

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; revising provisions governing the duties of 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:**

1 Existing law authorizes the board of trustees of a school district or a college or  
2 university within the Nevada System of Higher Education that has been approved  
3 to sponsor a charter school or the State Public Charter School Authority to approve  
4 an application to form a charter school and enter into a charter contract with the  
5 governing body of the charter school. (NRS 388A.252, 388A.270) **Section 3** of the  
6 bill requires the State Public Charter School Authority to establish a plan to manage  
7 the growth of charter schools in this State which sets forth the status of existing  
8 charter schools and a 5-year projection of anticipated growth in the number of  
9 charter schools. The plan must be reviewed and revised as necessary biennially.  
10 **Section 7** of this bill requires the initial plan to be completed and submitted to the  
11 Legislative Committee on Education by not later than January 1, 2020. **Section 4** of  
12 this bill requires the sponsor of a charter school to provide written notice to the  
13 Department of Education and, if the sponsor is not a school district, to the board of  
14 trustees of the school district where a charter school is located or proposed to be



15 located, as applicable, when the sponsor receives notice of certain actions that may  
16 be taken or takes certain actions to open or expand a charter school.

17 Existing law requires the sponsor of a charter school to evaluate academic  
18 needs of pupils in the geographic areas served by the sponsor before soliciting  
19 applications to form a charter school. (NRS 388A.220) **Section 5** of this bill  
20 requires additional consideration to demographic information and the needs of any  
21 pupils who are at high risk of dropping out of school in those areas before soliciting  
22 applications. In addition, **section 5** requires the sponsor of a charter school to  
23 conduct such an evaluation each year after a charter school it sponsors. **Section 9** of  
24 this bill requires each sponsor of a charter school to conduct that evaluation for the  
25 charter schools it sponsors by not later than January 1, 2020.

26 Existing law requires the sponsor of a charter school to carry out certain  
27 responsibilities. (NRS 388A.223) **Section 6** of this bill adds the duty to conduct site  
28 evaluations of each campus of a charter school that it sponsors during the first, third  
29 and fifth years after entering into or renewing a charter contract. **Section 8** requires  
30 the initial site evaluation to be completed and a report submitted by each sponsor of  
31 a charter school to the Legislative Committee on Education by not later than  
32 June 30, 2020.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 388A of NRS is hereby amended by adding  
3 thereto the provisions set forth as sections 3 and 4 of this act.

4 **Sec. 3. 1. *The State Public Charter School Authority shall***  
5 ***establish a plan to manage the growth of charter schools in this***  
6 ***State. The plan must set forth the status of existing charter schools***  
7 ***and a 5-year projection of anticipated growth in the number of***  
8 ***charter schools.***

9 ***2. To develop the plan pursuant to subsection 1, the Authority***  
10 ***shall determine the projected number of:***

11 ***(a) New charter schools that the Authority will approve;***

12 ***(b) Additional campuses of charter schools that the Authority***  
13 ***will approve;***

14 ***(c) Charter schools that will expand the grade levels offered at***  
15 ***the charter schools or will otherwise increase enrollment of pupils***  
16 ***at the charter schools; and***

17 ***(d) Charter schools whose charter contracts will expire and the***  
18 ***likelihood that the charter contracts will be renewed;***

19 ***3. In addition to the information described in subsection 2, to***  
20 ***develop the plan pursuant to subsection 1, the Authority shall***  
21 ***consider:***

22 ***(a) Information relating to pupils included in the statewide***  
23 ***system of accountability for public schools, including, without***  
24 ***limitation, information relating to specific groups and subgroups***  
25 ***of pupils;***



1 (b) Information relating to the academic needs of pupils in the  
2 various geographic areas of the State; and

3 (c) Any other information the Authority deems necessary to  
4 determine whether increasing the number of charter schools or  
5 expanding the campuses of existing charter schools will best serve  
6 the pupils of this State.

7 4. The Authority shall collaborate with the Department and  
8 each board of trustees of a school district in this State in  
9 developing the plan pursuant to subsection 1.

10 5. The Authority shall review the plan at least biennially and  
11 revise the plan as necessary.

12 **Sec. 4. 1.** The sponsor of a charter school shall provide  
13 written notice to the Department and, if the sponsor is not a school  
14 district, to the board of trustees of a school district in which a  
15 charter school is located or proposed to be located, as applicable,  
16 within 45 days from the date on which the sponsor:

17 (a) Receives notice of intent to submit an application to  
18 operate a charter school;

19 (b) Receives an application to operate a charter school;

20 (c) Receives a request to amend the charter contract of a  
21 charter school pursuant to NRS 388A.279; and

22 (d) Approves an application to operate a charter school or a  
23 request to amend the charter contract of a charter school.

24 2. The written notice must include, to the extent applicable:

25 (a) The location or proposed location of the charter school, as  
26 applicable, and the geographic area served or to be served by the  
27 charter school;

28 (b) The grade levels to be served by the charter school;

29 (c) The estimated number of pupils to be enrolled at the  
30 charter school; and

31 (d) The proposed date and year to open the charter school or  
32 amend the charter contract, as applicable.

33 **Sec. 5.** NRS 388A.220 is hereby amended to read as follows:

34 388A.220 1. The board of trustees of a school district may  
35 apply to the Department for authorization to sponsor charter schools  
36 within the school district in accordance with the regulations adopted  
37 by the Department pursuant to NRS 388A.105 or 388A.110. An  
38 application must be approved by the Department before the board of  
39 trustees may sponsor a charter school. Not more than 180 days after  
40 receiving approval to sponsor charter schools, the board of trustees  
41 shall provide public notice of its ability to sponsor charter schools  
42 and solicit applications for charter schools.

43 2. The State Public Charter School Authority shall sponsor  
44 charter schools whose applications have been approved by the State  
45 Public Charter School Authority pursuant to NRS 388A.255. Except



1 as otherwise provided by specific statute, if the State Public Charter  
2 School Authority sponsors a charter school, the State Public Charter  
3 School Authority is responsible for the evaluation, monitoring and  
4 oversight of the charter school.

5 3. A college or university within the Nevada System of Higher  
6 Education may submit an application to the Department to sponsor  
7 charter schools in accordance with the regulations adopted by the  
8 Department pursuant to NRS 388A.105 or 388A.110. An  
9 application must be approved by the Department before a college or  
10 university within the Nevada System of Higher Education may  
11 sponsor charter schools.

12 4. The board of trustees of a school district or a college or  
13 university within the Nevada System of Higher Education may enter  
14 into an agreement with the State Public Charter School Authority to  
15 provide technical assistance and support in preparing an application  
16 to sponsor a charter school and planning and executing the duties of  
17 a sponsor of a charter school as prescribed in this section.

18 5. Before the State Public Charter School Authority or a board  
19 of trustees of a school district or a college or university within the  
20 Nevada System of Higher Education that is approved to sponsor  
21 charter schools begins soliciting applications to form a charter  
22 school, the State Public Charter School Authority, board of trustees  
23 or college or university, as applicable, shall prepare, in collaboration  
24 with the Department and, to the extent practicable, the school  
25 district in which the proposed charter school will be located and any  
26 other sponsor of a charter school located in that school district, an  
27 evaluation of ~~the~~ *demographic information of pupils, the*  
28 *academic needs of pupils and the needs of any pupils who are at*  
29 *risk of dropping out of school* in the geographic areas served by the  
30 sponsor.

31 *6. After the initial evaluation, the sponsor of a charter school*  
32 *shall conduct the evaluation described in subsection 5 on or before*  
33 *January 1 each year for any charter school it sponsors.*

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

35 388A.223 1. Each sponsor of a charter school shall carry out  
36 the following duties and powers:

37 (a) Evaluating applications to form charter schools as prescribed  
38 by NRS 388A.249;

39 (b) Approving applications to form charter schools that the  
40 sponsor determines are high quality, meet the identified educational  
41 needs of pupils and will serve to promote the diversity of public  
42 educational choices in this State;

43 (c) Declining to approve applications to form charter schools  
44 that do not satisfy the requirements of NRS 388A.249;



1 (d) Negotiating, developing and executing charter contracts  
2 pursuant to NRS 388A.270;

3 (e) Monitoring, in accordance with this chapter and in  
4 accordance with the terms and conditions of the applicable charter  
5 contract, the performance and compliance of each charter school  
6 sponsored by the entity;

7 (f) Determining whether the charter contract of a charter school  
8 that the entity sponsors merits renewal or whether the renewal of the  
9 charter contract should be denied or whether the written charter  
10 should be revoked or the charter contract terminated or restarted, as  
11 applicable, in accordance with NRS 388A.285, 388A.300 or  
12 388A.330, as applicable;

13 (g) Determining whether the governing body of a charter school  
14 should be reconstituted in accordance with NRS 388A.330; ~~and~~

15 (h) Adopting a policy for appointing a new governing body of a  
16 charter school for which the governing body is reconstituted in  
17 accordance with NRS 388A.330 ~~and~~; *and*

18 *(i) Conducting site evaluations of each campus of a charter*  
19 *school it sponsors during the first, third and fifth years after*  
20 *entering into or renewing a charter contract. Such evaluations*  
21 *must include, without limitation, evaluating pupil achievement*  
22 *and school performance at each campus of the charter school and*  
23 *identifying any deficiencies relating to pupil achievement and*  
24 *school performance. The sponsor shall develop a plan with the*  
25 *charter school to correct any such deficiencies. A sponsor may*  
26 *conduct a brief evaluation of a charter school in the third year if*  
27 *the charter school receives, in the immediately preceding year, one*  
28 *of the two highest ratings of performance pursuant to the*  
29 *statewide system of accountability for public schools.*

30 2. Each sponsor of a charter school shall develop policies and  
31 practices that are consistent with state laws and regulations  
32 governing charter schools. In developing the policies and practices,  
33 the sponsor shall review and evaluate nationally recognized policies  
34 and practices for sponsoring organizations of charter schools. The  
35 policies and practices must include, without limitation:

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

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

42 (1) Specific application procedures and timelines for  
43 committees to form a charter school that plan to enter into a contract  
44 with an educational management organization to operate the charter



1 school, committees to form a charter school that do not plan to enter  
2 into such a contract and charter management organizations; and

3 (2) A description of the manner in which the sponsor will  
4 evaluate the previous performance of an educational management  
5 organization or other person with whom a committee to form a  
6 charter school plans to enter into a contract to operate a charter  
7 school or a charter management organization that submits an  
8 application to form a charter school;

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

11 (d) The procedure for amending a written charter or charter  
12 contract and the criteria for determining whether a request for such  
13 an amendment will be approved which must include, without  
14 limitation, any manner in which such procedures and criteria will  
15 differ if the sponsor determines that the amendment is material or  
16 strategically important;

17 (e) If deemed appropriate by the sponsor, a strategic plan for  
18 recruiting charter management organizations, educational  
19 management organizations or other persons to operate charter  
20 schools based on the priorities of the sponsor and the needs of the  
21 pupils that will be served by the charter schools that will be  
22 sponsored by the sponsor;

23 (f) A description of how the sponsor will maintain oversight of  
24 the charter schools it sponsors, which must include, without  
25 limitation:

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

29 (2) A strategic plan for the oversight and provision of  
30 technical support to charter schools that are sponsored by the  
31 sponsor in the areas of academic, fiscal and organizational  
32 performance; and

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

35 3. Evidence of material or persistent failure to carry out the  
36 powers and duties of a sponsor prescribed by this section constitutes  
37 grounds for revocation of the entity's authority to sponsor charter  
38 schools.

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

41 **Sec. 7.** 1. The State Public Charter School Authority shall  
42 complete its initial plan to manage the growth of charter schools in  
43 this State required to be established pursuant to section 3 of this act  
44 and submit a copy of the plan to the Director of the Legislative



1 Counsel Bureau for transmittal to the Legislative Committee on  
2 Education by not later than January 1, 2020.

3 2. The Legislative Committee on Education shall hold a  
4 hearing as soon as possible after receipt of the plan pursuant to  
5 subsection 1, during which the State Public Charter School  
6 Authority shall present the plan to the Committee.

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

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

12 2. Prepare and submit a report of such evaluations to the  
13 Director of the Legislative Counsel Bureau for transmittal to the  
14 Legislative Committee on Education by not later than June 30,  
15 2020.

16 **Sec. 9.** The sponsor of a charter school shall conduct the  
17 evaluation required pursuant to NRS 388A.220, as amended by  
18 section 5 of this bill, for any school which it sponsors by not later  
19 than January 1, 2020.

20 **Sec. 10.** This act becomes effective upon passage and  
21 approval.



