

SENATE BILL NO. 460—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

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

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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; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; requiring the statewide system of accountability to include a method to provide grants and other financial support to certain public schools; revising provisions relating to the revocation or termination of written charters or charter contracts; authorizing the restart of certain charter schools under a new charter contract in certain circumstances; prohibiting the Department of Education from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The federal No Child Left Behind Act of 2001 requires each state to have a
2 single, statewide system of accountability applicable to all pupils. (20 U.S.C. §§
3 6301 et seq.) In 2011, the United States Department of Education made it possible
4 for states to apply to the Department for a waiver of some of the provisions of the
5 Act. In August 2012, the Nevada Department of Education received approval from
6 the United States Department of Education to implement an accountability system
7 for public schools that allows for a waiver from some of the specific provisions of
8 the Act. This approval is conditioned on the Nevada Department of Education
9 tracking the performance of pupils in public schools, including measuring,



10 reporting and supporting the achievement of pupils. Since the approval of the
11 waiver, the Nevada Department of Education has developed the Nevada School
12 Performance Framework for the statewide system of accountability for public
13 schools. (NRS 385.347)

14 Existing law requires the statewide system of accountability to: (1) include a
15 method to rate each public school; (2) include a method to implement
16 consequences, rewards and supports for public schools based upon the ratings; and
17 (3) establish annual measurable objectives and performance targets for public
18 schools. (NRS 385.3594) **Section 2** of this bill requires the State Board of
19 Education to adopt regulations that prescribe: (1) an alternative performance
20 framework to evaluate certain schools which serve certain populations; and (2) the
21 manner in which such schools will be included in the statewide system of
22 accountability.

23 **Section 3** of this bill requires a public school, including, without limitation, a
24 charter school, that wishes to be rated using the alternative performance framework
25 prescribed by the State Board to request the board of trustees of the school district
26 or sponsor of the charter school, as applicable, to apply to the State Board on behalf
27 of the school for approval to be rated using the alternative performance framework.
28 If approved, **section 3** provides that the board of trustees of the school district or
29 the sponsor of a charter school, as applicable, must apply to the State Board on
30 behalf of the school to be rated using the alternative performance framework.
31 **Section 3** also prescribes eligibility requirements for a school to be rated using the
32 alternative performance framework.

33 The No Child Left Behind Act of 2001 requires each state to have a single,
34 statewide system of accountability applicable to all pupils, challenging academic
35 content standards and periodic examinations on those challenging academic
36 standards. (20 U.S.C. §§ 6301 et seq.) Existing law establishes certain requirements
37 for the statewide system of accountability for public schools. (NRS 385.3594)
38 **Section 3.25** of this bill requires the statewide system of accountability to include a
39 method to provide grants and other financial support, to the extent that money is
40 available from legislative appropriation, to public schools receiving one of the two
41 lowest ratings of performance pursuant to the statewide system of accountability for
42 public schools.

43 Existing law requires the sponsor of a charter school to revoke the written
44 charter or terminate the charter contract of a charter school if the charter school
45 receives three consecutive annual ratings established as the lowest rating possible
46 indicating underperformance of a public school, as determined by the Department
47 of Education pursuant to the statewide system of accountability for public schools.
48 (NRS 386.5351) **Section 4** of this bill instead requires the sponsor of a charter
49 school to revoke the written charter or terminate the charter contract of a charter
50 school or restart the charter school under a new charter contract if the
51 charter school receives an annual rating established as the lowest possible rating
52 indicating underperformance for any 3 out of 5 years. **Section 4** requires the
53 Department to adopt regulations governing procedures for the restart of a charter
54 school under a new charter contract.

55 **Section 4** also prohibits the Department from considering a school's annual
56 rating pursuant to the statewide system of accountability based upon the
57 performance of a school for the 2014-2015 school year.



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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The State Board shall adopt regulations that*
4 *prescribe an alternative performance framework to evaluate*
5 *public schools that are approved pursuant to section 3 of this act.*
6 *Such regulations must include, without limitation, an alternative*
7 *manner in which to evaluate such a school and the manner in*
8 *which the school will be included within the statewide system of*
9 *accountability set forth in NRS 385.3455 to 385.3891, inclusive.*

10 2. *The regulations adopted pursuant to subsection 1 must*
11 *also set forth the manner in which:*

12 (a) *The progress of pupils enrolled in a public school for*
13 *which an alternative performance framework has been approved*
14 *pursuant to section 3 of this act will be accounted for within the*
15 *statewide system of accountability; and*

16 (b) *To report the results of pupils enrolled in such a public*
17 *school on the examinations administered pursuant to NRS*
18 *389.550 and, if applicable for the grade levels of the pupils*
19 *enrolled, the examinations administered pursuant to NRS 389.805*
20 *and the college and career readiness assessment administered*
21 *pursuant to NRS 389.807.*

22 **Sec. 3. 1.** *A public school, including, without limitation, a*
23 *charter school, that wishes to be rated using the alternative*
24 *performance framework prescribed by the State Board pursuant to*
25 *section 2 of this act must request the board of trustees of the*
26 *school district or sponsor of the charter school, as applicable, to*
27 *apply to the State Board on behalf of the school for approval to be*
28 *rated using the alternative performance framework.*

29 2. *The board of trustees of a school district or the sponsor of*
30 *a charter school, as applicable, may apply to the State Board on*
31 *behalf of a school for the school to be rated using the alternative*
32 *performance framework by submitting a form prescribed by the*
33 *Department.*

34 3. *A school is eligible to be rated using the alternative*
35 *performance framework if:*

36 (a) *The school specifies that the mission of the school is to*
37 *serve pupils who:*

38 (1) *Have been expelled or suspended from a public school,*
39 *including, without limitation, a charter school;*

40 (2) *Have been deemed to be a habitual disciplinary problem*
41 *pursuant to NRS 392.4655;*

42 (3) *Are academically disadvantaged;*



- 1 (4) *Have been adjudicated delinquent;*
- 2 (5) *Have been adjudicated to be in need of supervision for a*
- 3 *reason set forth in NRS 62B.320; or*
- 4 (6) *Have an individualized education program; and*
- 5 (b) *At least 75 percent of the pupils enrolled at the school fall*
- 6 *within one or more of the categories listed in paragraph (a).*
- 7 4. *As used in this section, "academically disadvantaged"*
- 8 *includes, without limitation, being retained in the same grade level*
- 9 *two or more times or having a deficiency in the credits required to*
- 10 *graduate on time.*

11 **Sec. 3.25.** NRS 385.3594 is hereby amended to read as
12 follows:

13 385.3594 1. The Department shall make every effort to
14 obtain the approval necessary from the United States Department of
15 Education to ensure that the statewide system of accountability for
16 public schools complies with all requirements for the receipt of
17 federal money under the Elementary and Secondary Education Act
18 of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

19 2. The statewide system of accountability applies to all public
20 schools, regardless of Title I status, and must:

21 (a) Include a method to, on an annual basis, rate each public
22 school based upon the performance of the school and based upon
23 whether each public school meets the annual measurable objectives
24 and performance targets established pursuant to the statewide
25 system of accountability;

26 (b) Include a method to implement consequences, rewards and
27 supports for public schools based upon the ratings; ~~and~~

28 (c) *Include a method to provide grants and other financial*
29 *support, to the extent that money is available from legislative*
30 *appropriation, to public schools receiving one of the two lowest*
31 *ratings of performance pursuant to the statewide system of*
32 *accountability for public schools; and*

33 (d) Establish annual measurable objectives and performance
34 targets for public schools and performance targets for specific
35 groups of pupils, including, without limitation, pupils who are
36 economically disadvantaged, pupils from major racial and ethnic
37 groups, pupils with disabilities and pupils who are limited English
38 proficient. The annual measurable objectives and performance
39 targets must:

40 (1) Be based primarily upon the measurement of the progress
41 and proficiency of pupils on the examinations administered pursuant
42 to NRS 389.550 or 389.805, as applicable; and

43 (2) For high schools, include the rate of graduation and the
44 rate of attendance.



1 3. The statewide system of accountability for public schools
2 may include a method to:

3 (a) On an annual basis, rate school districts based upon the
4 performance of the public schools within the school district and
5 whether those public schools meet the annual measurable objectives
6 and performance targets established pursuant to the statewide
7 system of accountability; and

8 (b) Implement consequences, rewards and supports for school
9 districts based upon the ratings.

10 **Sec. 3.5.** NRS 386.515 is hereby amended to read as follows:

11 386.515 1. The board of trustees of a school district may
12 apply to the Department for authorization to sponsor charter schools
13 within the school district in accordance with the regulations adopted
14 by the Department pursuant to NRS 386.540. An application must
15 be approved by the Department before the board of trustees may
16 sponsor a charter school. Not more than 180 days after receiving
17 approval to sponsor charter schools, the board of trustees shall
18 provide public notice of its ability to sponsor charter schools and
19 solicit applications for charter schools.

20 2. The State Public Charter School Authority shall sponsor
21 charter schools whose applications have been approved by the State
22 Public Charter School Authority pursuant to NRS 386.525. Except
23 as otherwise provided by specific statute, if the State Public Charter
24 School Authority sponsors a charter school, the State Public Charter
25 School Authority is responsible for the evaluation, monitoring and
26 oversight of the charter school.

27 3. A college or university within the Nevada System of Higher
28 Education may submit an application to the Department to sponsor
29 charter schools in accordance with the regulations adopted by the
30 Department pursuant to NRS 386.540. An application must be
31 approved by the Department before a college or university within
32 the Nevada System of Higher Education may sponsor charter
33 schools.

34 4. Each sponsor of a charter school shall carry out the
35 following duties and powers:

36 (a) Evaluating applications to form charter schools as prescribed
37 by NRS 386.525;

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

42 (c) Declining to approve applications to form charter schools
43 that do not satisfy the requirements of NRS 386.525;

44 (d) Negotiating and executing charter contracts pursuant to
45 NRS 386.527;



1 (e) Monitoring, in accordance with NRS 386.490 to 386.649,
2 inclusive, and in accordance with the terms and conditions of the
3 applicable charter contract, the performance and compliance of each
4 charter school sponsored by the entity; and

5 (f) Determining whether the charter contract of a charter school
6 that the entity sponsors merits renewal or whether the renewal of the
7 charter contract should be denied or whether the written charter
8 should be revoked or the charter contract terminated ~~and~~ *or restarted*,
9 as applicable, in accordance with NRS 386.530, 386.535 or
10 386.5351, as applicable.

11 5. Each sponsor of a charter school shall develop policies and
12 practices that are consistent with state laws and regulations
13 governing charter schools. In developing the policies and practices,
14 the sponsor shall review and evaluate nationally recognized policies
15 and practices for sponsoring organizations of charter schools. The
16 policies and practices must include, without limitation:

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

20 (b) The procedure and criteria for evaluating charter school
21 applications in accordance with NRS 386.525 and for the renewal of
22 charter contracts pursuant to NRS 386.530;

23 (c) A description of how the sponsor will maintain oversight of
24 the charter schools it sponsors; and

25 (d) A description of the process of evaluation for the charter
26 schools it sponsors in accordance with NRS 386.610.

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

31 **Sec. 4.** NRS 386.5351 is hereby amended to read as follows:

32 386.5351 1. The sponsor of a charter school shall revoke the
33 written charter or terminate the charter contract of the charter school
34 *or restart the charter school under a new charter contract* if the
35 charter school receives three ~~consecutive~~ annual ratings
36 established as the lowest rating possible indicating
37 underperformance of a public school, as determined by the
38 Department pursuant to the statewide system of accountability for
39 public schools ~~and~~, *for any 3 out of 5 years*. A charter school's
40 annual rating pursuant to the statewide system of accountability
41 based upon the performance of the charter school ~~for any~~ *must not*
42 *be included in the count of annual ratings for the purposes of this*
43 *subsection for:*



1 (a) Any school year before the 2013-2014 school year ~~must not~~
2 ~~be included in the count of consecutive annual ratings for the~~
3 ~~purposes of this subsection.] ; and~~

4 (b) *The 2014-2015 school year.*

5 2. If a written charter is revoked or a charter contract is
6 terminated pursuant to subsection 1, the sponsor of the charter
7 school shall submit a written report to the Department and the
8 governing body of the charter school setting forth the reasons for the
9 termination *or restart of the charter school* not later than 10 days
10 after revoking the written charter or terminating the charter contract
11 ~~or restarting the charter school.~~

12 3. The provisions of NRS 386.535 do not apply to the
13 revocation of a written charter or termination of a charter contract *or*
14 *restart of the charter school* pursuant to this section.

15 4. *The Department shall adopt regulations governing*
16 *procedures to restart a charter school under a new charter*
17 *contract pursuant to subsection 1. Such regulations must include,*
18 *without limitation, requiring a charter school that is restarted to*
19 *enroll a pupil who was enrolled in the charter school before the*
20 *school was restarted before any other eligible pupil is enrolled.*

21 **Sec. 5.** (Deleted by amendment.)

22 **Sec. 6.** This act becomes effective on July 1, 2015.

