

SENATE BILL NO. 451—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Authorizes variable-length renewal of charter contracts. (BDR 34-391)

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; authorizing a charter contract for a charter school to be renewed for a variable length of time within a certain timeframe; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a charter contract for a charter school be for a term of 6 years. (NRS 388A.270) Existing law also requires that when a charter contract is renewed, the renewal term is also for 6 years. (NRS 388A.285) **Section 2** of this bill allows a charter contract to be renewed for a term of not less than 3 years but not more than 10 years. **Section 1** of this bill makes a conforming change.

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

Section 1. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate, develop and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days



1 before the charter school commences operation. The charter contract
2 must be in writing and incorporate, without limitation:

3 (a) The performance framework for the charter school;

4 (b) A description of the administrative relationship between the
5 sponsor of the charter school and the governing body of the charter
6 school, including, without limitation, the rights and duties of the
7 sponsor and the governing body; and

8 (c) Any pre-opening conditions which the sponsor has
9 determined are necessary for the charter school to satisfy before the
10 commencement of operation to ensure that the charter school meets
11 all building, health, safety, insurance and other legal requirements.

12 2. The charter contract must be signed by a member of the
13 governing body of the charter school and:

14 (a) If the board of trustees of a school district is the sponsor of
15 the charter school, the superintendent of schools of the school
16 district;

17 (b) If the State Public Charter School Authority is the sponsor of
18 the charter school, the Chair of the State Public Charter School
19 Authority; or

20 (c) If a college or university within the Nevada System of
21 Higher Education is the sponsor of the charter school, the president
22 of the college or university.

23 3. Before the charter contract is executed, the sponsor of the
24 charter school must approve the charter contract at a meeting of the
25 sponsor held in accordance with chapter 241 of NRS.

26 4. The sponsor of the charter school shall, not later than 10
27 days after the execution of the charter contract, provide to the
28 Department:

29 (a) Written notice of the charter contract and the date of
30 execution; and

31 (b) A copy of the charter contract and any other documentation
32 relevant to the charter contract.

33 5. If the board of trustees approves the application, the board of
34 trustees shall be deemed the sponsor of the charter school.

35 6. If the State Public Charter School Authority approves the
36 application:

37 (a) The State Public Charter School Authority shall be deemed
38 the sponsor of the charter school.

39 (b) Neither the State of Nevada, the State Board, the State
40 Public Charter School Authority nor the Department is an employer
41 of the members of the governing body of the charter school or any
42 of the employees of the charter school.

43 7. If a college or university within the Nevada System of
44 Higher Education approves the application:



(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. ~~[A]~~ *Except as otherwise provided in NRS 388A.285, a* written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 2. NRS 388A.285 is hereby amended to read as follows:

388A.285 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school and each facility that constitutes the charter school during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of this chapter;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 3; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of this chapter. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to



operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of ~~6~~ *not less than 3 years or more than 10* years.

Sec. 3. This act becomes effective on July 1, 2019.

