

ASSEMBLY BILL NO. 78—COMMITTEE ON EDUCATION  
(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Education

SUMMARY—Revises provisions relating to the establishment of charter schools. (BDR 34-343)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 2, 3)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 charter schools; requiring the sponsor of a proposed charter school to prepare an evaluation of certain needs in the geographic area proposed to be served by the charter school; requiring the inclusion of certain additional information in an application to form a charter school; requiring an applicant to form a charter school to provide certain evidence in support of the application; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law authorizes the State Public Charter School Authority or, with the  
2 approval of the Department of Education, the board of trustees of a school district  
3 or a college or university within the Nevada System of Higher Education to sponsor  
4 a charter school. Existing law requires the sponsor of a charter school to conduct an  
5 evaluation of certain needs in the geographic areas served by the sponsor in  
6 consultation with the Department and, to the extent practicable, the school district  
7 in which the proposed charter school will be located. (NRS 388A.220) **Section 2** of  
8 this bill expands the scope of the required evaluation. **Sections 3-5** of this bill make  
9 conforming changes.
- 10 Existing law also authorizes the proposed sponsor of a charter school to review  
11 an application to form a charter school and approve the application if it satisfies  
12 certain requirements. (NRS 388A.249) **Section 6** of this bill requires an applicant to  
13 form a charter school to provide sufficient evidence that the applicant has: (1)  
14 notified the superintendent of the school district in which the proposed charter  
15 school will be located of the proposed location of the charter school; and (2)



16 requested an opportunity to discuss the proposed location of the charter school with  
17 the superintendent.

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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.** NRS 388A.220 is hereby amended to read as follows:  
3     388A.220 1. The board of trustees of a school district may  
4     apply to the Department for authorization to sponsor charter schools  
5     within the school district in accordance with the regulations adopted  
6     by the Department pursuant to NRS 388A.105 or 388A.110. An  
7     application must be approved by the Department before the board of  
8     trustees may sponsor a charter school. Not more than 180 days after  
9     receiving approval to sponsor charter schools, the board of trustees  
10    shall provide public notice of its ability to sponsor charter schools  
11    and solicit applications for charter schools.  
12    2. The State Public Charter School Authority shall sponsor  
13    charter schools whose applications have been approved by the State  
14    Public Charter School Authority pursuant to NRS 388A.255. Except  
15    as otherwise provided by specific statute, if the State Public Charter  
16    School Authority sponsors a charter school, the State Public Charter  
17    School Authority is responsible for the evaluation, monitoring and  
18    oversight of the charter school.  
19    3. A college or university within the Nevada System of Higher  
20    Education may submit an application to the Department to sponsor  
21    charter schools in accordance with the regulations adopted by the  
22    Department pursuant to NRS 388A.105 or 388A.110. An  
23    application must be approved by the Department before a college or  
24    university within the Nevada System of Higher Education may  
25    sponsor charter schools.  
26    4. The board of trustees of a school district or a college or  
27    university within the Nevada System of Higher Education may enter  
28    into an agreement with the State Public Charter School Authority to  
29    provide technical assistance and support in preparing an application  
30    to sponsor a charter school and planning and executing the duties of  
31    a sponsor of a charter school as prescribed in this section.  
32    5. Before the State Public Charter School Authority or a board  
33    of trustees of a school district or a college or university within the  
34    Nevada System of Higher Education that is approved to sponsor  
35    charter schools begins soliciting applications to form a charter  
36    school, the State Public Charter School Authority, board of trustees  
37    or college or university, as applicable, shall prepare, in collaboration  
38    with the Department and ~~to the extent practicable,~~ the school



1 district in which the proposed charter school will be located and any  
2 other sponsor of a charter school located in that school district, an  
3 evaluation of the academic needs of pupils *and the needs of the*  
4 *school district and the community* in *the* geographic areas served  
5 by the sponsor ~~to~~ *to ensure that the best interests of pupils and the*  
6 *efficient use of public money in this State are considered in*  
7 *reviewing such applications.*

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

9 388A.223 1. Each sponsor of a charter school shall carry out  
10 the following duties and powers:

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

13 (b) Approving applications to form charter schools that the  
14 sponsor determines ~~are~~ :

15 (1) *Are* high quality ~~to meet~~ ;

16 (2) *Meet* the ~~identified educational~~ *academic* needs of  
17 pupils *and the needs of the school district and community*  
18 *identified in the evaluation conducted pursuant to subsection 5 of*  
19 *NRS 388A.220*; and ~~will~~

20 (3) *Will* serve to promote the diversity of public educational  
21 choices in this State;

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

24 (d) Negotiating and executing charter contracts pursuant to  
25 NRS 388A.270;

26 (e) Monitoring, in accordance with this chapter and in  
27 accordance with the terms and conditions of the applicable charter  
28 contract, the performance and compliance of each charter school  
29 sponsored by the entity;

30 (f) Determining whether the charter contract of a charter school  
31 that the entity sponsors merits renewal or whether the renewal of the  
32 charter contract should be denied or whether the written charter  
33 should be revoked or the charter contract terminated or restarted, as  
34 applicable, in accordance with NRS 388A.285, 388A.300 or  
35 388A.330, as applicable;

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

38 (h) Adopting a policy for appointing a new governing body of a  
39 charter school for which the governing body is reconstituted in  
40 accordance with NRS 388A.330.

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



1 and practices for sponsoring organizations of charter schools. The  
2 policies and practices must include, without limitation:

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

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

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

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

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

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

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

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

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

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

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



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

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

7 **Sec. 4.** NRS 388A.243 is hereby amended to read as follows:

8 388A.243 1. The applicant shall ensure that the completed  
9 application:

10 (a) Presents a clear, measurable and high-quality academic,  
11 financial and organizational vision and plans for the proposed  
12 charter school; ~~and~~

13 (b) *Addresses the manner in which the proposed charter*  
14 *school plans to meet the needs identified in the evaluation*  
15 *conducted pursuant to subsection 5 of NRS 388A.220; and*

16 (c) Provides the proposed sponsor of the charter school with a  
17 clear basis for assessing the capacity of the applicant to carry out the  
18 vision and plans.

19 2. A charter management organization may, as part of an  
20 application to form a charter school, request a waiver of the  
21 requirements of subsection 1 or 2 of NRS 388A.320 concerning the  
22 membership of the governing body. A sponsor shall not grant such a  
23 waiver unless the charter management organization provides a  
24 compelling reason for the waiver. If approved, the waiver may  
25 provide, without limitation, for multiple governing bodies that have  
26 the authority to make decisions concerning the governance of the  
27 charter school or a facility operated by the charter school. A  
28 majority of the members of each such governing body must reside in  
29 this State. A request for a waiver to allow for multiple such  
30 governing bodies must describe the role, responsibilities and  
31 composition of each such proposed governing body.

32 **Sec. 5.** NRS 388A.246 is hereby amended to read as follows:

33 388A.246 An application to form a charter school must include  
34 all information prescribed by the Department by regulation and:

35 1. A summary of the plan for the proposed charter school.

36 2. A clear written description of the mission of the charter  
37 school and the goals for the charter school. A charter school must  
38 have as its stated purpose at least one of the following goals:

39 (a) Improving the academic achievement of pupils;

40 (b) Encouraging the use of effective and innovative methods of  
41 teaching;

42 (c) Providing an accurate measurement of the educational  
43 achievement of pupils;

44 (d) Establishing accountability and transparency of public  
45 schools;



1 (e) Providing a method for public schools to measure  
2 achievement based upon the performance of the schools; or

3 (f) Creating new professional opportunities for teachers.

4 3. A clear description of the indicators, measures and metrics  
5 for the categories of academics, finances and organization that the  
6 charter school proposes to use, the external assessments that will be  
7 used to assess performance in those categories and the objectives  
8 that the committee to form a charter school plans to achieve in those  
9 categories, which must be expressed in terms of the objectives,  
10 measures and metrics. The objectives and the indicators, measures  
11 and metrics used by the charter school must be consistent with the  
12 performance framework adopted by the sponsor pursuant to  
13 NRS 388A.270.

14 4. A resume and background information for each person who  
15 serves on the board of the charter management organization or the  
16 committee to form a charter school, as applicable, which must  
17 include the name, telephone number, electronic mail address,  
18 background, qualifications, any past or current affiliation with any  
19 charter school in this State or any other state, any potential conflicts  
20 of interest and any other information required by the sponsor.

21 5. The proposed location of ~~H~~ or the geographic area to be  
22 served by ~~H~~ the charter school, ~~and~~ evidence of a need *for a*  
23 *charter school in that location or serving that geographic area*  
24 *based on the needs identified in the evaluation conducted*  
25 *pursuant to subsection 5 of NRS 388A.220* and *evidence of*  
26 *community support for the charter school in that area.*

27 6. The minimum, planned and maximum projected enrollment  
28 of pupils in each grade in the charter school for each year that the  
29 charter school would operate under the proposed charter contract.

30 7. The procedure for applying for enrollment in the proposed  
31 charter school, which must include, without limitation, the proposed  
32 dates for accepting applications for enrollment in each year of  
33 operation under the proposed charter contract and a statement of  
34 whether the charter school will enroll pupils who are in a particular  
35 category of at-risk pupils before enrolling other children who are  
36 eligible to attend the charter school pursuant to NRS 388A.456 and  
37 the method for determining eligibility for enrollment in each such  
38 category of at-risk pupils served by the charter school.

39 8. The academic program that the charter school proposes to  
40 use, a description of how the academic program complies with the  
41 requirements of NRS 388A.366, the proposed academic calendar for  
42 the first year of operation and a sample daily schedule for a pupil  
43 in each grade served by the charter school.

44 9. A description of the proposed instructional design of the  
45 charter school and the type of learning environment the charter



1 school will provide, including, without limitation, whether the  
2 charter school will provide a program of distance education, the  
3 planned class size and structure, the proposed curriculum for  
4 the charter school and the teaching methods that will be used at the  
5 charter school.

6 10. The manner in which the charter school plans to identify  
7 and serve the needs of pupils with disabilities, pupils who are  
8 English language learners, pupils who are academically behind their  
9 peers and gifted pupils.

10 11. A description of any co-curricular or extracurricular  
11 activities that the charter school plans to offer and the manner in  
12 which these programs will be funded.

13 12. Any uniform or dress code policy that the charter school  
14 plans to use.

15 13. Plans and timelines for recruiting and enrolling students,  
16 including procedures for any lottery for admission that the charter  
17 school plans to conduct.

18 14. The rules of behavior and punishments that the charter  
19 school plans to adopt pursuant to NRS 388A.495, including, without  
20 limitation, any unique discipline policies for pupils enrolled in a  
21 program of special education.

22 15. A chart that clearly presents the proposed organizational  
23 structure of the charter school and a clear description of the roles  
24 and responsibilities of the governing body, administrators and any  
25 other persons included on the chart and a table summarizing the  
26 decision-making responsibilities of the staff and governing body of  
27 the charter school and, if applicable, the charter management  
28 organization that operates the charter school. The table must also  
29 identify the person responsible for each activity conducted by the  
30 charter school, including, without limitation, the person responsible  
31 for establishing curriculum and culture, providing professional  
32 development to employees of the charter school and making  
33 determinations concerning the staff of the charter school.

34 16. The names of any external organizations that will play a  
35 role in operating the charter school and the role each such  
36 organization will play.

37 17. The manner in which the governing body of the charter  
38 school will be chosen.

39 18. A staffing chart for the first year in which the charter  
40 school plans to operate and a projected staffing plan for the term of  
41 the charter contract.

42 19. Plans for recruiting administrators, teachers and other staff,  
43 providing professional development to such staff.

44 20. Proposed bylaws for the governing body, a description of  
45 the manner in which the charter school will be governed, including,



1 without limitation, any governance training that will be provided to  
2 the governing body, and a code of ethics for members and  
3 employees of the governing body. The code of ethics must be  
4 prepared with guidance from the Nevada Commission on Ethics and  
5 must not conflict with any policy adopted by the sponsor.

6 21. Explanations of any partnerships or contracts central to the  
7 operations or mission of the charter school.

8 22. A statement of whether the charter school will provide for  
9 the transportation of pupils to and from the charter school. If the  
10 charter school will provide transportation, the application must  
11 include the proposed plan for the transportation of pupils. If the  
12 charter school will not provide transportation, the application must  
13 include a statement that the charter school will work with the  
14 parents and guardians of pupils enrolled in the charter school to  
15 develop a plan for transportation to ensure that pupils have access to  
16 transportation to and from the charter school.

17 23. The procedure for the evaluation of teachers of the charter  
18 school, if different from the procedure prescribed in NRS 391.680  
19 and 391.725. If the procedure is different from the procedure  
20 prescribed in NRS 391.680 and 391.725, the procedure for the  
21 evaluation of teachers of the charter school must provide the same  
22 level of protection and otherwise comply with the standards for  
23 evaluation set forth in NRS 391.680 and 391.725.

24 24. A statement of the charter school's plans for food service  
25 and other significant operational services, including a statement of  
26 whether the charter school will provide food service or participate in  
27 the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If  
28 the charter school will not provide food service or participate in the  
29 National School Lunch Program, the application must include an  
30 explanation of the manner in which the charter school will ensure  
31 that the lack of such food service or participation does not prevent  
32 pupils from attending the charter school.

33 25. Opportunities and expectations for involving the parents of  
34 pupils enrolled in the charter school in instruction at the charter  
35 school and the operation of the charter school, including, without  
36 limitation, the manner in which the charter school will solicit input  
37 concerning the governance of the charter school from such parents.

38 26. A detailed plan for starting operation of the charter school  
39 that identifies necessary tasks, the persons responsible for  
40 performing them and the dates by which such tasks will be  
41 accomplished.

42 27. A description of the financial plan and policies to be used  
43 by the charter school.

44 28. A description of the insurance coverage the charter school  
45 will obtain.





1 29. Budgets for starting operation at the charter school, the first  
2 year of operation of the charter school and the first 5 years of  
3 operation of the charter school, with any assumptions inherent in the  
4 budgets clearly stated.

5 30. Evidence of any money pledged or contributed to the  
6 budget of the charter school.

7 31. A statement of the facilities that will be used to operate the  
8 charter school and a plan for operating such facilities, including,  
9 without limitation, any backup plan to be used if the charter school  
10 cannot be operated out of the planned facilities.

11 32. If the charter school is a vocational school, a description of  
12 the career and technical education program that will be used by the  
13 charter school.

14 33. If the charter school will provide a program of distance  
15 education, a description of the system of course credits that the  
16 charter school will use and the manner in which the charter school  
17 will:

18 (a) Monitor and verify the participation in and completion of  
19 courses by pupils;

20 (b) Require pupils to participate in assessments and submit  
21 coursework;

22 (c) Conduct parent-teacher conferences; and

23 (d) Administer any test, examination or assessment required by  
24 state or federal law in a proctored setting.

25 34. If the charter school will provide a program where a  
26 student may earn college credit for courses taken in high school, a  
27 draft memorandum of understanding between the charter school and  
28 the college or university through which the credits will be earned  
29 and a term sheet, which must set forth:

30 (a) The proposed duration of the relationship between the  
31 charter school and the college or university and the conditions for  
32 renewal and termination of the relationship;

33 (b) The roles and responsibilities of the governing body of the  
34 charter school, the employees of the charter school and the college  
35 or university;

36 (c) The scope of the services and resources that will be provided  
37 by the college or university;

38 (d) The manner and amount that the college or university will be  
39 compensated for providing such services and resources, including,  
40 without limitation, any tuition and fees that pupils at the charter  
41 school will pay to the college or university;

42 (e) The manner in which the college or university will ensure  
43 that the charter school effectively monitors pupil enrollment and  
44 attendance and the acquisition of college credits; and



1 (f) Any employees of the college or university who will serve on  
2 the governing body of the charter school.

3 35. If the applicant currently operates a charter school in  
4 another state, evidence of the performance of such charter schools  
5 and the capacity of the applicant to operate the proposed charter  
6 school.

7 36. If the applicant proposes to contract with an educational  
8 management organization or any other person to provide  
9 educational or management services:

10 (a) Evidence of the performance of the educational management  
11 organization or other person when providing such services to a  
12 population of pupils similar to the population that will be served by  
13 the proposed charter school;

14 (b) A term sheet that sets forth:

15 (1) The proposed duration of the proposed contract between  
16 the governing body of the charter school and the educational  
17 management organization;

18 (2) A description of the responsibilities of the governing  
19 body of the charter school, employees of the charter school and the  
20 educational management organization or other person;

21 (3) All fees that will be paid to the educational management  
22 organization or other person;

23 (4) The manner in which the governing body of the charter  
24 school will oversee the services provided by the educational  
25 management organization or other person and enforce the terms of  
26 the contract;

27 (5) A disclosure of the investments made by the educational  
28 management organization or other person in the proposed charter  
29 school; and

30 (6) The conditions for renewal and termination of the  
31 contract; and

32 (c) A disclosure of any conflicts of interest concerning the  
33 applicant and the educational management organization or other  
34 person, including, without limitation, any past or current  
35 employment, business or familial relationship between any  
36 prospective employee of the charter school and a member of the  
37 committee to form a charter school or the board of directors of the  
38 charter management organization, as applicable.

39 37. Any additional information that the sponsor determines is  
40 necessary to evaluate the ability of the proposed charter school to  
41 serve pupils in the school district in which the proposed charter  
42 school will be located.

43 **Sec. 6.** NRS 388A.249 is hereby amended to read as follows:

44 388A.249 1. A committee to form a charter school or charter  
45 management organization may submit the application to the



1 proposed sponsor of the charter school. Except as otherwise  
2 provided in NRS 388B.290, if an application proposes to convert an  
3 existing public school, homeschool or other program of home study  
4 into a charter school, the proposed sponsor shall deny the  
5 application.

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

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

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

18 (c) Base its determination on documented evidence collected  
19 through the process of reviewing the application; and

20 (d) Adhere to the policies and practices developed by the  
21 proposed sponsor pursuant to subsection 2 of NRS 388A.223.

22 3. The proposed sponsor of a charter school may approve an  
23 application to form a charter school only if the proposed sponsor  
24 determines that:

25 (a) The application:

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

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

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

34 *(c) The applicant has provided sufficient evidence that the*  
35 *applicant has:*

36 *(1) Notified the superintendent of the school district in*  
37 *which the proposed charter school will be located of:*

38 *(I) The applicant's intent to submit an application to*  
39 *form a charter school; and*

40 *(II) The proposed location of the charter school; and*

41 *(2) Requested an opportunity to discuss the proposed*  
42 *location of the charter school with the superintendent of the*  
43 *school district in which proposed charter will be located.*

44 4. On or before January 1 of each odd-numbered year, the  
45 Superintendent of Public Instruction shall submit a written report to



1 the Director of the Legislative Counsel Bureau for transmission to  
2 the next regular session of the Legislature. The report must include:

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

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

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

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

11 **Sec. 7.** The provisions of NRS 354.599 do not apply to any  
12 additional expenses of a local government that are related to the  
13 provisions of this act.

14 **Sec. 8.** 1. This section and sections 1 and 3 to 7, inclusive, of  
15 this act become effective on July 1, 2017.

16 2. Section 2 of this act becomes effective on July 1, 2019.

