 3. A separate agreement must be prepared for each year that a pupil enrolls *part-time* in a program of distance education. ~~{If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.}~~

~~—5.}~~ 4. If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection ~~{3.}~~ 2, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of subsection 2 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.



1 **Sec. 4.** Chapter 388A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 5 to 14, inclusive, of this
3 act.

4 **Sec. 5.** *A school district that offers a full-time program of*
5 *distance education may not enroll a pupil in the program who*
6 *does not reside in that school district.*

7 **Sec. 6.** *As used in sections 6 to 14, inclusive, of this act,*
8 *unless the context otherwise requires, the words and terms defined*
9 *in sections 7 to 10, inclusive, of this act have the meanings*
10 *ascribed to them in those sections.*

11 **Sec. 7.** *“Charter school for distance education” means a*
12 *charter school that provides a full-time program of distance*
13 *education.*

14 **Sec. 8.** *“Course of distance education” has the meaning*
15 *ascribed to it in NRS 388.823.*

16 **Sec. 9.** *“Distance education” has the meaning ascribed to it*
17 *in NRS 388.826.*

18 **Sec. 10.** *“Program of distance education” has the meaning*
19 *ascribed to it in NRS 388.829.*

20 **Sec. 11.** *1. A charter school that is sponsored by the State*
21 *Public Charter School Authority, or a committee to form a charter*
22 *school or charter management organization that has submitted an*
23 *application to be sponsored by the State Public Charter School*
24 *Authority, may apply to the State Public Charter School Authority*
25 *for authorization to operate as a charter school for distance*
26 *education. The charter school, committee to form a charter school*
27 *or charter management organization shall include in its*
28 *application to the State Public Charter School Authority a*
29 *description of:*

30 *(a) The support available to each pupil, in his or her home or*
31 *community, including, without limitation, the availability and*
32 *frequency of interactions between the pupil and teachers;*

33 *(b) The methods the charter school for distance education will*
34 *use to administer any test, exam or assessment required by state or*
35 *federal law;*

36 *(c) The methods the charter school for distance education will*
37 *use to assess the academic success of pupils; and*

38 *(d) The criteria pupils must meet to be eligible for enrollment*
39 *at the charter school for distance education and the process for*
40 *accepting pupils.*

41 **2.** *The State Public Charter School Authority shall authorize:*

42 *(a) A charter school to operate as a charter school for distance*
43 *education if the charter school satisfies the requirements of*
44 *subsection 1.*



(b) A committee to form a charter school or a charter management organization to form or operate, as applicable, a charter school for distance education if the committee to form a charter school or charter management organization satisfies the requirements of subsection 1 and of subsection 3 of NRS 388A.249.

3. The State Public Charter School Authority shall adopt a standard charter contract that meets the requirements for charter contracts pursuant to NRS 388A.270 to be used for each charter school for distance education.

4. In addition to any other provisions required by law, a charter contract to operate a charter school for distance education entered into on or after July 31, 2019, must include a description of:

(a) The support available to each pupil, in his or her home or community, including, without limitation, the availability and frequency of interactions between the pupil and teachers;

(b) The methods the charter school for distance education will use to administer any test, exam or assessment required by state or federal law;

(c) The methods the charter school for distance education will use to assess the academic success of pupils; and

(d) The criteria pupils must meet to be eligible for enrollment at the charter school for distance education and the process for accepting pupils.

Sec. 12. For the purposes of collecting the information required pursuant to NRS 385A.240 on the attendance, truancy and transiency of pupils, a charter school for distance education may consider the following information:

1. The amount of time each pupil spends on a computer, television, Internet website or other means of communication used to administer the program of distance education.

2. The progress of each pupil in completing tasks during a specific period of time.

3. The number of lessons and units completed by each pupil.

Sec. 13. 1. Except as otherwise provided in subsection 2, the State Public Charter School Authority is hereby deemed a local educational agency for all charter schools for distance education which are sponsored by the State Public Charter School Authority.

2. The State Public Charter School Authority may adopt regulations to deem a charter school for distance education sponsored by the State Public Charter School Authority a local educational authority. Such a determination must be made on or



before March 1 of each even-numbered year and does not become effective until July 1 of the next even-numbered year.

Sec. 14. *The State Public Charter School Authority shall adopt any regulations necessary to carry out the provisions of sections 5 to 14, inclusive, of this act, including, without limitation, regulations for:*

1. The delegation of oversight responsibilities to any subcommittee of the State Public Charter School Authority.

2. Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.

3. Determining when a pupil enrolled at a charter school for distance education may be suspended or expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.

4. Establishing a system for withholding a portion of funding from a charter school for distance education if the charter school fails to provide evidence of adequate academic progress of the pupils enrolled at the charter school. Any regulations adopted pursuant to this subsection shall establish a process by which a charter school for distance education may appeal a finding of inadequate progress. If a charter school for distance education fails to provide evidence of adequate progress of the pupils enrolled at the charter school after making an appeal, the State Public Charter School Authority shall return the funds withheld pursuant to this subsection to the State Distributive School Account.

Sec. 15. *1. A charter school sponsored by the State Public Charter School Authority that operates a full-time program of distance education that has an existing written charter or charter contract, as applicable, with the State Public Charter School Authority before July 31, 2019, shall be deemed to be a charter school for distance education that has entered into a charter contract with the State Public Charter School Authority on or after July 31, 2019.*

2. The current written charter or charter contract, as applicable, of a charter school deemed to be a charter school for distance education pursuant to this section shall remain in effect until the expiration of the written charter or charter contract, as applicable, unless the written charter is revoked or the charter contract is terminated pursuant to NRS 388A.300.



1 **Sec. 16.** This act becomes effective upon passage and
2 approval.

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