

Assembly Bill No. 39–Committee on Education

CHAPTER.....

AN ACT relating to charter schools; revising provisions governing the membership of the State Public Charter School Authority; revising provisions establishing the local educational agency that is responsible for performing certain functions with respect to charter schools; clarifying requirements for certain information to be included in an application to renew the charter contract of a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the State Public Charter School Authority for the purpose of, among other duties: (1) sponsoring charter schools; and (2) providing oversight to the charter schools it sponsors. (NRS 388A.150) Existing law further establishes that the Authority consists of nine members, the manner of appointing those members and the qualifications of those members. (NRS 388A.153) **Section 1** of this bill provides that the nine members appointed under existing law are the voting members of the Authority and that the voting members must be at least 21 years of age. **Section 1** also establishes the requirements governing the members of the Authority that apply to all members, including voting and nonvoting members, and the requirements that apply only to voting members. **Section 2** of this bill makes a conforming change to clarify that only voting members of the Authority are required to complete certain training required by existing law. (NRS 388A.155) **Section 3** of this bill makes a conforming change to clarify that a majority of the voting members, rather than all members: (1) is authorized to call a meeting of the Authority; and (2) constitutes a quorum to enable the Authority to exercise its power and authority. (NRS 388A.156)

Under existing law, the number of members of the Authority who may be teachers or administrators employed by a charter school or charter management organization in this State is limited to two members. (NRS 388A.153) **Section 1** revises the qualifications for a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the Authority by: (1) removing the requirement that the charter school or charter management organization employing the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools; and (2) instead, requiring that the charter school at which the teacher or administrator is employed must be in good standing according to the performance framework set forth in its charter contract.

Existing law prohibits a member of the Authority, other than a member who is a teacher or administrator employed by a charter school or charter management organization, from being actively engaged in business with or holding certain interests relating to charter schools. (NRS 388A.153) Under existing law, a charter school is defined as a charter school organized under the laws of this State. (NRS 385.007) **Section 1** provides that the prohibition against a member of the Authority being actively engaged in business with or holding certain interests relating to charter schools includes, without limitation, such an engagement in business or interest in: (1) an educational management organization providing support or operations to a charter school; or (2) a charter management organization operating a charter school.



Existing law deems the Authority to be a local educational agency that is responsible under state and federal law for: (1) providing a free and appropriate public education to each pupil enrolled in a charter school sponsored by the Authority; (2) the provision of special education and related services by a charter school; and (3) directing money available from certain federal and state grant programs to charter schools sponsored by the Authority, a college or university within the Nevada System of Higher Education or a city or county. (NRS 388A.159) **Section 4** of this bill removes the requirement for a college or university within the System, or a city or county, that sponsors a charter school to enter into an agreement with the Authority for the provision of any necessary functions of a local educational agency. Instead, **section 4** deems a college or university within the System, or a city or county, to be a local educational agency, thereby making the college or university, or city or county, responsible for performing the functions of a local educational agency under state and federal law for the charter schools it sponsors.

Under existing law, the governing body of a charter school seeking to renew its charter contract is required to submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate. Existing law requires the application for renewal to include, without limitation, any information or data that: (1) the governing body of the charter school determines supports the renewal of the charter contract; and (2) is in addition to the information contained in the required performance report previously submitted to the governing body by the sponsor and any written response to that report. (NRS 388A.285) **Section 5** of this bill clarifies that any information or data to support the renewal of the charter contract is information or data other than the previously submitted performance report and any written response to that report.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of nine *voting* members. The *voting* membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2;

(d) Two members appointed by the State Board of Education; and

(e) One member appointed by the Charter School Association of Nevada or its successor organization.



2. The Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the State Board of Education shall ensure that the **voting** membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State. ***Each voting member of the State Public Charter School Authority must be at least 21 years of age.***

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, ***an*** educational management organization ***providing support or operations to a charter school*** or ***a*** charter management organization ***operating a charter school.***

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority ~~[-, the]~~ :

(a) ***The*** charter school ~~for charter management organization~~ which employs the teacher or administrator must ~~not have ever received an annual rating established as one of the three lowest~~



~~ratings of performance pursuant to the statewide system of accountability for public schools.]~~ *be in good standing according to the performance framework set forth in its charter contract pursuant to NRS 388A.270; or*

(b) If the teacher or administrator is employed by a charter management organization, the charter school at which the teacher or administrator is employed must be in good standing according to the performance framework set forth in its charter contract pursuant to NRS 388A.270.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The *voting* members of the State Public Charter School Authority shall select a Chair and Vice Chair from among ~~fits~~ *the voting* members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each *voting* member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. NRS 388A.155 is hereby amended to read as follows:

388A.155 Each *voting* member of the State Public Charter School Authority must complete training:

1. At the time the *voting* member is appointed to the State Public Charter School Authority, on the responsibilities of the *voting* member and any framework used by the State Public Charter School Authority in performing its duties; and



2. Each year, on the evaluation of applications to form charter schools and the governance of charter schools.

Sec. 3. NRS 388A.156 is hereby amended to read as follows:

388A.156 1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the *voting* members.

2. Five *voting* members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Sec. 4. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority, *a college or university within the Nevada System of Higher Education that sponsors a charter school or a city or county that sponsors a charter school* is hereby deemed a local educational agency for all purposes ~~[] for any charter school that it sponsors,~~ including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school ; ~~[sponsored by the State Public Charter School Authority;]~~

(b) The provision of special education and related services provided by a charter school ; ~~[sponsored by the State Public Charter School Authority;]~~ and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools ~~[which are sponsored by the State Public Charter School Authority, a college or university within the Nevada System of Higher Education or a city or county]~~ that are eligible to receive such money.

2. ~~[A college or university within the Nevada System of Higher Education or a city or county that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency.]~~ A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 5. NRS 388A.285 is hereby amended to read as follows:

388A.285 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written



report summarizing the performance of the charter school and each facility that constitutes the charter school during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of this chapter;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 3; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of this chapter. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract ~~in addition to~~ *other than* the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.



4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of not less than 3 years or more than 10 years.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective upon passage and approval.



