

SENATE BILL NO. 390—SENATORS HARRIS, HAMMOND,
FARLEY, LIPPARELLI; AND KIECKHEFER

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools.
(BDR 34-78)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions governing the preferences for enrollment in a charter school by authorizing a preference for a pupil who is enrolled in a public school of a school district that is over its intended capacity for enrollment by a certain percentage and for a pupil who is enrolled in certain underperforming public schools; requiring each school district to post a list of each public school of the school district that is over its intended capacity for enrollment, if any; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the parent or guardian of a child may submit an application
2 for the child’s enrollment in a charter school. A charter school is required to enroll
3 children in the order in which the applications are received, however before a
4 charter school enrolls other children, the charter school may enroll a child who: (1)
5 is a sibling of a pupil currently enrolled in the charter school; (2) was enrolled, free
6 of charge and on the basis of a lottery system, in a prekindergarten program at the
7 charter school or other early childhood program affiliated with the charter school;
8 (3) is a child of a person who is an employee of the charter school, a member of the
9 committee to form the charter school or a member of the governing body of the
10 charter school; (4) is in a particular at-risk category served by the charter school; or
11 (5) resides within 2 miles of the charter school if the charter school is located in an
12 area that the sponsor of the charter school determines includes a high percentage of
13 children who are at risk. This bill expands the preferences for enrollment and
14 allows a charter school to give a preference in enrollment for a child who, at the
15 time of submission of his or her application is enrolled in a public school of a
16 school district: (1) with an enrollment that is more than 25 percent over the school’s
17 intended capacity; or (2) that received an annual rating established as one of the



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18 two lowest ratings possible indicating underperformance, as determined by the
19 Department of Education pursuant to the statewide system of accountability for
20 public schools in the preceding school year. This bill provides that if a charter
21 school gives preference to pupils who are enrolled in such public schools, the
22 charter school must enroll such pupils who reside within 2 miles of the charter
23 school before enrolling other such pupils. This bill also provides that each school
24 district is required to maintain and post a list of each public school of the school
25 district that is over its intended capacity for enrollment, if any, and indicate on the
26 list by what percentage each school is over capacity.

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

1 **Section 1.** NRS 386.580 is hereby amended to read as follows:
2 386.580 1. An application for enrollment in a charter school
3 may be submitted to the governing body of the charter school by the
4 parent or legal guardian of any child who resides in this State.
5 Except as otherwise provided in this subsection and subsection 2, a
6 charter school shall enroll pupils who are eligible for enrollment in
7 the order in which the applications are received. If the board of
8 trustees of the school district in which the charter school is located
9 has established zones of attendance pursuant to NRS 388.040, the
10 charter school shall, if practicable, ensure that the racial composition
11 of pupils enrolled in the charter school does not differ by more than
12 10 percent from the racial composition of pupils who attend public
13 schools in the zone in which the charter school is located. If a
14 charter school is sponsored by the board of trustees of a school
15 district located in a county whose population is 100,000 or more,
16 except for a program of distance education provided by the charter
17 school, the charter school shall enroll pupils who are eligible for
18 enrollment who reside in the school district in which the charter
19 school is located before enrolling pupils who reside outside the
20 school district. Except as otherwise provided in subsection 2, if
21 more pupils who are eligible for enrollment apply for enrollment in
22 the charter school than the number of spaces which are available,
23 the charter school shall determine which applicants to enroll
24 pursuant to this subsection on the basis of a lottery system.

25 2. Before a charter school enrolls pupils who are eligible for
26 enrollment, a charter school 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 who is:



- 1 (1) Employed by the charter school;
- 2 (2) A member of the committee to form the charter school; or
- 3 (3) A member of the governing body of the charter school .

4 †

5 (d) Is in a particular category of at-risk pupils and the child
6 meets the eligibility for enrollment prescribed by the charter school
7 for that particular category . †-or†

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

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

27 (g) Resides within the school district and within 2 miles of the
28 charter school if the charter school is located in an area that the
29 sponsor of the charter school determines includes a high percentage
30 of children who are at risk. If space is available after the charter
31 school enrolls pupils pursuant to this paragraph, the charter school
32 may enroll children who reside outside the school district but within
33 2 miles of the charter school if the charter school is located within
34 an area that the sponsor determines includes a high percentage of
35 children who are at risk.

36 ➔ If more pupils described in this subsection who are eligible apply
37 for enrollment than the number of spaces available, the charter
38 school shall determine which applicants to enroll pursuant to this
39 subsection on the basis of a lottery system.

40 3. Except as otherwise provided in subsection 8, a charter
41 school shall not accept applications for enrollment in the charter
42 school or otherwise discriminate based on the:

- 43 (a) Race;
- 44 (b) Gender;
- 45 (c) Religion;



- 1 (d) Ethnicity; or
- 2 (e) Disability,
- 3 ↪ of a pupil.

4 4. If the governing body of a charter school determines that the
5 charter school is unable to provide an appropriate special education
6 program and related services for a particular disability of a pupil
7 who is enrolled in the charter school, the governing body may
8 request that the board of trustees of the school district of the county
9 in which the pupil resides transfer that pupil to an appropriate
10 school.

11 5. Except as otherwise provided in this subsection, upon the
12 request of a parent or legal guardian of a child who is enrolled in a
13 public school of a school district or a private school, or a parent or
14 legal guardian of a homeschooled child, the governing body of the
15 charter school shall authorize the child to participate in a class that
16 is not otherwise available to the child at his or her school or
17 homeschool or participate in an extracurricular activity at the charter
18 school if:

19 (a) Space for the child in the class or extracurricular activity is
20 available;

21 (b) The parent or legal guardian demonstrates to the satisfaction
22 of the governing body that the child is qualified to participate in the
23 class or extracurricular activity; and

24 (c) The child is a homeschooled child and a notice of intent of a
25 homeschooled child to participate in programs and activities is filed
26 for the child with the school district in which the child resides for
27 the current school year pursuant to NRS 392.705.

28 ↪ If the governing body of a charter school authorizes a child to
29 participate in a class or extracurricular activity pursuant to this
30 subsection, the governing body is not required to provide
31 transportation for the child to attend the class or activity. A charter
32 school shall not authorize such a child to participate in a class or
33 activity through a program of distance education provided by the
34 charter school pursuant to NRS 388.820 to 388.874, inclusive.

35 6. The governing body of a charter school may revoke its
36 approval for a child to participate in a class or extracurricular
37 activity at a charter school pursuant to subsection 5 if the governing
38 body determines that the child has failed to comply with applicable
39 statutes, or applicable rules and regulations. If the governing body
40 so revokes its approval, neither the governing body nor the charter
41 school is liable for any damages relating to the denial of services to
42 the child.

43 7. The governing body of a charter school may, before
44 authorizing a homeschooled child to participate in a class or
45 extracurricular activity pursuant to subsection 5, require proof of the



1 identity of the child, including, without limitation, the birth
2 certificate of the child or other documentation sufficient to establish
3 the identity of the child.

4 8. This section does not preclude the formation of a charter
5 school that is dedicated to provide educational services exclusively
6 to pupils:

7 (a) With disabilities;

8 (b) Who pose such severe disciplinary problems that they
9 warrant a specific educational program, including, without
10 limitation, a charter school specifically designed to serve a single
11 gender that emphasizes personal responsibility and rehabilitation; or

12 (c) Who are at risk.

13 ↪ If more eligible pupils apply for enrollment in such a charter
14 school than the number of spaces which are available, the charter
15 school shall determine which applicants to enroll pursuant to this
16 subsection on the basis of a lottery system.

17 ***9. Each school district shall create and maintain a list which
18 specifies for each public school of the school district, the
19 maximum enrollment capacity for each school, the actual number
20 of pupils enrolled at each school and the percentage by which
21 enrollment at each school exceeds the intended enrollment
22 capacity, if applicable. Each school district shall post the list on
23 the Internet website maintained by the school district as soon as
24 practicable after the count of pupils is completed pursuant to NRS
25 387.1233 but not later than November 1 of each year.***

26 **Sec. 2.** This act becomes effective on July 1, 2015.



