

(Reprinted with amendments adopted on April 19, 2019)

FIRST REPRINT

S.B. 441

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 charter school sponsored by 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.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

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.

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

Sec. 5. *A charter school that is sponsored by a school district and that offers a full-time program of distance education may not enroll a pupil in the program who does not reside in that school district.*

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

Sec. 7. *"Charter school for distance education" means a charter school that provides a full-time program of distance education.*

Sec. 8. *"Course of distance education" has the meaning ascribed to it in NRS 388.823.*

Sec. 9. *"Distance education" has the meaning ascribed to it in NRS 388.826.*

Sec. 10. *"Program of distance education" has the meaning ascribed to it in NRS 388.829.*

Sec. 11. 1. *A charter school that is sponsored by the State Public Charter School Authority, or a committee to form a charter school or charter management organization that has submitted an application to be sponsored by the State Public Charter School Authority, may apply to the State Public Charter School Authority for authorization to operate as a charter school for distance education. The charter school, committee to form a charter school or charter management organization shall include in its application to the State Public Charter School Authority 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.*

2. *The State Public Charter School Authority may authorize:*

(a) *A charter school to operate as a charter school for distance education if the charter school satisfies the requirements of 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.*

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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