

ASSEMBLY BILL NO. 68—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Makes various changes relating to charter schools.
(BDR 34-286)

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; increasing the period within which a meeting must be held by the State Public Charter School Authority to consider an application to form a charter school; exempting certain charter schools from certain performance frameworks; authorizing the sponsor of a charter school to eliminate certain elementary, middle or high schools in or campuses of a charter school in certain circumstances; revising provisions relating to the performance of a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a committee to form a charter school or a charter
2 management organization to submit an application to form a charter school to the
3 State Public Charter School Authority, and upon approval of the application, the
4 Authority becomes the sponsor of the charter school. (NRS 388A.249, 388A.255)
5 **Section 1** of this bill requires the meeting held by the State Public Charter School
6 Authority to consider such an application to occur not later than 120 days, rather
7 than 60 days, after it receives the application.
8 Existing law requires: (1) each public school, including, without limitation, a
9 charter school, to be rated pursuant to the statewide system of accountability for
10 public schools; and (2) the charter contract of each charter school to incorporate a
11 performance framework for the school. (NRS 385A.600, 388A.270) Existing law
12 also authorizes a charter school to request to be rated using an alternative
13 performance framework if the charter school meets certain requirements. (NRS
14 385A.730, 385A.740, 388A.274) Additionally, existing law requires the State



15 Public Charter School Authority, the board of trustees of the school district or a
16 college or university within the Nevada System of Higher Education, as applicable,
17 to deny a request to amend a charter contract if the charter school does not meet
18 certain requirements of the performance framework. (NRS 388A.279) Existing law
19 also requires the sponsor of a charter school to terminate the charter contract or
20 restart the charter school under a new charter contract if the charter school receives
21 certain ratings indicating underperformance of the school. (NRS 388A.300) **Section**
22 **2** of this bill exempts a charter school that has been approved to be rated using the
23 alternative performance framework from those requirements. **Sections 3 and 4** of
24 this bill make conforming changes to carry out the exemption.

25 Existing law authorizes the sponsor of a charter school to reconstitute the
26 governing body of a charter school or terminate the contract of a charter school
27 before the expiration of the charter if the sponsor determines that certain criteria are
28 met. Existing law also authorizes the sponsor of a charter school to amend the
29 charter contract to eliminate certain grade levels in the charter school if the sponsor
30 determines that not all of the grade levels meet the criteria for reconstitution or
31 termination. (NRS 388A.330) **Section 5** of this bill authorizes the sponsor of a
32 charter school to also eliminate elementary, middle or high schools in or campuses of
33 of a charter school in such circumstances. Similarly, **section 4** of this bill authorizes
34 the sponsor of a charter school to eliminate only the elementary, middle or high
35 schools in or campuses of a charter school that meet the criteria for termination of
36 the charter contract or restarting of the charter school under a new charter contract.
37 **Section 5** also eliminates duplicative language regarding under performance of a
38 charter school.

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

1 **Section 1.** NRS 388A.255 is hereby amended to read as
2 follows:

3 388A.255 1. If the State Public Charter School Authority
4 receives an application pursuant to subsection 1 of NRS 388A.249
5 or subsection 4 of NRS 388A.252, it shall consider the application
6 at a meeting which must be held not later than ~~60~~ 120 days after
7 receipt of the application or a later period mutually agreed upon by
8 the committee to form the charter school and the State Public
9 Charter School Authority. Notice of the meeting must be posted in
10 accordance with chapter 241 of NRS. The State Public Charter
11 School Authority shall review the application in accordance with the
12 requirements for review set forth in subsections 2 and 3 of NRS
13 388A.249. The State Public Charter School Authority may approve
14 an application only if the requirements of subsection 3 of NRS
15 388A.249 are satisfied. Not more than 30 days after the meeting, the
16 State Public Charter School Authority shall provide written notice of
17 its determination to the applicant.

18 2. If the State Public Charter School Authority denies or fails
19 to act upon an application, the denial or failure to act must be based
20 upon a finding that the requirements of subsection 3 of NRS
21 388A.249 have not been satisfied. The State Public Charter School



1 Authority shall include in the written notice the reasons for the
2 denial or the failure to act and the deficiencies. The staff designated
3 by the State Public Charter School Authority shall meet with the
4 applicant to confer on the method to correct the identified
5 deficiencies. The applicant must be granted 30 days after receipt of
6 the written notice to correct any deficiencies identified in the written
7 notice and resubmit the application.

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

14 **Sec. 2.** NRS 388A.274 is hereby amended to read as follows:

15 388A.274 1. If a charter school wishes to be rated using the
16 alternative performance framework prescribed by the State Board
17 pursuant to NRS 385A.730, the governing body of the charter
18 school may submit to the sponsor of the charter school a request to
19 amend the charter contract of the charter school pursuant to NRS
20 388A.276 to include the mission statement and admissions policy
21 required by subsection 4 of NRS 385A.740.

22 2. The sponsor of a charter school may require that:

23 (a) A request to amend a charter contract described in subsection
24 1 also include such changes to the academic program, organizational
25 plan and financial model of the charter school as the sponsor of the
26 charter school determines are necessary for a charter school rated
27 using the alternative performance framework; and

28 (b) A charter school which submits a request to amend a charter
29 contract described in subsection 1 perform such actions as the
30 sponsor of the charter school determines to be necessary to
31 successfully transition to being rated using the alternative
32 performance framework.

33 3. The sponsor of a charter school shall evaluate a request to
34 amend a charter contract described in subsection 1 by reviewing the
35 academic, organizational and financial performance of the charter
36 school. If the sponsor of the charter school determines that the
37 charter school is unlikely to achieve academic, organizational or
38 financial success if the request to amend its charter contract is
39 approved, the sponsor of the charter school must deny the request.

40 4. Unless invited to do so by the sponsor of the charter school,
41 the governing body of a charter school whose request to amend its
42 charter contract is denied pursuant to subsection 3 may not submit a
43 materially similar request for 1 year after the denial of its request.

44 5. If a proposed sponsor of a charter school approves an
45 application to form a charter school and the proposed sponsor of the



1 charter school determines that the charter school has a mission
2 statement and an admissions policy which satisfy the requirements
3 of subsection 4 of NRS 385A.740, the proposed sponsor of the
4 charter school shall include language in the charter contract entered
5 into with the charter school which provides that:

6 (a) Except as otherwise provided in paragraph (b), the proposed
7 sponsor of the charter school will submit an application to the State
8 Board on behalf of the charter school for the charter school to be
9 rated using the alternative performance framework within 2 years
10 after the charter school commences operation;

11 (b) The proposed sponsor of the charter school will submit the
12 application described in paragraph (a) only upon the successful
13 completion by the charter school of such actions as the proposed
14 sponsor of the charter school determines to be necessary to
15 successfully transition to being rated using the alternative
16 performance framework; and

17 (c) Upon approval of such an application by the State Board, the
18 performance framework adopted by the proposed sponsor of the
19 charter school will be replaced by the alternative performance
20 framework.

21 *6. A charter school that is rated using the alternative*
22 *performance framework pursuant to NRS 385A.730 is exempt*
23 *from the provisions of paragraph (a) of subsection 3 of NRS*
24 *388A.279 and subsection 1 of NRS 388A.300.*

25 **Sec. 3.** NRS 388A.279 is hereby amended to read as follows:

26 388A.279 1. The State Public Charter School Authority, the
27 board of trustees of the school district or a college or university
28 within the Nevada System of Higher Education, as applicable,
29 which sponsors a charter school may hold a public hearing
30 concerning any request to amend a charter contract of the charter
31 school it sponsors, including, without limitation, a request to amend
32 a charter contract for the purpose of:

33 (a) Expanding the charter school to offer instruction in grade
34 levels for which the charter school does not already offer
35 instruction.

36 (b) Increasing the total enrollment of a charter school or the
37 enrollment of pupils in a particular grade level in the charter school
38 for a school year to more than 120 percent of the enrollment
39 prescribed in the charter contract for that school year.

40 (c) Reducing the total enrollment of a charter school or the
41 enrollment of pupils in a particular grade level in the charter school
42 for a school year to less than 80 percent of the enrollment prescribed
43 in the charter contract for that school year.

44 (d) Seeking to acquire an additional facility in any county of this
45 State to expand the enrollment of the charter school.



1 (e) Consolidating the operations of multiple charter schools
2 pursuant to NRS 388A.282.

3 2. A charter contract may not be amended in any manner
4 described in subsection 1 unless the amendment is approved by the
5 State Public Charter School Authority, the board of trustees of the
6 school district or a college or university within the Nevada System
7 of Higher Education, as applicable.

8 3. The State Public Charter School Authority, the board of
9 trustees of the school district or a college or university within the
10 Nevada System of Higher Education, as applicable, must deny a
11 request to amend a charter contract in the manner described in
12 paragraph (d) or (e) of subsection 1 if the State Public Charter
13 School Authority, the board of trustees or a college or university
14 within the Nevada System of Higher Education, as applicable,
15 determines that:

16 (a) ~~[The]~~ *Except as otherwise provided in subsection 6 of NRS
17 388A.274, the* charter school is not meeting the requirements of the
18 performance framework concerning academics, finances or
19 organization established pursuant to NRS 388A.273; or

20 (b) The governing body does not have a comprehensive and
21 feasible plan to operate additional facilities.

22 **Sec. 4.** NRS 388A.300 is hereby amended to read as follows:

23 388A.300 1. ~~[The]~~ *Except as otherwise provided in
24 subsection 6 and subsection 6 of NRS 388A.274, the* sponsor of a
25 charter school shall terminate the charter contract of the charter
26 school or restart the charter school under a new charter contract if
27 the charter school receives, in any period of 5 consecutive school
28 years, three annual ratings established as the lowest rating possible
29 indicating underperformance of a public school, as determined by
30 the Department pursuant to the statewide system of accountability
31 for public schools.

32 2. A charter school's annual rating pursuant to the statewide
33 system of accountability based upon the performance of the charter
34 school must not be included in the count of annual ratings for the
35 purposes of subsection 1 for any school year before the 2015-2016
36 school year.

37 3. If a charter contract is terminated or a charter school is
38 restarted pursuant to subsection 1, the sponsor of the charter school
39 shall submit a written report to the Department and the governing
40 body of the charter school setting forth the reasons for the
41 termination or restart of the charter school not later than 10 days
42 after terminating the charter contract or restarting the charter school.

43 4. The provisions of NRS 388A.330 do not apply to the
44 termination of a charter contract or restart of the charter school
45 pursuant to this section.



1 5. The Department shall adopt regulations governing
2 procedures to restart a charter school under a new charter contract
3 pursuant to subsection 1. Such regulations must include, without
4 limitation, requiring a charter school that is restarted to enroll a
5 pupil who was enrolled in the charter school before the school was
6 restarted before any other eligible pupil is enrolled.

7 **6. If the sponsor of a charter school determines that not all of
8 the elementary, middle or high schools in or campuses of the
9 charter school meet the criteria described in subsection 1 and that
10 the charter school can remain financially viable if the charter
11 school continues to operate and serve only the elementary, middle
12 or high schools or campuses which do not meet the criteria
13 described in subsection 1, the sponsor may amend the charter
14 contract to eliminate the elementary, middle or high schools or
15 campuses that meet the criteria described in subsection 1 and limit
16 the enrollment in all other elementary, middle or high schools in
17 or campuses of the charter school.**

18 **Sec. 5.** NRS 388A.330 is hereby amended to read as follows:
19 388A.330 Except as otherwise provided in NRS 388A.300:

20 1. Except as otherwise provided in subsection 6, the sponsor of
21 a charter school may reconstitute the governing body of a charter
22 school or terminate a charter contract before the expiration of the
23 charter if the sponsor determines that:

- 24 (a) The charter school, its officers or its employees:
 - 25 (1) Committed a material breach of the terms and conditions
 - 26 of the charter contract;
 - 27 (2) Failed to comply with generally accepted standards of
 - 28 fiscal management; **or**
 - 29 (3) Failed to comply with the provisions of this chapter or
 - 30 any other statute or regulation applicable to charter schools; ~~for~~
31 ~~— (4) Has persistently underperformed, as measured by the~~
32 ~~performance indicators, measures and metrics set forth in the~~
33 ~~performance framework for the charter school;}~~

34 (b) The charter school has filed for a voluntary petition of
35 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
36 financially impaired such that the charter school cannot continue to
37 operate;

38 (c) There is reasonable cause to believe that reconstitution or
39 termination is necessary to protect the health and safety of the pupils
40 who are enrolled in the charter school or persons who are employed
41 by the charter school from jeopardy, or to prevent damage to or loss
42 of the property of the school district or the community in which the
43 charter school is located;

44 (d) The committee to form the charter school or charter
45 management organization, as applicable, or any member of the



1 committee to form the charter school or charter management
 2 organization, as applicable, or the governing body of the charter
 3 school has at any time made a material misrepresentation or
 4 omission concerning any information disclosed to the sponsor;

5 (e) The charter school operates a high school that has a
 6 graduation rate for the immediately preceding school year that is
 7 less than 60 percent;

8 (f) The charter school operates an elementary or middle school
 9 or junior high school that is rated in the lowest 5 percent of
 10 elementary schools, middle schools or junior high schools in the
 11 State in pupil achievement and school performance ~~[;]~~ *for the*
 12 *immediately preceding school year*, as determined by the
 13 Department pursuant to the statewide system of accountability for
 14 public schools; or

15 (g) ~~[Pupil achievement and school performance at the]~~ *The*
 16 *charter school [is unsatisfactory] has persistently underperformed,*
 17 *including, without limitation, underperformance in pupil*
 18 *achievement and school performance*, as determined by the
 19 Department pursuant to criteria prescribed by regulation. ~~[by the~~
 20 ~~Department to measure the performance of any public school~~
 21 ~~pursuant to the statewide system of accountability for public~~
 22 ~~schools.]~~

23 2. Before the sponsor reconstitutes a governing body or
 24 terminates a charter contract, the sponsor shall provide written
 25 notice of its intention to the governing body of the charter school.
 26 The written notice must:

27 (a) Include a statement of the deficiencies or reasons upon
 28 which the action of the sponsor is based;

29 (b) Except as otherwise provided in subsection 4, prescribe a
 30 period, not less than 30 days, during which the charter school may
 31 correct the deficiencies, including, without limitation, the date on
 32 which the period to correct the deficiencies begins and the date on
 33 which that period ends;

34 (c) Prescribe the date on which the sponsor will make a
 35 determination regarding whether the charter school has corrected the
 36 deficiencies, which determination may be made during the public
 37 hearing held pursuant to subsection 3; and

38 (d) Prescribe the date on which the sponsor will hold a public
 39 hearing to consider whether to reconstitute the governing body or
 40 terminate the charter contract.

41 3. Except as otherwise provided in subsection 4, not more than
 42 90 days after the notice is provided pursuant to subsection 2, the
 43 sponsor shall hold a public hearing to make a determination
 44 regarding whether to reconstitute the governing body or terminate
 45 the charter contract. If the charter school corrects the deficiencies to



1 the satisfaction of the sponsor within the time prescribed in
2 paragraph (b) of subsection 2, the sponsor shall not reconstitute the
3 governing body or terminate the charter contract of the charter
4 school. The sponsor may not include in a written notice pursuant to
5 subsection 2 any deficiency which was included in a previous
6 written notice and which was corrected by the charter school, unless
7 the deficiency recurred after being corrected or the sponsor
8 determines that the deficiency is evidence of an ongoing pattern of
9 deficiencies in a particular area.

10 4. The sponsor of a charter school and the governing body of
11 the charter school may enter into a written agreement that prescribes
12 different time periods than those set forth in subsections 2 and 3.

13 5. If the governing body of a charter school is reconstituted or
14 the charter contract is terminated, the sponsor of the charter school
15 shall submit a written report to the Department and the governing
16 body of the charter school setting forth the reasons for the
17 reconstitution or termination, as applicable, not later than 10 days
18 after reconstituting the governing body or terminating the charter
19 contract.

20 6. The governing body of a charter school may not be
21 reconstituted if it has been previously reconstituted.

22 7. If the sponsor of a charter school determines that not all of
23 the ~~[grade levels]~~ *elementary, middle or high schools* in *or*
24 *campuses of* the charter school meet the criteria described in
25 paragraphs (a) to (g), inclusive, of subsection 1 and that the charter
26 school can remain financially viable if the charter school continues
27 to operate and serve only the ~~[grade levels]~~ *elementary, middle or*
28 *high schools or campuses* which do not meet the criteria described
29 in those paragraphs, the sponsor may amend the charter contract to
30 eliminate the ~~[grade levels]~~ *elementary, middle or high schools or*
31 *campuses* that meet the criteria described in paragraphs (a) to (g),
32 inclusive, of subsection 1 and limit the enrollment in all other ~~[grade~~
33 ~~levels]~~ *elementary, middle or high schools* in *or campuses of* the
34 charter school.

35 **Sec. 6.** This act becomes effective on July 1, 2021.

