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## ARGUMENTS IN FAVOR OF SENATE BILL 252

### State Board as sole sponsor:

- Eliminates a layer of oversight. Department currently oversees the districts overseeing the charter schools.
- Eliminates delay and costs associated with three-tiered application process (first to Department, then to district, then to State Board).
- Eliminates inherent conflict between districts and charter schools as competitors for students within the district.
- Reduce conflicts between charter schools and districts.
- Provides consistent policies and oversight for charter schools statewide.
- Facilitates implementation of No Child Left Behind Act in charter schools by having Department provide technical assistance (rather than district) and by insuring consistency in the approach.
- Eleven states provide for direct state board sponsorship for charter schools (without requirement of prior application to district).
- Four states (Alaska, Arkansas, Hawaii, New Jersey) have the state board as the sole sponsor for charter schools.
- Offers opportunity for State Board to facilitate/enhance/promote state goals in offering charter schools as an alternative to traditional public schools.
- Provision requiring 2% of appropriated funds for cost of conversion makes bill fiscally neutral by allowing Department to hire additional staff for administration.

### Definition of "at-risk" charter school:

- Provides clear legislative definition of "at-risk" charter school.
- Refocuses definition on programs offered by charter schools rather than on pupils, consistent with current statutory language.
- Avoids "bean counting" of pupils.
- Avoids stigmatizing pupils as "at-risk" children.
- Puts focus on educational program to better promote and insure student achievement for "at-risk" pupils.
- Allows charter schools to promote their educational program; not recruit "at-risk" pupils.
- Provides less intrusive means of monitoring by focusing on programs offered rather than counting pupil status.

### Arbitration for revocation:

- Provides neutral, third-party option for charter schools (note: this is enabling legislation available upon request of charter school).
- Provides additional structure and guidance on revocation process.
- Creates reasonable timeframe for revocation process to avoid delays.
- Clarifies the applicability of Nevada Administrative Procedure Act to revocations.
- Promotes resolution of revocation hearings and avoids or reduces litigation.
- Requires cost-splitting to insure both sides cooperate in minimizing costs.

## EXPLANATION OF SENATE BILL 252

**Section 1:** Clarifies that, if less than 90 percent of the students are tested, the charter school is responsible for the cost of retesting.

**Section 2:** If a charter school receives a notice of intent to revoke its charter, the charter school may request arbitration through the State Board. After selection of an arbitrator and a hearing, the arbitrator shall make a recommendation to the State Board, with findings of fact and conclusions of law, as to the revocation. The State Board may accept or reject the recommendation. The decision is a final decision in a contested case and may be appealed pursuant to the Nevada Administrative Procedure Act. Arbitration costs shall be split equally between the sponsor and the charter school.

**Section 4.** Defines an "at-risk" charter school for purposes of the numerical limits on charter schools. The definition would override the *Nevada Administrative Code* definition that defines an "at-risk" charter school based on 51% of the students being classified as "at-risk" pupils as defined in statute and regulation.

**Section 5.** Provides that the State Board of Education is the sole sponsor of new charter schools and that existing charter schools may convert to State Board sponsorship.

**Section 10.** Provides for changes to the revocation procedure consistent with the arbitration procedure in Section 2, and further provides additional clarification on the content of notices of deficiencies and timelines for such notices.

**Section 12.** Provides that if a charter school elects to convert to State Board sponsorship, the new sponsor may be reimbursed for administrative expenses in the amount of 2 percent of the money apportioned to the charter school.

**Section 13.** Deletes the provision requiring a school district to pay the difference between the statewide average per pupil and the district per pupil (if the statewide average is greater) for State Board sponsored charter schools.

**Section 14.** Clarifies that, if there is a testing irregularity that results in retesting of students, the charter school is responsible for the cost of retesting.

**Section 15.** Cross-references the contested case status of hearings on charter school revocations in the chapter on the Nevada Administrative Procedure Act.

**Section 16.** Clarifies that charter schools approved to open in School Year 2003-2004 may not request to convert their sponsorship until after their first year of operation.

**Section 17.** The effective date of the bill is July 1, 2003.

**Note:** Sections 3, 6, 7, 9, and 11. These sections are technical amendments to conform affected sections of statute to the substantive changes in the bill.

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