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MEMORANDUM

TO: SPCSA Board
FROM: Rebecca Feiden, Executive Director
SUBJECT: Senate Bill 441 Update
DATE: October 2, 2020

Senate Bill 441, proposed by the Nevada Legislature's Senate Committee on Finance, was enacted into law following the 2019 Legislative Session. The bulk of SB 441 has since been codified in NRS Chapter 388A. See NRS 388A.700 – 740.

While SB 441 did a number of things, SB 441 contains several provisions that either allow Nevada's Department of Education to adopt regulations regarding public charter schools that provide full-time distance education, or instruct that the Department adopt regulations related to public charter schools that offer full-time distance education.

During the 2019 Legislative Session, several recommendations were provided to the Legislature from various stakeholders in regard to SB 441's provisions. Among these recommendations were:

- Only allowing statewide authorizers to sponsor statewide virtual charter schools
- Mandating enrollment caps for virtual charter schools
- Requiring charter school sponsors to include additional terms and conditions related to accountability in virtual charter school contracts
- Allowing virtual charter schools to be rated under Nevada's Alternative Performance Framework
- Requiring charter schools that offer full-time distance education to track data regarding mobility at virtual charter schools
- Allowing charter school that offer full-time distance education to selectively enroll students or require prospective students to go through an application process prior to admission
- Funding virtual charter schools differently than brick-and-mortar charter schools

These recommendations, along with other input provided to the Legislature regarding SB 441, can be found here:
<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6828/Exhibits>.

Following the enactment of SB 441 into law, on January 3, 2020, the Department held a regulatory workshop regarding the regulatory provisions of SB 441. Input was provided to the Department at this regulatory workshop regarding the regulations contemplated by SB 441. It is also important to note that the Department held a regulatory workshop on

December 6, 2019 to clean up language in the Nevada Admimirative Code that conflicted with the provisions of SB 441. During this regulatory workshop, there was additional public comment from some charter school stakeholders on proposed regulations for public charter schools that offer full-time distance education. Those comments can be found in the minutes for that regulation meeting here:

http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/Workshops_Hearings/2019/December/December6RegulationsMinutes.pdf

Following the Department's regulatory workshop on January 3, 2020, the Department requested that the SPCSA convene a group of stakeholders to provide the Department with additional input regarding the regulations contemplated by SB 441. As a result, the SPCSA convened a series of meetings with the following stakeholders: representatives of the Department; Washoe, Humboldt and Clark County Schools Districts; the four SPCSA-sponsored full-time distance education charter schools (Beacon Academy of Nevada, Leadership Academy of Nevada, Nevada Connections Academy, and Nevada Virtual Academy); the National Alliance for Public Charter Schools, the Charter School Association of Nevada, and Opportunity 180. While the feedback that was received varied and consensus regarding some suggestions could not be achieved, at these meetings the following recommendations and input regarding the regulatory provisions contained in SB 441 were provided by the stakeholders:

- Permissive regulations related to the SPCSA's status as a Local Educational Agency and the ability of a charter school offering full-time distance education to act as its own LEA
- Mandatory regulations related to the creation of a subcommittee of the SPCSA related to oversight of charter schools that offer full-time distance education
- Mandatory regulations related to the suspension or expulsion of students that do not "actively participate" in a program of full-time distance education
- Additional recommendations under SB 441's "catch-all" regulatory provision

A more detailed summary of these recommendations can be found in the SPCSA's July 6, 2020 memorandum to Nevada's Superintendent of Public Instruction, which is included as supporting material for this agenda item.

The next step in the rulemaking process is for the Department to schedule a regulatory hearing regarding the regulations contemplated by SB 441. The SPCSA anticipates this regulatory hearing to be scheduled in the next few months and looks forward to providing any additional input or assistance to the Department.