
ASSEMBLY BILL NO. 39—COMMITTEE ON EDUCATION

(ON BEHALF OF THE STATE PUBLIC
CHARTER SCHOOL AUTHORITY)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools.
(BDR 34-259)

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

CONTAINS UNFUNDED MANDATE (§ 4)
(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; 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:

1 Existing law creates the State Public Charter School Authority for the purpose
2 of, among other duties: (1) sponsoring charter schools; and (2) providing oversight
3 to the charter schools it sponsors. (NRS 388A.150) Existing law further establishes
4 that the Authority consists of nine members, the manner of appointing those
5 members and the qualifications of those members. (NRS 388A.153) **Section 1** of
6 this bill provides that the nine members appointed under existing law are the voting
7 members of the Authority and that the voting members must be at least 21 years of
8 age. **Section 1** also establishes the requirements governing the members of the
9 Authority that apply to all members, including voting and nonvoting members, and
10 the requirements that apply only to voting members. **Section 2** of this bill makes a
11 conforming change to clarify that only voting members of the Authority are
12 required to complete certain training required by existing law. (NRS 388A.155)
13 **Section 3** of this bill makes a conforming change to clarify that a majority of the



14 voting members, rather than all members: (1) is authorized to call a meeting of the
15 Authority; and (2) constitutes a quorum to enable the Authority to exercise its
16 power and authority. (NRS 388A.156)

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

29 Existing law prohibits a member of the Authority, other than a member who is
30 a teacher or administrator employed by a charter school or charter management
31 organization, from being actively engaged in business with or holding certain
32 interests relating to charter schools. (NRS 388A.153) Under existing law, a charter
33 school is defined as a charter school organized under the laws of this State. (NRS
34 385.007) **Section 1** clarifies that the prohibition against a member of the Authority
35 being actively engaged in business with or holding certain interests relating to
36 charter schools only prohibits engaging in business with or holding certain interests
37 relating to a charter school in this State.

38 Existing law deems the Authority to be a local educational agency that is
39 responsible under state and federal law for: (1) providing a free and appropriate
40 public education to each pupil enrolled in a charter school sponsored by the
41 Authority; (2) the provision of special education and related services by a charter
42 school; and (3) directing money available from certain federal and state grant
43 programs to charter schools sponsored by the Authority, a college or university
44 within the Nevada System of Higher Education or a city or county. (NRS
45 388A.159) **Section 4** of this bill removes the requirement for a college or university
46 within the System, or a city or county, that sponsors a charter school to enter into
47 an agreement with the Authority for the provision of any necessary functions of a
48 local educational agency. Instead, **section 4** deems a college or university within
49 the System, or a city or county, to be a local educational agency, thereby making
50 the college or university, or city or county, responsible for performing the functions
51 of a local educational agency under state and federal law for the charter schools it
52 sponsors.

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



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

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

3 388A.153 1. The State Public Charter School Authority
4 consists of nine **voting** members. The **voting** membership of the
5 State Public Charter School Authority consists of:

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

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

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

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

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

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

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

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

25 (c) Includes persons with specific knowledge of:

26 (1) Issues relating to elementary and secondary education;

27 (2) School finance or accounting, or both;

28 (3) Management practices;

29 (4) Assessments required in elementary and secondary
30 education;

31 (5) Educational technology; and

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

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

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

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



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

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

17 (a) ~~The charter school [for charter management organization]~~
18 ~~which employs the teacher or administrator must [not have ever~~
19 ~~received an annual rating established as one of the three lowest~~
20 ~~ratings of performance pursuant to the statewide system of~~
21 ~~accountability for public schools.]~~ *be in good standing according to*
22 *the performance framework set forth in its charter contract*
23 *pursuant to NRS 388A.270; or*

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

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

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

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



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

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

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

11 388A.155 Each *voting* member of the State Public Charter
12 School Authority must complete training:

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

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

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

20 388A.156 1. The members of the State Public Charter School
21 Authority shall meet throughout the year at the times and places
22 specified by a call of the Chair or a majority of the *voting* members.

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

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

28 388A.159 1. The State Public Charter School Authority, *a*
29 *college or university within the Nevada System of Higher*
30 *Education that sponsors a charter school or a city or county that*
31 *sponsors a charter school* is hereby deemed a local educational
32 agency for all purposes ~~[] for any charter school that it sponsors,~~
33 including, without limitation:

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

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

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



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

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

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

11 388A.285 1. On or before June 30 immediately preceding the
12 final school year in which a charter school is authorized to operate
13 pursuant to its charter contract, the sponsor of the charter school
14 shall submit to the governing body of the charter school a written
15 report summarizing the performance of the charter school and each
16 facility that constitutes the charter school during the term of the
17 charter contract, including, without limitation:

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

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

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

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

33 2. The governing body of a charter school may submit a
34 written response to the sponsor of the charter school concerning the
35 performance report prepared by the sponsor pursuant to subsection
36 1, which may include any revisions or clarifications that the
37 governing body seeks to make to the report.

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



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

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

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

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

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

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

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

27 5. The sponsor of the charter school shall:

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

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

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

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

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



