

ASSEMBLY BILL NO. 446—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1118)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; prohibiting the Department of Education from considering a school’s annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The federal No Child Left Behind Act of 2001 requires each state to have a  
2 single, statewide system of accountability applicable to all pupils. (20 U.S.C. §§  
3 6301 et seq.) In 2011, the United States Department of Education made it possible  
4 for states to apply to the Department for a waiver of some of the provisions of the  
5 Act. In August 2012, the Nevada Department of Education received approval from  
6 the United States Department of Education to implement an accountability system  
7 for public schools that allows for a waiver from some of the specific provisions of  
8 the Act. This approval is conditioned on the Nevada Department of Education  
9 tracking the performance of pupils in public schools, including measuring,  
10 reporting and supporting the achievement of pupils. Since the approval of the  
11 waiver, the Nevada Department of Education has developed the Nevada School  
12 Performance Framework for the statewide system of accountability for public  
13 schools. (NRS 385.347)

14 Existing law requires the statewide system of accountability to: (1) include a  
15 method to rate each public school; (2) include a method to implement  
16 consequences, rewards and supports for public schools based upon the ratings; and



\* A B 4 4 6 \*

17 (3) establish annual measurable objectives and performance targets for public  
18 schools. (NRS 385.3594) **Section 2** of this bill requires the State Board of  
19 Education to adopt regulations that prescribe: (1) an alternative performance  
20 framework to evaluate certain schools which serve certain populations; and (2) the  
21 manner in which such schools will be included in the statewide system of  
22 accountability.

23 **Section 3** of this bill requires a public school, including, without limitation, a  
24 charter school, that wishes to be rated using the alternative performance framework  
25 prescribed by the State Board to request the board of trustees of the school district  
26 or sponsor of the charter school, as applicable, to apply to the State Board on behalf  
27 of the school for approval to be rated using the alternative performance framework.  
28 If approved, **section 3** provides that the board of trustees of the school district or  
29 the sponsor of a charter school, as applicable, must apply to the State Board on  
30 behalf of the school to be rated using the alternative performance framework.  
31 **Section 3** also prescribes eligibility requirements for a school to be rated using the  
32 alternative performance framework.

33 Existing law requires the sponsor of a charter school to revoke the written  
34 charter or terminate the charter contract of a charter school if the charter school  
35 receives three consecutive annual ratings established as the lowest rating possible  
36 indicating underperformance of a public school, as determined by the Department  
37 of Education pursuant to the statewide system of accountability for public schools.  
38 (NRS 386.5351) **Section 4** of this bill instead requires the sponsor of a charter  
39 school to revoke the written charter or terminate or not renew the charter contract  
40 of a charter school if the charter school receives an annual rating established as the  
41 lowest possible rating indicating underperformance for any 3 years of the 6-year  
42 term of a charter contract unless the sponsor of a charter school determines to take  
43 other action. **Section 4** authorizes the sponsor of a charter school to determine not  
44 to revoke the written charter or terminate the charter contract of a charter school if  
45 the charter school has demonstrated continued improvement in meeting annual  
46 performance goals. If the sponsor of a charter school makes such a determination,  
47 **section 4** authorizes the sponsor to take certain actions. **Section 4** also: (1)  
48 authorizes a charter school that receives an annual rating established as the lowest  
49 rating possible indicating the underperformance of a public school to request  
50 assistance from the sponsor of the charter school in improving performance  
51 reported in the annual rating; and (2) requires the sponsor of a charter school to  
52 provide assistance to improve performance at the school upon receipt of such a  
53 request.

54 **Section 5** of this bill prohibits the Department from considering a school's  
55 annual rating pursuant to the statewide system of accountability based upon the  
56 performance of a school for the 2014-2015 school year.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *The State Board shall adopt regulations that***  
4 ***prescribe an alternative performance framework to evaluate***  
5 ***public schools that are approved pursuant to section 3 of this act.***  
6 ***Such regulations must include, without limitation, an alternative***  
7 ***manner in which to evaluate such a school and the manner in***



1 *which the school will be included within the statewide system of*  
2 *accountability set forth in NRS 385.3455 to 385.3891, inclusive.*

3 2. *The regulations adopted pursuant to subsection 1 must*  
4 *also set forth the manner in which:*

5 (a) *The progress of pupils enrolled in a public school for*  
6 *which an alternative performance framework has been approved*  
7 *pursuant to section 3 of this act will be accounted for within the*  
8 *statewide system of accountability; and*

9 (b) *To report the results of pupils enrolled in such a public*  
10 *school on the examinations administered pursuant to NRS*  
11 *389.550 and, if applicable for the grade levels of the pupils*  
12 *enrolled, the examinations administered pursuant to NRS 389.805*  
13 *and the college and career readiness assessment administered*  
14 *pursuant to NRS 389.807.*

15 **Sec. 3.** 1. *A public school, including, without limitation, a*  
16 *charter school, that wishes to be rated using the alternative*  
17 *performance framework prescribed by the State Board pursuant to*  
18 *section 2 of this act must request the board of trustees of the*  
19 *school district or sponsor of the charter school, as applicable, to*  
20 *apply to the State Board on behalf of the school for approval to be*  
21 *rated using the alternative performance framework.*

22 2. *The board of trustees of a school district or the sponsor of*  
23 *a charter school, as applicable, may apply to the State Board on*  
24 *behalf of a school for the school to be rated using the alternative*  
25 *performance framework by submitting a form prescribed by the*  
26 *Department.*

27 3. *A school is eligible to be rated using the alternative*  
28 *performance framework if at least 75 percent of the pupils*  
29 *enrolled at the school:*

30 (a) *Have been expelled or suspended from a public school,*  
31 *including, without limitation a charter school;*

32 (b) *Have been deemed to be a habitual disciplinary problem*  
33 *pursuant to NRS 392.4655;*

34 (c) *Have a record of behavioral issues;*

35 (d) *Are academically disadvantaged;*

36 (e) *Have been adjudicated delinquent; or*

37 (f) *Have been adjudicated to be in need of supervision for a*  
38 *reason set forth in NRS 62B.320.*

39 4. *A public school that does not meet the requirements of*  
40 *subsection 3 may seek to be rated using the alternative*  
41 *performance framework by demonstrating a legitimate reason to*  
42 *support using the alternative performance framework which may*  
43 *be granted in the discretion of the Department.*

44 5. *As used in this section, "academically disadvantaged"*  
45 *includes, without limitation, being retained in the same grade level*



1 *two or more times or having a deficiency in the credits required to*  
2 *graduate on time.*

3 **Sec. 4.** NRS 386.5351 is hereby amended to read as follows:

4 386.5351 1. ~~The~~ *Except as otherwise provided in*  
5 *subsection 2, the* sponsor of a charter school shall revoke the  
6 written charter or terminate *or not renew* the charter contract of the  
7 charter school if the charter school receives ~~three consecutive~~ *an*  
8 annual ~~ratings~~ *rating* established as the lowest rating possible  
9 indicating underperformance of a public school, as determined by  
10 the Department pursuant to the statewide system of accountability  
11 for public schools ~~+~~, *for any 3 years of the 6-year term of a*  
12 *charter contract.* A charter school's annual rating pursuant to the  
13 statewide system of accountability based upon the performance of  
14 the charter school for any school year before the ~~2013-2014~~ *2014-*  
15 *2015* school year must not be included in the count of consecutive  
16 annual ratings for the purposes of this subsection.

17 2. *Following a public hearing, the sponsor of a charter*  
18 *school may determine not to take any of the actions in subsection*  
19 *I if the charter school has demonstrated continued improvement*  
20 *in meeting the annual performance goals established pursuant to*  
21 *NRS 386.528. If the sponsor makes such a determination, the*  
22 *sponsor may take any of the following actions:*

23 (a) *Extend the period for determining the performance of the*  
24 *charter school;*

25 (b) *Establish or continue, as applicable, a plan to improve*  
26 *pupil achievement and school performance which includes*  
27 *reviewing and revising the existing governing structure of the*  
28 *school as necessary to carry out the plan; or*

29 (c) *Make any changes to the charter contract as needed to*  
30 *ensure measurable performance.*

31 3. *If a charter school receives an annual rating established as*  
32 *the lowest rating possible indicating underperformance of a public*  
33 *school, as determined by the Department pursuant to the statewide*  
34 *system of accountability for public schools, the charter school may*  
35 *request assistance from the sponsor of the charter school. Upon*  
36 *receipt of such a request, the sponsor of the charter school shall*  
37 *take actions to provide assistance to the charter school to improve*  
38 *performance at the school.*

39 4. If a written charter is revoked or a charter contract is  
40 terminated pursuant to subsection 1, the sponsor of the charter  
41 school shall submit a written report to the Department and the  
42 governing body of the charter school setting forth the reasons for the  
43 termination not later than 10 days after revoking the written charter  
44 or terminating the charter contract.



1 ~~13-1~~ 5. The provisions of NRS 386.535 do not apply to the  
2 revocation of a written charter or termination of a charter contract  
3 pursuant to this section.  
4 **Sec. 5.** The Department shall not consider a school's annual  
5 rating pursuant to the statewide system of accountability based upon  
6 the performance of a school for the 2014-2015 school year. The  
7 Department may consider a school's annual rating pursuant to the  
8 statewide system of accountability based on the performance of a  
9 school for any school year before the 2014-2015 school year and  
10 any school year after the 2014-2015 school year.  
11 **Sec. 6.** This act becomes effective on July 1, 2015.







