

SENATE BILL NO. 293—SENATOR HAMMOND

MARCH 17, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools.  
(BDR 34-800)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; expanding the authority of the Superintendent of Public Instruction to revise the schedule of apportionments of state money to a charter school; requiring the Department of Education to assign a unique identifier to each charter school and certain academic programs and new school models at a charter school; authorizing the establishment of an experimental academic program or new school model in certain charter schools; deeming each charter school a local educational agency for certain purposes; authorizing the governing body of a charter school with certain high-achieving experimental programs or new school models to submit a request to divide the school into multiple schools or establish a new charter school; authorizing a charter school that began as an experimental program or new school model to give priority in enrollment to certain pupils; revising provisions relating to written charters and charter contracts; revising provisions relating to the zoning of charter schools; expanding the applicability of certain provisions relating to impact fees; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Charter schools and other public schools in this State are supported by
- 2 apportionments of money made on specified dates by the Superintendent of Public
- 3 Instruction from the State Distributive School Account in the State General Fund.
- 4 (NRS 387.124) Existing law permits the governing body of a charter school to
- 5 request that the apportionments be made to the charter school, during its first year



\* S B 2 9 3 \*

6 of operation, 30 days earlier than is otherwise provided. (NRS 387.1241,  
7 388A.417) **Section 1** of this bill permits a similar request to be made by the  
8 governing body of a charter school for any other year of operation based upon a  
9 year-over-year increase in enrollment of 5 percent or more. **Section 8** of this bill  
10 makes a conforming change.

11 **Section 3** of this bill requires the Department of Education to assign a unique  
12 identifier to each charter school. **Section 3** also requires the Department to assign a  
13 unique identifier to each: (1) campus or academic program at a charter school for  
14 which a separate charter contract has been negotiated and executed; and (2)  
15 experimental academic program or new school model established at a charter  
16 school.

17 **Section 4** of this bill authorizes the governing body of a high-achieving charter  
18 school to submit a written request for the sponsor of the school to authorize the  
19 establishment of an experimental academic program or new school model at the  
20 school. **Section 4** also authorizes the governing body of a charter school that has  
21 established a high-achieving experimental program or new school model to: (1)  
22 submit to the sponsor of the charter school a request to divide the school into  
23 multiple charter schools operating under the same governing body; or (2) establish  
24 a new, independent charter school using the experimental program or new school  
25 model. **Section 4** also authorizes a charter school that began as an experimental  
26 program or new school model to give priority in enrollment to a child who was  
27 previously enrolled in the program or model.

28 Existing law deems the State Public Charter School Authority a local  
29 educational agency for the purpose of directing the proportionate share of any  
30 money available from federal and state categorical grant programs to certain charter  
31 schools that are eligible to receive such money. (NRS 388A.159) **Section 15** of this  
32 bill repeals this provision. **Section 5** of this bill instead deems each charter school a  
33 local educational agency for the purpose of receiving any money available from  
34 federal and state categorical grant programs.

35 Existing law authorizes the governing body of a charter school to submit to the  
36 sponsor of the charter school a request for an amendment of the written charter or  
37 charter contract. Existing law also provides that if the proposed amendment  
38 complies with certain statutory provisions, the sponsor and the governing body may  
39 amend the written charter or charter contract accordingly. (NRS 388A.276) **Section**  
40 **6** of this bill authorizes the governing body of a high-achieving charter school that  
41 operates more than one campus or a separate academic program to submit to the  
42 sponsor of the school a request to divide the charter school into multiple charter  
43 schools operating under the same governing body. **Section 6** requires the sponsor to  
44 grant such a request and negotiate and execute a charter contract with the governing  
45 body of the charter school for each campus or academic program.

46 Existing law authorizes a charter school to give priority in enrollment to certain  
47 children. (NRS 388A.456) **Section 9** of this bill additionally authorizes a charter  
48 school to give priority in enrollment pursuant to an articulation agreement approved  
49 by the sponsor of the charter school.

50 **Section 10** of this bill: (1) requires that a charter school be treated in the same  
51 manner as a public school operated by a school district in all matters relating to  
52 zoning; and (2) provides that voluntary compliance by a public school operated by  
53 a school district with any local ordinance relating to zoning does not obligate a  
54 charter school to comply with the ordinance. **Section 10** also requires that any  
55 process of review or approval relating to zoning that involves a charter school be  
56 expedited. Finally, **section 10** allows a charter school to authorize any person or  
57 entity to act as a representative of the charter school in any matter relating to  
58 zoning.

59 Existing law exempts property owned by a school district from the requirement  
60 of paying certain impact fees. (NRS 278B.160) **Section 11** of this bill extends the



61 exemption to all property owned, leased or otherwise used by a school district or  
62 charter school.  
63 A local government is required by existing law to reimburse, upon request, a  
64 school district for the cost of certain off-site facilities. (NRS 278B.240) **Section 12**  
65 of this bill makes this requirement also applicable to charter schools.

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

1 **Section 1.** NRS 387.1241 is hereby amended to read as  
2 follows:

3 387.1241 Except as otherwise provided in this section and  
4 NRS 387.124, 387.1242, 387.1244 and 387.528:

5 1. The apportionment to a charter school, computed on a yearly  
6 basis, is equal to the sum of the basic support per pupil in the county  
7 in which the pupil resides plus the amount of local funds available  
8 per pupil pursuant to NRS 387.163 and all other funds available for  
9 public schools in the county in which the pupil resides minus the  
10 sponsorship fee prescribed by NRS 388A.414 and minus all the  
11 funds attributable to pupils who are enrolled in the charter school  
12 but are concurrently enrolled part-time in a program of distance  
13 education provided by a school district or another charter school. If  
14 the apportionment per pupil to a charter school is more than the  
15 amount to be apportioned to the school district in which a pupil who  
16 is enrolled in the charter school resides, the school district in which  
17 the pupil resides shall pay the difference directly to the charter  
18 school.

19 2. The apportionment to a charter school that is sponsored by  
20 the State Public Charter School Authority or by a college or  
21 university within the Nevada System of Higher Education,  
22 computed on a yearly basis, is equal to the sum of the basic support  
23 per pupil in the county in which the pupil resides plus the amount of  
24 local funds available per pupil pursuant to NRS 387.163 and all  
25 other funds available for public schools in the county in which the  
26 pupil resides, minus the sponsorship fee prescribed by NRS  
27 388A.414 and minus all funds attributable to pupils who are  
28 enrolled in the charter school but are concurrently enrolled part-time  
29 in a program of distance education provided by a school district or  
30 another charter school.

31 3. The governing body of a charter school may submit a  
32 written request to the Superintendent of Public Instruction to  
33 receive, in the first year of operation of the charter school, an  
34 apportionment 30 days before the apportionment is required to be  
35 made pursuant to NRS 387.124. *Such a request may be made for*  
36 *any other year of operation of a charter school if the governing*



1 *body of the charter school establishes to the satisfaction of the*  
2 *Superintendent of Public Instruction that the number of pupils*  
3 *enrolled or to be enrolled in the charter school in that year is not*  
4 *less than 5 percent greater than the number of pupils enrolled in*  
5 *the charter school in its last preceding year of operation.* Upon  
6 receipt of such a request, the Superintendent of Public Instruction  
7 may make the apportionment 30 days before the apportionment is  
8 required to be made. A charter school may receive all four  
9 apportionments in advance in its first year of operation.

10 **Sec. 2.** Chapter 388A of NRS is hereby amended by adding  
11 thereto the provisions set forth as sections 3, 4 and 5 of this act.

12 **Sec. 3.** *The Department shall assign a unique identifier to*  
13 *each charter school. If the sponsor of the charter school has:*

14 *1. Negotiated and executed a charter contract with the*  
15 *governing body of a charter school for more than one campus or*  
16 *academic program, the Department shall assign a unique*  
17 *identifier to each campus or academic program.*

18 *2. Approved the request of a governing body of a charter*  
19 *school that an experimental academic program or new school*  
20 *model be established in the charter school pursuant to section 4 of*  
21 *this act, the Department shall assign a unique identifier to each*  
22 *such program or model.*

23 **Sec. 4.** *1. The governing body of a charter school that*  
24 *receives one of the three highest ratings of performance pursuant*  
25 *to the statewide system of accountability for public schools may*  
26 *submit a written request for the sponsor to authorize the*  
27 *establishment of an experimental academic program or new*  
28 *school model in the charter school. If the sponsor of the charter*  
29 *school approves the request, such a program or model must be*  
30 *established in the charter school. Enrollment in such a program*  
31 *or model:*

32 *(a) Must not exceed 50 pupils during the first year in which*  
33 *the program or model is in operation.*

34 *(b) Must not exceed 100 pupils during the second year in*  
35 *which the program or model is in operation.*

36 *(c) Must not exceed 150 pupils during the third year in which*  
37 *the program or model is in operation.*

38 *(d) Must not exceed any number prescribed by the sponsor of*  
39 *the charter school during the fourth year or any year thereafter.*

40 *2. If an experimental program or new school model*  
41 *established pursuant to subsection 1 receives one of the three*  
42 *highest ratings of performance pursuant to the statewide system of*  
43 *accountability for public schools, the governing body of the*  
44 *charter school in which the program or model is established may:*



1 (a) *Submit to the sponsor of the charter school a written*  
2 *request for an amendment of the written charter or charter*  
3 *contract, as applicable, to divide the charter school into multiple*  
4 *charter schools operating under the same governing body; or*

5 (b) *Establish a committee to form a charter school and submit*  
6 *to a proposed sponsor an application to form a charter school*  
7 *using the experimental program or new school model.*

8 3. *If the sponsor of a charter school grants a request for an*  
9 *amendment of the written charter or charter contract submitted*  
10 *pursuant to subsection 2, the sponsor shall negotiate and execute*  
11 *a charter contract with the governing body of the charter school*  
12 *for each program or model.*

13 4. *Before a charter school formed pursuant to this section*  
14 *enrolls any pupil who is eligible for enrollment pursuant to NRS*  
15 *388A.453 and 388A.456, the charter school may enroll a child*  
16 *who was enrolled in the experimental program or new school*  
17 *model before the charter school was formed.*

18 **Sec. 5. 1.** *Each charter school is hereby deemed a local*  
19 *educational agency for the purpose of receiving any money*  
20 *available from federal and state categorical grant programs. A*  
21 *charter school that receives money pursuant to such a program*  
22 *shall comply with any applicable reporting requirements to receive*  
23 *the grant.*

24 2. *If a charter school is eligible to receive special education*  
25 *program units, the Department shall pay the special education*  
26 *program units directly to the charter school.*

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

29 **Sec. 6.** NRS 388A.276 is hereby amended to read as follows:

30 388A.276 1. The governing body of a charter school may  
31 submit to the sponsor of the charter school a written request for an  
32 amendment of the written charter or charter contract, as applicable.  
33 If the proposed amendment complies with the provisions of this  
34 chapter and any other statute or regulation applicable to charter  
35 schools, the sponsor and the governing body of the charter school  
36 may amend the written charter or charter contract, as applicable, in  
37 accordance with the proposed amendment. A sponsor may require,  
38 as a condition of granting a request for an amendment to a  
39 governing body that has been granted a written charter, such a  
40 governing body to agree to the revocation of the written charter and  
41 to enter into a charter contract. If the sponsor denies the request for  
42 an amendment, the sponsor shall provide written notice to the  
43 governing body of the charter school setting forth the reasons for the  
44 denial.



1       2. *If a charter school that operates more than one campus or*  
2 *a separate academic program receives one of the three highest*  
3 *ratings of performance pursuant to the statewide system of*  
4 *accountability for public schools, the governing body of the*  
5 *charter school may submit to the sponsor of the charter school a*  
6 *written request for an amendment of the written charter or charter*  
7 *contract, as applicable, to divide the charter school into multiple*  
8 *charter schools operating under the same governing body.*

9       3. *The sponsor of a charter school shall:*

10      (a) *Grant a request for an amendment of the written charter or*  
11 *charter contract submitted pursuant to subsection 2; and*

12      (b) *Negotiate and execute a charter contract with the*  
13 *governing body of the charter school for each campus or academic*  
14 *program.*

15      **Sec. 7.** NRS 388A.276 is hereby amended to read as follows:

16      388A.276 1. The governing body of a charter school may  
17 submit to the sponsor of the charter school a written request for an  
18 amendment of the ~~{written charter or}~~ charter contract . ~~{, as~~  
19 ~~applicable.}~~ If the proposed amendment complies with the  
20 provisions of this chapter and any other statute or regulation  
21 applicable to charter schools, the sponsor and the governing body of  
22 the charter school may amend the ~~{written charter or}~~ charter  
23 contract ~~{, as applicable,}~~ in accordance with the proposed  
24 amendment. ~~{A sponsor may require, as a condition of granting a~~  
25 ~~request for an amendment to a governing body that has been granted~~  
26 ~~a written charter, such a governing body to agree to the revocation~~  
27 ~~of the written charter and to enter into a charter contract.}~~ If the  
28 sponsor denies the request for an amendment, the sponsor shall  
29 provide written notice to the governing body of the charter school  
30 setting forth the reasons for the denial.

31      2. If a charter school that operates more than one campus or a  
32 separate academic program receives one of the three highest ratings  
33 of performance pursuant to the statewide system of accountability  
34 for public schools, the governing body of the charter school may  
35 submit to the sponsor of the charter school a written request for an  
36 amendment of the ~~{written charter or}~~ charter contract ~~{, as~~  
37 ~~applicable,}~~ to divide the charter school into multiple charter schools  
38 operating under the same governing body.

39      3. The sponsor of a charter school shall:

40      (a) Grant a request for an amendment of the ~~{written charter or}~~  
41 charter contract submitted pursuant to subsection 2; and

42      (b) Negotiate and execute a charter contract with the governing  
43 body of the charter school for each campus or academic program.



1       **Sec. 8.** NRS 388A.417 is hereby amended to read as follows:

2       388A.417 1. To determine the amount of money for  
3 distribution to a charter school in its first year of operation, the  
4 count of pupils who are enrolled in the charter school must initially  
5 be determined 30 days before the beginning of the school year of the  
6 school district, based on the number of pupils whose applications for  
7 enrollment have been approved by the charter school.

8       2. The count of pupils who are enrolled in the charter school  
9 must be revised each quarter based on the average daily enrollment  
10 of pupils in the charter school that is reported for that quarter  
11 pursuant to NRS 387.1223.

12       3. ~~Pursuant to~~ *Under the circumstances described in*  
13 subsection 3 of NRS 387.1241, the governing body of a charter  
14 school may request that the apportionments made to the charter  
15 school ~~in its first year of operation~~ be paid to the charter school 30  
16 days before the apportionments are otherwise required to be made.

17       4. If a charter school ceases to operate as a charter school  
18 during a school year, the remaining apportionments that would have  
19 been made to the charter school pursuant to NRS 387.124 and  
20 387.1241 for that year must be paid on a proportionate basis to the  
21 school districts where the pupils who were enrolled in the charter  
22 school reside.

23       **Sec. 9.** NRS 388A.456 is hereby amended to read as follows:

24       388A.456 1. Before a charter school enrolls pupils who are  
25 eligible for enrollment pursuant to NRS 388A.453, a charter school  
26 may enroll a child who:

27       (a) Is a sibling of a pupil who is currently enrolled in the charter  
28 school.

29       (b) Was enrolled, free of charge and on the basis of a lottery  
30 system, in a prekindergarten program at the charter school or any  
31 other early childhood educational program affiliated with the charter  
32 school.

33       (c) Is a child of a person:

34           (1) Who is employed by the charter school;

35           (2) Who is a member of the committee to form the charter  
36 school;

37           (3) Who is a member of the governing body of the charter  
38 school; or

39           (4) Who resides on or is employed on the federal military  
40 installation, if the charter school is located on a federal military  
41 installation;

42       (d) *Is enrolled at a charter school with whom the charter*  
43 *school has an articulation agreement, approved by the sponsor,*  
44 *providing for priority enrollment.*



1 (e) Is in a particular category of at-risk pupils and the child  
2 meets the eligibility for enrollment prescribed by the charter school  
3 for that particular category.

4 ~~(e)~~ (f) At the time his or her application is submitted, is  
5 enrolled in a public school of a school district with an enrollment  
6 that is more than 25 percent over the public school's intended  
7 capacity, as reported on the list maintained by the school district  
8 pursuant to subsection 4. If a charter school enrolls pupils who are  
9 enrolled in such a public school before enrolling other pupils who  
10 are eligible for enrollment, the charter school must enroll such  
11 pupils who reside within 2 miles of the charter school before  
12 enrolling other such pupils.

13 ~~(f)~~ (g) At the time his or her application is submitted, is  
14 enrolled in a public school that received an annual rating established  
15 as one of the two lowest ratings possible indicating  
16 underperformance of a public school, as determined by the  
17 Department pursuant to the statewide system of accountability for  
18 public schools for the immediately preceding school year. If a  
19 charter school enrolls pupils who are enrolled in such a public  
20 school before enrolling other pupils who are eligible for enrollment,  
21 the charter school must enroll such pupils who reside within 2 miles  
22 of the charter school before enrolling other such pupils.

23 ~~(g)~~ (h) Resides within the school district and within 2 miles of  
24 the charter school if the charter school is located in an area that the  
25 sponsor of the charter school determines includes a high percentage  
26 of children who are at risk. If space is available after the charter  
27 school enrolls pupils pursuant to this paragraph, the charter school  
28 may enroll children who reside outside the school district but within  
29 2 miles of the charter school if the charter school is located within  
30 an area that the sponsor determines includes a high percentage of  
31 children who are at risk.

32 2. If more pupils described in this section who are eligible  
33 apply for enrollment than the number of spaces available, the charter  
34 school shall determine which applicants to enroll pursuant to this  
35 section on the basis of a lottery system.

36 3. A lottery held pursuant to subsection 2 must be held not  
37 sooner than 45 days after the date on which a charter school begins  
38 accepting applications for enrollment unless the sponsor of the  
39 charter school determines there is good cause to hold it sooner.

40 4. Each school district shall create and maintain a list which  
41 specifies for each public school of the school district, the maximum  
42 enrollment capacity for each school, the actual number of pupils  
43 enrolled at each school and the percentage by which enrollment at  
44 each school exceeds the intended enrollment capacity, if applicable.  
45 Each school district shall post the list on the Internet website





1 maintained by the school district as soon as practicable after the  
2 count of pupils is completed pursuant to NRS 387.1223 but not later  
3 than November 1 of each year.

4 **Sec. 10.** Chapter 278 of NRS is hereby amended by adding  
5 thereto a new section to read as follows:

6 *1. Except as otherwise provided in subsection 6, a charter  
7 school must be classified in the same manner as a public school  
8 that is operated by a school district for the purposes of this chapter  
9 or any other provisions of state or local law relating to zoning  
10 which are applicable to public schools in this State.*

11 *2. Except as otherwise provided in this subsection and  
12 subsection 5, any ordinance relating to zoning adopted or  
13 amended by a governing body must allow a charter school to be  
14 located anywhere a public school operated by a school district can  
15 be located. An ordinance relating to zoning adopted or amended  
16 by a governing body may prohibit a charter school from being  
17 located on a parcel that is:*

18 *(a) Less than 1 acre in size; and*

19 *(b) Located in an area that is zoned for single-family  
20 residences.*

21 *3. A governing body shall not impose on a charter school any  
22 requirement relating to municipal building codes or the use of  
23 buildings for educational purposes that is not imposed on a public  
24 school operated by a school district.*

25 *4. A governing body shall not enforce or use any ordinance,  
26 procedure or process against a charter school that is not enforced  
27 or used against a public school operated by a school district.  
28 Voluntary compliance by such a public school or school district  
29 with any ordinance relating to zoning does not obligate a charter  
30 school to comply with the ordinance.*

31 *5. A charter school may not be located on a parcel in an  
32 unincorporated area within a county that is zoned for dwelling  
33 units intended and operated exclusively for persons 55 years of  
34 age and older.*

35 *6. Any process of review or approval relating to zoning that  
36 involves a charter school must be conducted in such a manner as  
37 to ensure the process is completed within:*

38 *(a) Thirty days for any process that does not require a public  
39 hearing; and*

40 *(b) Ninety days for any process that requires a public hearing.*

41 *7. A charter school shall be deemed a political subdivision of  
42 this State for the purposes of purchasing or leasing public land  
43 pursuant to 43 U.S.C. §§ 869 et seq.*



1       **8. A charter school may authorize any person or entity to act**  
2 **as a representative of the charter school in any matter relating to**  
3 **zoning.**

4       **Sec. 11.** NRS 278B.160 is hereby amended to read as follows:

5       278B.160 1. A local government may by ordinance impose  
6 an impact fee in a service area to pay the cost of constructing a  
7 capital improvement or facility expansion necessitated by and  
8 attributable to new development. Except as otherwise provided in  
9 NRS 278B.220, the cost may include only:

10       (a) The estimated cost of actual construction, including, without  
11 limitation, the cost of connecting a capital improvement or facility  
12 expansion to a line or facility used to provide water or sewer  
13 service;

14       (b) Estimated fees for professional services;

15       (c) The estimated cost to acquire the land; and

16       (d) The fees paid for professional services required for the  
17 preparation or revision of a capital improvements plan in  
18 anticipation of the imposition of an impact fee.

19       2. All property owned , **leased or otherwise used** by a school  
20 district **or charter school** is exempt from the requirement of paying  
21 impact fees imposed pursuant to this chapter.

22       **Sec. 12.** NRS 278B.240 is hereby amended to read as follows:

23       278B.240 1. If an owner is required by a local government,  
24 as a condition of the approval of the development, to construct or  
25 dedicate, or both, a portion of the off-site facilities for which impact  
26 fees other than for a park project are imposed, the off-site facilities  
27 must be credited against those impact fees.

28       2. If a school district **or charter school** is required by a local  
29 government to construct or dedicate, or both, a portion of the off-site  
30 facilities for which impact fees are imposed, the local government  
31 shall, upon the request of the school district **or charter school, as**  
32 **applicable**, reimburse or enter into an agreement to reimburse the  
33 school district **or charter school, as applicable**, for the cost of the  
34 off-site facilities constructed or dedicated, or both, minus the cost of  
35 the off-site facilities immediately adjacent to or providing  
36 connection to the school development which would be required by  
37 local ordinance in the absence of an ordinance authorizing impact  
38 fees.

39       3. If an owner is required by a local government to:

40       (a) Pay a residential construction tax pursuant to NRS 278.4983;

41       (b) Dedicate land pursuant to NRS 278.4979 or otherwise  
42 dedicate or improve land, or both, for use as a park; or

43       (c) Construct or dedicate a portion of the off-site facilities for  
44 which impact fees for a park project are imposed,



1   ↳ the owner is entitled to a credit against the impact fee imposed  
2 for the park project for the amount of the residential construction tax  
3 paid, the fair market value of the land dedicated, the cost of any  
4 improvements to the dedicated land or the cost of the off-site  
5 facilities dedicated or constructed, as applicable.

6   **Sec. 13.** Section 4 of this act is hereby amended to read as  
7 follows:

8       Sec. 4. 1. The governing body of a charter school that  
9 receives one of the three highest ratings of performance  
10 pursuant to the statewide system of accountability for public  
11 schools may submit a written request for the sponsor to  
12 authorize the establishment of an experimental academic  
13 program or new school model in the charter school. If the  
14 sponsor of the charter school approves the request, such a  
15 program or model must be established in the charter school.  
16 Enrollment in such a program or model:

17       (a) Must not exceed 50 pupils during the first year in  
18 which the program or model is in operation.

19       (b) Must not exceed 100 pupils during the second year in  
20 which the program or model is in operation.

21       (c) Must not exceed 150 pupils during the third year in  
22 which the program or model is in operation.

23       (d) Must not exceed any number prescribed by the  
24 sponsor of the charter school during the fourth year or any  
25 year thereafter.

26       2. If an experimental program or new school model  
27 established pursuant to subsection 1 receives one of the three  
28 highest ratings of performance pursuant to the statewide  
29 system of accountability for public schools, the governing  
30 body of the charter school in which the program or model is  
31 established may:

32       (a) Submit to the sponsor of the charter school a written  
33 request for an amendment of the ~~{written charter or}~~ charter  
34 contract ~~{, as applicable,}~~ to divide the charter school into  
35 multiple charter schools operating under the same governing  
36 body; or

37       (b) Establish a committee to form a charter school and  
38 submit to a proposed sponsor an application to form a charter  
39 school using the experimental program or new school model.

40       3. If the sponsor of a charter school grants a request for  
41 an amendment of the ~~{written charter or}~~ charter contract  
42 submitted pursuant to subsection 2, the sponsor shall  
43 negotiate and execute a charter contract with the governing  
44 body of the charter school for each program or model.



1           4. Before a charter school formed pursuant to this  
2 section enrolls any pupil who is eligible for enrollment  
3 pursuant to NRS 388A.453 and 388A.456, the charter school  
4 may enroll a child who was enrolled in the experimental  
5 program or new school model before the charter school was  
6 formed.

7       **Sec. 14.** NRS 388A.159 is hereby repealed.

8       **Sec. 15.** 1. This section and sections 1 to 6, inclusive, 8 to  
9 12, inclusive, and 14 of this act become effective upon passage and  
10 approval.

11       2. Sections 7 and 13 of this act become effective on January 1,  
12 2020.

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**TEXT OF REPEALED SECTION**

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**388A.159 Authority deemed local educational agency for certain purposes.**

1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of 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 or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education 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 authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

