

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; 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 this
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 and the Department of Education by not later
12 than January 1, 2020. **Section 4** of this bill requires the sponsor of a charter school
13 to provide written notice to the Department and, if the sponsor is not a school
14 district, to the board of trustees of the school district where a charter school is
15 located or proposed to be located, as applicable, when the sponsor receives notice



16 of certain actions that may be taken or takes certain actions to open or expand a
17 charter school.

18 Existing law requires the sponsor of a charter school to evaluate academic
19 needs of pupils in the geographic areas served by the sponsor before soliciting
20 applications to form a charter school. (NRS 388A.220) **Section 5** of this bill instead
21 requires: (1) the State Public Charter School Authority to conduct such an
22 evaluation annually for the State; and (2) other sponsors of charter schools to
23 conduct such an evaluation before approving an application to form a charter
24 school. **Section 5** also requires such an evaluation to include consideration of
25 demographic information and the needs of any pupils who are at high risk of
26 dropping out of school. **Section 9** of this bill requires the State Public Charter
27 School Authority to conduct the first evaluation by not later than July 30, 2019.
28 Before approving an application to form a charter school, **section 6.3** of this bill
29 requires the proposed sponsor of the charter school to determine that the proposed
30 charter school will address one or more needs identified in the applicable
31 geographic evaluation and that it has received sufficient public input. If the
32 proposed sponsor is the State Public Charter School Authority or a college or
33 university within the Nevada System of Higher Education, **section 6.3** requires the
34 proposed sponsor in renewing the application to form a charter school, to solicit
35 input from the board of trustees of the school district in which the proposed charter
36 school will be located. **Sections 6.6 and 6.9** of this bill make conforming changes.

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

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*



1 (d) Charter schools whose charter contracts will expire and the
2 likelihood that the charter contracts will be renewed;

3 3. In addition to the information described in subsection 2, to
4 develop the plan pursuant to subsection 1, the Authority shall
5 consider:

6 (a) Information relating to pupils included in the statewide
7 system of accountability for public schools, including, without
8 limitation, information relating to specific groups and subgroups
9 of pupils;

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

12 (c) Any other information the Authority deems necessary to
13 determine whether increasing the number of charter schools or
14 expanding the campuses of existing charter schools will best serve
15 the pupils of this State.

16 4. The Authority, the Department and each board of trustees
17 of a school district in this State shall collaborate in developing the
18 plan pursuant to subsection 1.

19 5. The Authority shall review the plan at least biennially and
20 revise the plan as necessary.

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

26 (a) Receives notice of intent to submit an application to
27 operate a charter school;

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

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

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

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

34 (a) The location or proposed location of the charter school, as
35 applicable, and the geographic area served or to be served by the
36 charter school;

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

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

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

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

43 388A.220 1. The board of trustees of a school district may
44 apply to the Department for authorization to sponsor charter schools
45 within the school district in accordance with the regulations adopted



1 by the Department pursuant to NRS 388A.105 or 388A.110. An
2 application must be approved by the Department before the board of
3 trustees may sponsor a charter school. Not more than 180 days after
4 receiving approval to sponsor charter schools, the board of trustees
5 shall provide public notice of its ability to sponsor charter schools
6 and solicit applications for charter schools.

7 2. The State Public Charter School Authority shall sponsor
8 charter schools whose applications have been approved by the State
9 Public Charter School Authority pursuant to NRS 388A.255. Except
10 as otherwise provided by specific statute, if the State Public Charter
11 School Authority sponsors a charter school, the State Public Charter
12 School Authority is responsible for the evaluation, monitoring and
13 oversight of the charter school.

14 3. A college or university within the Nevada System of Higher
15 Education may submit an application to the Department to sponsor
16 charter schools in accordance with the regulations adopted by the
17 Department pursuant to NRS 388A.105 or 388A.110. An
18 application must be approved by the Department before a college or
19 university within the Nevada System of Higher Education may
20 sponsor charter schools.

21 4. The board of trustees of a school district or a college or
22 university within the Nevada System of Higher Education may enter
23 into an agreement with the State Public Charter School Authority to
24 provide technical assistance and support in preparing an application
25 to sponsor a charter school and planning and executing the duties of
26 a sponsor of a charter school as prescribed in this section.

27 5. Before ~~the State Public Charter School Authority or~~ a
28 board of trustees of a school district or a college or university within
29 the Nevada System of Higher Education that is approved to sponsor
30 charter schools ~~begins soliciting applications~~ *approves an*
31 *application* to form a charter school, the ~~State Public Charter~~
32 ~~School Authority,~~ board of trustees or college or university, as
33 applicable, shall prepare, in collaboration with the Department and,
34 to the extent practicable, the school district in which the proposed
35 charter school will be located and any other sponsor of a charter
36 school located in that school district, an evaluation of ~~the~~
37 *demographic information of pupils, the* academic needs of pupils
38 *and the needs of any pupils who are at risk of dropping out of*
39 *school in the* geographic areas served by the sponsor.

40 6. *On or before January 31 of each year, the State Public*
41 *Charter School Authority shall prepare, in collaboration with the*
42 *Department and, to the extent practicable, the board of trustees of*
43 *each school district in this State and any other sponsor of a*
44 *charter school in this State, an evaluation of demographic*
45 *information of pupils, the academic needs of pupils and the needs*



1 *of any pupils who are at risk of dropping out of school in this*
2 *State.*

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

4 388A.223 1. Each sponsor of a charter school shall carry out
5 the following duties and powers:

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

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

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

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

16 (e) Monitoring, in accordance with this chapter and in
17 accordance with the terms and conditions of the applicable charter
18 contract, the performance and compliance of each charter school
19 sponsored by the entity;

20 (f) Determining whether the charter contract of a charter school
21 that the entity sponsors merits renewal or whether the renewal of the
22 charter contract should be denied or whether the written charter
23 should be revoked or the charter contract terminated or restarted, as
24 applicable, in accordance with NRS 388A.285, 388A.300 or
25 388A.330, as applicable;

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

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

31 *(i) Conducting site evaluations of each campus of a charter*
32 *school it sponsors during the first, third and fifth years after*
33 *entering into or renewing a charter contract. Such evaluations*
34 *must include, without limitation, evaluating pupil achievement*
35 *and school performance at each campus of the charter school and*
36 *identifying any deficiencies relating to pupil achievement and*
37 *school performance. The sponsor shall develop a plan with the*
38 *charter school to correct any such deficiencies. A sponsor may*
39 *conduct a brief evaluation of a charter school in the third year if*
40 *the charter school receives, in the immediately preceding year, one*
41 *of the two highest ratings of performance pursuant to the*
42 *statewide system of accountability for public schools.*

43 2. Each sponsor of a charter school shall develop policies and
44 practices that are consistent with state laws and regulations
45 governing charter schools. In developing the policies and practices,



1 the sponsor shall review and evaluate nationally recognized policies
2 and practices for sponsoring organizations of charter schools. The
3 policies and practices must include, without limitation:

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

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

10 (1) Specific application procedures and timelines for
11 committees to form a charter school that plan to enter into a contract
12 with an educational management organization to operate the charter
13 school, committees to form a charter school that do not plan to enter
14 into such a contract and charter management organizations; and

15 (2) A description of the manner in which the sponsor will
16 evaluate the previous performance of an educational management
17 organization or other person with whom a committee to form a
18 charter school plans to enter into a contract to operate a charter
19 school or a charter management organization that submits an
20 application to form a charter school;

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

23 (d) The procedure for amending a written charter or charter
24 contract and the criteria for determining whether a request for such
25 an amendment will be approved which must include, without
26 limitation, any manner in which such procedures and criteria will
27 differ if the sponsor determines that the amendment is material or
28 strategically important;

29 (e) If deemed appropriate by the sponsor, a strategic plan for
30 recruiting charter management organizations, educational
31 management organizations or other persons to operate charter
32 schools based on the priorities of the sponsor and the needs of the
33 pupils that will be served by the charter schools that will be
34 sponsored by the sponsor;

35 (f) A description of how the sponsor will maintain oversight of
36 the charter schools it sponsors, which must include, without
37 limitation:

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

41 (2) A strategic plan for the oversight and provision of
42 technical support to charter schools that are sponsored by the
43 sponsor in the areas of academic, fiscal and organizational
44 performance; and



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

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

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

9 **Sec. 6.3.** NRS 388A.249 is hereby amended to read as
10 follows:

11 388A.249 1. A committee to form a charter school or charter
12 management organization may submit the application to the
13 proposed sponsor of the charter school. Except as otherwise
14 provided in NRS 388B.290, if an application proposes to convert an
15 existing public school, homeschool or other program of home study
16 into a charter school, the proposed sponsor shall deny the
17 application.

18 2. The proposed sponsor of a charter school shall, in reviewing
19 an application to form a charter school:

20 (a) Assemble a team of reviewers, which may include, without
21 limitation, natural persons from different geographic areas of the
22 United States who possess the appropriate knowledge and expertise
23 with regard to the academic, financial and organizational experience
24 of charter schools, to review and evaluate the application;

25 (b) Conduct a thorough evaluation of the application, which
26 includes an in-person interview with the applicant designed to elicit
27 any necessary clarifications or additional information about the
28 proposed charter school and determine the ability of the applicants
29 to establish a high-quality charter school;

30 (c) *Consider the degree to which the proposed charter school*
31 *will address the needs identified in the evaluation prepared by the*
32 *proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220,*
33 *as applicable;*

34 (d) *If the proposed sponsor is not the board of trustees of a*
35 *school district, solicit input from the board of trustees of the*
36 *school district in which the proposed charter school will be*
37 *located;*

38 (e) Base its determination on documented evidence collected
39 through the process of reviewing the application; and

40 ~~(d)~~ (f) Adhere to the policies and practices developed by the
41 proposed sponsor pursuant to subsection 2 of NRS 388A.223.

42 3. The proposed sponsor of a charter school may approve an
43 application to form a charter school only if the proposed sponsor
44 determines that:

45 (a) The application:



1 (1) Complies with this chapter and the regulations applicable
2 to charter schools; and

3 (2) Is complete in accordance with the regulations of the
4 Department and the policies and practices of the sponsor; ~~and~~

5 (b) The applicant has demonstrated competence in accordance
6 with the criteria for approval prescribed by the sponsor pursuant to
7 subsection 2 of NRS 388A.223 that will likely result in a successful
8 opening and operation of the charter school ~~and~~;

9 *(c) Based on the most recent evaluation prepared by the*
10 *proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220,*
11 *as applicable, the proposed charter school will address one or*
12 *more of the needs identified in the evaluation; and*

13 *(d) It has received sufficient input from the public, including,*
14 *without limitation, input received at the meeting held pursuant to*
15 *subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255,*
16 *as applicable.*

17 4. On or before January 1 of each odd-numbered year, the
18 Superintendent of Public Instruction shall submit a written report to
19 the Director of the Legislative Counsel Bureau for transmission to
20 the next regular session of the Legislature. The report must include:

21 (a) A list of each application to form a charter school that was
22 submitted to the board of trustees of a school district, the State
23 Public Charter School Authority, a college or a university during the
24 immediately preceding biennium;

25 (b) The educational focus of each charter school for which an
26 application was submitted;

27 (c) The current status of the application; and

28 (d) If the application was denied, the reasons for the denial.

29 **Sec. 6.6.** NRS 388A.252 is hereby amended to read as
30 follows:

31 388A.252 1. If the board of trustees of a school district or a
32 college or a university within the Nevada System of Higher
33 Education, as applicable, receives an application to form a charter
34 school, the board of trustees or the institution, as applicable, shall
35 consider the application at a meeting that must be held not later than
36 60 days after the receipt of the application, or a later period mutually
37 agreed upon by the committee to form the charter school and the
38 board of trustees of the school district or the institution, as
39 applicable, and ensure that notice of the meeting has been provided
40 pursuant to chapter 241 of NRS. The board of trustees, the college
41 or the university, as applicable, shall review an application in
42 accordance with the requirements for review set forth in subsections
43 2 and 3 of NRS 388A.249.



1 2. The board of trustees, the college or the university, as
2 applicable, may approve an application if ~~[it satisfies]~~ the
3 requirements of subsection 3 of NRS 388A.249 ~~[]~~ *are satisfied*.

4 3. The board of trustees, the college or the university, as
5 applicable, shall provide written notice to the applicant of its
6 approval or denial of the application. If the board of trustees, the
7 college or the university, as applicable, denies an application, it shall
8 include in the written notice the reasons for the denial and the
9 deficiencies . ~~[in the application.]~~ The applicant must be granted 30
10 days after receipt of the written notice to correct any deficiencies
11 identified in the written notice and resubmit the application.

12 4. If the board of trustees, the college or the university, as
13 applicable, denies an application after it has been resubmitted
14 pursuant to subsection 3, the applicant may submit a written request
15 for sponsorship by the State Public Charter School Authority not
16 more than 30 days after receipt of the written notice of denial. Any
17 request that is submitted pursuant to this subsection must be
18 accompanied by the application to form the charter school.

19 **Sec. 6.9.** NRS 388A.255 is hereby amended to read as
20 follows:

21 388A.255 1. If the State Public Charter School Authority
22 receives an application pursuant to subsection 1 of NRS 388A.249
23 or subsection 4 of NRS 388A.252, it shall consider the application
24 at a meeting which must be held not later than 60 days after receipt
25 of the application or a later period mutually agreed upon by the
26 committee to form the charter school and the State Public Charter
27 School Authority. Notice of the meeting must be posted in
28 accordance with chapter 241 of NRS. The State Public Charter
29 School Authority shall review the application in accordance with the
30 requirements for review set forth in subsections 2 and 3 of NRS
31 388A.249. The State Public Charter School Authority may approve
32 an application only if ~~[it satisfies]~~ the requirements of subsection 3
33 of NRS 388A.249 ~~[]~~ *are satisfied*. Not more than 30 days after the
34 meeting, the State Public Charter School Authority shall provide
35 written notice of its determination to the applicant.

36 2. If the State Public Charter School Authority denies or fails
37 to act upon an application, the denial or failure to act must be based
38 upon a finding that ~~[the applicant failed to satisfy]~~ the requirements
39 of subsection 3 of NRS 388A.249 ~~[]~~ *have not been satisfied*. The
40 State Public Charter School Authority shall include in the written
41 notice the reasons for the denial or the failure to act and the
42 deficiencies . ~~[in the application.]~~ The staff designated by the State
43 Public Charter School Authority shall meet with the applicant to
44 confer on the method to correct the identified deficiencies. The
45 applicant must be granted 30 days after receipt of the written notice



1 to correct any deficiencies identified in the written notice and
2 resubmit the application.

3 3. If the State Public Charter School Authority denies an
4 application after it has been resubmitted pursuant to subsection 2,
5 the applicant may, not more than 30 days after the receipt of the
6 written notice from the State Public Charter School Authority,
7 appeal the final determination to the district court of the county in
8 which the proposed charter school will be located.

9 **Sec. 7.** 1. The State Public Charter School Authority shall
10 complete its initial plan to manage the growth of charter schools in
11 this State required to be established pursuant to section 3 of this act
12 and submit a copy of the plan to the Department of Education and
13 the Director of the Legislative Counsel Bureau for transmittal to the
14 Legislative Committee on Education by not later than January 1,
15 2020.

16 2. The Legislative Committee on Education shall hold a
17 hearing as soon as possible after receipt of the plan pursuant to
18 subsection 1, during which the State Public Charter School
19 Authority shall present the plan to the Committee. The Committee
20 shall:

- 21 (a) Evaluate, review and comment on the plan; and
- 22 (b) Make recommendations to the State Public Charter School
23 Authority concerning the plan.

24 3. The Department of Education shall make recommendations
25 to the State Public Charter School Authority concerning the plan.

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

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

31 2. Prepare and submit a report of such evaluations to the
32 Director of the Legislative Counsel Bureau for transmittal to the
33 Legislative Committee on Education by not later than June 30,
34 2020.

35 **Sec. 9.** The State Public Charter School Authority shall
36 conduct the first evaluation required pursuant to subsection 6 of
37 NRS 388A.220, as amended by section 5 of this act, by not later
38 than July 30, 2019.

39 **Sec. 10.** This act becomes effective upon passage and
40 approval.



