



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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BRIEFING MEMORANDUM

TO: SPCSA Board Members; SPCSA-Sponsored Charter Schools
FROM: Ryan Herrick, General Counsel
SUBJECT: **2021 Legislative Session Update**
DATE: June 25, 2021

Please see below a list of significant education bills that were enacted into law following the 2021 Legislative Session. Bills noted with an asterisk means that the bill imposes additional reporting or posting requirements. Also note that many, if not all, of these bills are effective for the 2021-2022 school year. If there is a different effective date for any particular bill, we have noted that in italics. We have also attempted to categorize the bills into groups.

Also, please note that while we have tried to be as comprehensive as possible, your charter school contract requires each charter school to comply with all applicable statutes and regulations. In the event that you have any questions or concerns regarding any of these bills, or any other bills, please contact your school's legal counsel or Ryan Herrick at the SPCSA at rherrick@spsca.nv.gov.

Education Funding:

Implementation of Nevada's Pupil Centered Funding Plan ([SB 439](#)):

Implements and makes minor adjustments to the Nevada's new Pupil Centered Funding Plan.

K-12 Funding Bill ([SB 458](#)):

This bill contains the per-pupil funding base amounts, weights, adjustments, and other underlying metrics related to the Pupil Centered Funding Plan for fiscal years 2022 and 2023.

Charter School Special Appropriation for Transition to Pupil Centered Funding Plan ([SB 463](#)):

Appropriates \$3.8 million over the biennium to certain charter schools as "bridge-funding" to transition to the Pupil Centered Funding Plan.

Mining Tax Increase ([AB 495](#)):

This bill:

- Creates a new excise tax on gold and silver mine total revenue above \$20 million, which is estimated to raise between \$150 to \$170 million over the biennium for education. Revenue from the new mining excise tax will be temporarily deposited in the state’s general fund and begin to be deposited in the state education fund beginning in fiscal year 2023.
- Diverts existing tax revenue from the net proceeds of minerals tax to the state education fund rather than the general fund.
- Appropriates \$200 million in federal COVID relief funds for COVID-related learning loss programs for school districts, and \$15 million for Title I charter schools.
- Adds \$4.745 million in tax credits for the Opportunity Scholarship program, which provides private school tuition grants to eligible low-income children.
- The measure will also appropriate \$600,000 per fiscal year for the Silver State Opportunity Grant, a state-supported needs-based financial aid program for higher education institutions.
- Directs the Commission on School Funding to explore new options for public education revenue, as well as the composition of school district boards.

Spending Guidelines Regarding American Rescue Plan Monies ([SB 461](#)):

SB 461 sets the following priorities for statewide spending of federal funds received from the American Rescue Plan:

- Replenishing Nevada’s General Fund
- Unemployment benefits
- COVID public health
- Food insecurity, and
 - Health care
 - Public education
 - Supporting disadvantaged communities
 - Workforce
 - Infrastructure
 - Modernizing and enhancing state agencies

Accountability and Transparency:

New Charter School Applications; Alternative Performance Framework Charter Schools; Charter School Closure ([AB 68](#)):

Extends the timeline for a charter school sponsor to approve or deny a new charter school application from 60 to 120 days; exempts charter schools that have been approved to be rated under Nevada’s Alternative Performance Framework from the mandatory charter school termination provision (NRS 388A.300) as well as from the expansion amendment provisions; and allows charter school sponsors to close underperforming elementary, middle, or high schools or campuses, instead of an entire charter school.

***Governance, Charter School “Posting” and Reporting Requirements, Charter School Sponsor Reporting Requirements, and New Charter School Applications and Expansion Requests ([AB 419](#)):**

Charter School Board Governance: Requires charter school board members to receive governance training before the school opens and at least every three years thereafter; requires charter school sponsors to establish governance standards

for charter school boards; and requires charter school sponsors to provide governance training to charter school boards or provide charter school boards with a list of approved governance training providers;

SPCSA Board Governance: Requires members of the SPCSA Board to receive training at the time of appointment on the responsibilities and frameworks of the SPCSA, and annual training regarding the process and criteria used to evaluate new charter school applications.

Charter School Posting Requirements: Charter schools must post on the charter school's website the name and definition (see AB 420, below) of any Educational Management Organization or Charter Management Organization that the school contracts with. Additionally, charter schools that contract with an Educational Management Organization must post other additional information regarding the Educational Management Organization on the charter school's website (the majority of information required to be posted on the charter school's website is the same information that charter school's currently provide to the SPCSA pursuant to NAC 388.580).

Charter School Reporting Requirements: Charter schools that contract with an Educational Management Organization must annually submit information regarding the Educational Management Organization to the charter school's sponsor, along with a letter describing whether the charter school is satisfied with the Educational Management Organization.

Charter School Sponsor Reporting Requirements: Biennially, each charter school sponsor must submit to the Legislative Committee on Education certain information regarding Educational Management Organizations and Charter Management Organizations. Additionally, charter school sponsors are required to report biennially to the Legislative Committee on Education on certain low performing charter schools.

New Charter School Applications and Expansion Requests: When considering new charter school applications and expansion requests from existing charter schools that currently or propose to contract with an Educational Management Organization or a Charter Management Organization, charter school sponsors are required to consider the academic, financial and organizational performance of other charter schools that contract with the same Educational Management Organization or Charter Management Organization.

***Reporting Requirements Related to Charter Schools that Contract with a Educational Management Organization (SB 363):**

Requires charter schools that contract with an Educational Management Organization submit to the SPCSA certain information. Note that this requirement is similar to the already-existing annual report required by NAC 388A.580. Charter school sponsors must submit this information to the Legislature on a biennial basis.

Redefines "Educational Management Organization" (AB 420):

Changes the definition of "Educational Management Organization" to "a for profit entity that contracts with and is accountable to the governing body of a charter school to provide centralized support or operations, including, without limitation, educational, administrative, management, compliance or instructional services or staff, to the charter school."

Teachers and Staff:

Charter School Teacher Licensure (AB 109):

Changes the percentage of teachers at a charter school that are required to have a teaching license from 70 percent to 80 percent; and requires all teachers providing instruction in the "core academic subjects" enumerated in NRS 389.018 to be licensed. *Note that current charter school teachers who are unlicensed may continue teaching without a license until the 2026-2027 school year.*

School Counselors ([SB 151](#)):

SB 151 requires school counselors, psychologists, and social workers to complete continuing education requirements as established by the Commission on Professional Standards in Education and the Board of Examiners for Social Workers, respectively.

Paraprofessionals and School Psychologists ([SB 352](#)):

Senate Bill 352 requires the Commission on Professional Standards in Education to adopt regulations that authorize a currently employed paraprofessional who is enrolled in a program to become a teacher to complete an accelerated student teaching program in the same or similar area in which the person is currently employed. The Commission must also adopt regulations that require Nevada's Department of Education to accept student teaching experience completed outside of Nevada if the experience substantially fulfills Nevada's requirements.

Authorizes a person who is currently employed by a public school to provide support or other services relating to school psychology, without a license or endorsement, to complete a program of internship in psychology to obtain such license or endorsement while remaining employed.

Academics and Instruction:

Core Academic Subjects ([AB 19](#)):

Adds to the statutory list of core academic subjects listed in NRS 389.018, which currently include English language arts, math, science, and social studies, to add to the subjects included within the social studies core academic subject by removing government and instead including civics, financial literacy, and multicultural education.

***Instruction Related to the Holocaust and Other Genocides ([AB 231](#)):**

Assembly Bill 231 requires the State Board of Education to create a subcommittee to review and make recommendations on providing instruction on the Holocaust and other genocides—including the Armenian, Cambodian, Darfur, Guatemalan, and Rwandan genocides—in social studies and language arts courses. Representatives from charter schools must be included in the subcommittee. Furthermore, AB 231 requires the State Board to report its findings and recommendations to the Legislative Committee on Education (LCE) in each even-numbered year. After considering the State Board's report, the LCE must submit its considerations and any recommendations to the Legislature.

State Seal of Civics Program ([SB 194](#)):

Senate Bill 194 establishes the State Seal of Civics Program—to be awarded to high school graduates with a high level of proficiency in civics—and outlines the requirements needed to earn the State Seal. Furthermore, SB 194 requires the state superintendent to adopt regulations that would allow the superintendent to provide a school, student, or school employee with a civics education excellence designation. Additionally, SB 194 requires the results from the civics exam currently administered to high school students to be reported to NDE. Starting with the graduating class of 2027, social studies instruction must require a high school student to complete a service-learning project. Finally, SB 194 includes additional communities in the list of communities whose culture, history, and contributions must be examined within the standards of content and performance for ethnic and diversity studies.

Reading Proficiency: Elementary School ([SB 2](#)):

Senate Bill 2 requires charter schools to assess the reading proficiency of a pupil during each elementary school grade level, as necessary, and removes the requirements that these entities report certain information concerning pupils with disabilities to Nevada’s Department of Education (NDE). The bill allows NDE to prescribe regulations for assessing the development of pupils enrolled in kindergarten. Finally, SB 2 revises the height and weight measurement requirements of certain pupils in certain grades.

Kindergarten Age ([SB 102](#)):

Senate Bill 102 changes the dates by which a child must be a certain age at the beginning of a school year in order to be admitted to certain grades. The date will change from September 30 to “the first day of the school year.” *Note that this bill is effective for the 2022-2023 school year.*

Instructional Materials ([AB 261](#)):

Assembly Bill 261 requires charter schools ensure that instruction is provided to pupils enrolled in kindergarten through grade 12 on the history and contributions to science, the arts, and humanities of certain groups of persons (Native Americans and Native American Tribes; persons of marginalized sexual orientation or gender identify; persons with disabilities; persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander; persons from various socioeconomic statuses; immigrants or refugees; persons from various religious backgrounds; and any other group of persons the board of trustees of a school district or the governing body of a charter school deems appropriate.. Additionally, the bill requires such instruction to be: (1) included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; (2) age-appropriate; and (3) included in one or more courses of study for which the Council has established relevant standards of content and performance.

English Language Learners Bill of Rights ([AB 195](#)):

Assembly Bill 195 enumerates the rights of pupils who are English learners and the rights of parents or guardians of pupils who are English learners.

The bill also requires the board of trustees of each school district to provide a parent or guardian with the enumerated rights in writing in both English and the person’s primary language at the time of the pupil’s registration. The bill requires the boards of trustees and each school that enrolls pupils who are English learners to post a copy of the rights on their respective Internet websites in as many languages as possible. Additionally, AB 195 requires the board of trustees of each school district to post on its Internet website information on how the school district spent funds, including information on family engagement and wrap-around services, received pursuant to Title III of the Every Student Succeeds Act of 2015 (20 U.S.C. §§ 6812).

AB 195 requires the board of trustees of each school district to determine the number of enrolled pupils who are: (1) immigrants; (2) refugees; and (3) new, short-term, and long-term English learners; and (4) other English learners, such as those with individualized education programs who are enrolled in certain programs. Information on the number of teachers licensed or with endorsements to teach English as a second language must also be collected. This information must be reported to Nevada’s Department of Education (NDE) and transmitted to the Legislature annually.

Finally, the bill authorizes NDE to adopt regulations needed to carry out provisions of this bill.

***Dual Credit Courses ([SB 172](#)):**

Senate Bill 172 removes the enrollment application process and prerequisite requirements for a student to participate in a dual credit course. The bill also removes provisions relating to cooperative agreements to offer dual credit courses and instead requires charter schools to establish a dual credit program, or partner with another charter school with an established dual credit program, whereby a student may enroll in such a course at a higher education institution.

Additionally, SB 172 requires charter schools to report certain information relating to dual credit programs to the Legislature in odd-numbered years. The contents of the report must be prescribed in collaboration with various educational stakeholders. Finally, SB 172 requires the Legislative Committee on Education to study dual credit programs during the 2021–2022 Interim.

Dual Credit Programs ([SB 160](#)):

Senate Bill 160 allows students to enroll in dual credit courses at a regionally accredited higher education institution in another state if a Nevada institution does not offer such a course.

***FAFSA ([AB 235](#)):**

Assembly Bill 235 requires charter schools to provide information on the Nevada College Kick Start Program to the parents or guardians of all students in grades 4-12. Additionally, charter schools that operate a high school are required to provide: (1) education to pupils on the importance of financial planning and completing the Free Application for Federal Student Aid (FAFSA); (2) information on events for and encouragement to complete or receive help to complete the FAFSA; (3) at least two annual events at specified times for pupils and parents to complete the FAFSA, with certain exceptions; and (4) coordination with a community college, state college, or university to ensure pupils and their families receive support to complete the FAFSA. The bill also requires these governing bodies to report to the state treasurer on attendance at such events and certain information concerning FAFSA assistance.

***CTE Programs ([AB 38](#)):**

Adds biennial reporting requirements for charters schools that provide work based CTE programs.

***Distance Education ([SB 215](#)):**

Adds “asynchronous” instruction to the definition of distance learning; and changes the requirements for an application to provide a program of distance education.

Also, requires charter schools to annually develop a plan to make technology available to the charter school’s students and teachers, and requires charter schools to prepare an “emergency distance learning plan” for at least ten school days and must submit the plan to the charter school’s sponsor as well as provide the plan to the school community, including families and teachers.

Discipline and Restorative Justice:

***Suspension and Expulsion and Restorative Justice ([AB 194](#)):**

Assembly Bill 194 requires charter schools to adopt a policy for appealing the suspension or expulsion of a pupil. The bill specifies certain limitations and other requirements that must be included in the policy and provides that appeal hearings

are not subject to Nevada's Open Meeting Law. The policy must be posted on the websites of the charter school. Nevada's Department of Education is required to provide guidance on such appeal policies in as many languages as possible.

Additionally, AB 194 requires the annual report of accountability submitted by each charter school sponsor to include information on the plan for restorative justice, the process in which progressive discipline is used, and the manner in which school employees are trained on restorative justice and progressive discipline.

***Restorative Justice ([SB 354](#)):**

Senate Bill 354 requires Nevada's Department of Education to develop a statewide framework for restorative justice. Restorative justice plans must align with the statewide framework and must include input from pupils. The policy developed by NDE to provide a safe and respectful learning environment must include restorative disciplinary practices aligned with the statewide framework.

The bill requires: (1) a plan of action based on restorative justice to be provided before the suspension or removal of a student may occur; (2) a school to offer certain services to a pupil who is temporarily removed from school; and (3) a school to recognize students who are homeless, in foster care, or unaccompanied when considering disciplinary action. Further, a pupil may not be expelled or suspended from school unless it has been determined that the behavior of the pupil was not caused by homelessness or being in foster care. Nevada's Department of Education must include data in the statewide system of accountability recognizing public schools that reduce the frequency of suspension, expulsion, or removal of students from school. Finally, SB 354 requires discipline data collected by public schools must be disaggregated by certain subgroups of pupils and types of offense and, to the extent possible under federal law, posted on the school's website.

Suspension and Expulsion ([AB 67](#)):

Makes changes related to proceedings related to suspension and expulsion. Specifically, the bill revises the categories of discipline that may be used to discipline a student to include suspension, significant suspension, expulsion, and permanent expulsion.

***Discrimination Based on Race ([AB 371](#)):**

Existing law prohibits bullying and cyber bullying and provides for protocols for addressing and investigating incidents of bullying and cyberbullying. See NRS 388.135. This bill extends those provisions to incidents that are based on race and defines "discrimination based on race." This bill also requires charter schools to develop restorative practices in regard to such incidents and adds race-based incidents to the reports required to be submitted to NDE by NRS 388.1351.

Mental Health, Excused Absences, and ID Cards ([SB 249](#)):

Senate Bill 249 adds behavioral health to the list of conditions that would excuse a child from attending school, and allows a qualified mental health or behavioral health professional to certify that a child is not able to attend school or that the child's attendance is inadvisable. The bill also prohibits an excused absence due to a child's physical or mental condition or behavioral health from having a negative effect on a school's accountability rating. Finally, SB 249 requires charter schools to ensure that the back of any identification card for a pupil includes mental health resource information.

Anti-Racist Mascot Policy ([AB 88](#)):

Assembly Bill 88 requires charter schools to change and adopt policies prohibiting the use of any name, logo, mascot, song, or other identifier that is racially discriminatory, or contains racially discriminatory language or imagery. However, an identifier associated with a federally recognized Indian tribe may be used if the school obtains permission for such use from the tribe.

Students with Emotional Disturbances ([SB 210](#)):

The bill requires a psychiatric hospital or residential mental health treatment facility to which such a child is admitted to develop a plan for continuing the child's education, in consultation with the charter school in which the child was most recently enrolled, the agency providing child welfare services, and any person responsible for the child's education. The charter school must also participate in the development of the plan and comply with it, including by providing any existing individualized education programs to the facility.

Other / Miscellaneous:

***HVAC Systems ([AB 257](#)):**

If a charter school allocates money or is required to by the receipt of state or federal funds charter schools must ensure that each charter school has well-functioning HVAC system. Charter school sponsors must prepare an addendum to any in-person reopening plan to include information regarding charter school HVAC systems.

***Feminine Hygiene Products ([AB 224](#)):**

Assembly Bill 224 requires that pupils at a public middle school and high school be provided feminine hygiene products in the school bathroom at no cost to the pupil. In regard to charter schools, this bill requires that by January 1, 2022, 25 percent of SPCSA-sponsored charter schools that operate a middle or high school provided feminine hygiene products in the school bathroom at no cost to the pupil with at least two dispensers in at least two women's restrooms.

Additionally, the bill requires an evaluation of access to feminine hygiene products be included in each school's annual report of accountability. Finally, the bill requires charter schools to develop a plan to address the lack of access to feminine hygiene products due to affordability and provide equal access to such products and submit a report on the plan to the director of the Legislative Counsel Bureau by February 1 of odd-numbered years for transmittal to the Legislature.

School Bus Inspections ([AB 417](#)):

Assembly Bill 417 revises provisions related to school bus inspections by reducing the frequency of inspections from semiannually to annually and requiring the reinspection of any vehicle that receives a violation notice. The bill also increases the number of days to correct a bus defect from 10 days to 20 calendar days.

***School Safety Plan ([SB 36](#)):**

Senate Bill 36 provides that the crisis committee of a charter school must include a representative of the county or district board of health and requires that the parent or legal guardian representative not be an employee of the charter school. Certain plans developed by a crisis committee to respond to a crisis, emergency, or suicide must be used for responding to all hazards. The bill also requires the governing body of each charter school to designate a school safety specialist who

must provide certain employees of public safety agencies with an opportunity to become familiar with a school's blueprint every three years.

Senate Bill 36 requires that notice of a plan's review and update be posted on the website of each charter school. Nevada's Open Meeting Law does not apply to meetings concerning emergency response plans.

The bill also requires Nevada's Department of Education to include a procedure for responding to an epidemic in its model plan for managing a crisis, emergency, or suicide.

***Summer School for the 2020-2021 School Year ([SB 173](#)):**

Senate Bill 173 authorizes the board of trustees of each school district and the State Public Charter School Authority (SPCSA) to submit a plan to address learning loss caused by the COVID-19 pandemic to the superintendent of public instruction. The plan must include the option for pupils to attend summer school for the 2020-2021 school year—either in-person or online—and a description of the manner in which schools and school districts, including charter schools, will target pupils most at risk, including English language learners, of learning loss. The bill requires a school district or charter school offering summer school to include transportation and meal services. Additionally, SB 173 requires that personnel hired for summer school programs receive supplemental pay equal to their contract rate. The bill also requires school districts and the SPCSA to submit a report regarding certain information relating to the plans to address learning loss to the state superintendent by November 30, 2021. Nevada's Department of Education must submit a compiled report to the governor and the Legislature by December 31, 2021. Finally, this bill requires school districts and charter schools to compare the results of certain examinations and assessments administered during the Spring of 2021 with the results of those administered during the Fall of 2021.

***State Agencies: Diversity and Inclusion Liaison ([SB 222](#)):**

Senate Bill 222 requires state agencies to make reasonable efforts to collaborate with minority groups on policies, agreements, and programs that affect minority groups and ensure that programs and services are accessible and inclusive.

The bill also requires, to the extent practicable, state agencies to designate a diversity and inclusion liaison and sets forth certain duties of the liaison.

Finally, the bill requires the Office of Minority Health and Equity of the Department of Health and Human Services, the Nevada Commission on Minority Affairs of the Department of Business and Industry, and the Office for New Americans in the Office of the Governor to facilitate a meeting between the liaisons and minority groups at least once a year and submit an annual report regarding findings and recommendations to the governor and the Legislative Commission.

State Agencies: Language Access Plans ([SB 318](#)):

SB 318 requires each agency in the executive department of the state government to develop and annually revise a language access plan that includes information related to existing services available to individuals with limited English proficiency and recommendations for meeting the need for such services among those served by the agency.

***Connectivity ([SB 66](#)):**

Senate Bill 66 requires the Office of Science, Innovation and Technology in the Office of the Governor to develop a statewide system of gathering data relating to residential Internet service and telecommunications technology accessibility for pupils in Nevada. The bill also requires the Office to: (1) collaborate with various entities to ensure pupils have access to telecommunications technology and the Internet; (2) recommend minimum standards for devices owned by a school or

school district; (3) conduct a gap analysis regarding the lack of pupil connectivity; (4) develop a fiscal plan to address such gaps; and (5) report on these responsibilities to the governor, the State Board of Education, and the Legislature annually.

Open Meeting Law ([AB 253](#)):

Authorizing, under certain circumstances, a public body to conduct a meeting using a remote technology system and requiring the notice of a public meeting that uses a remote technology system to include information about how a member of the public may hear, observe, participate in, and provide public comment at the meeting through the remote technology system; and requiring that if a public body that holds a meeting using a remote technology system does not have a physical location for the meeting, it must have an Internet website and post on its Internet website the notice of the meeting and any supporting material for the meeting. The public body will be deemed to have allowed participation if the public body provides a web-based link to attend the remote meeting live and the public body provides a phone number should they experience technical difficulties. The public body is not required to provide any attendee with technical support that addresses individual hardware, software, or other technical issues unique to the attendee.

Providing that a subcommittee or working group is subject to the requirements of the OML if a majority of the membership of the subcommittee or working group are members of the public body or staff and at least two members of the subcommittee or working group are members of the public body.

Assessments ([SB 353](#)):

Senate Bill 353 requires Nevada's Department of Education (NDE) to review certain examinations and assessments administered to pupils for their educational benefit, cost, and redundancy in information, skills, or abilities measured. The bill also requires NDE to adopt regulations prescribing limits on the actual instructional time taken to conduct the assessment and the total number of assessments administered in a school year. If assessments exceed these limits, a school district's board of trustees or a charter school's governing body must request a waiver from the State Board of Education.

Bill List (in numerical order):

AB 19	AB 235	SB 2	SB 215
AB 38	AB 253	SB 36	SB 249
AB 67	AB 257	SB 66	SB 318
AB 68	AB 261	SB 102	SB 352
AB 88	AB 371	SB 151	SB 353
AB 109	AB 417	SB 160	SB 354
AB 194	AB 419	SB 172	SB 363
AB 195	AB 420	SB 173	SB 439
AB 224	AB 495	SB 194	SB 461
AB 231		SB 210	SB 463
		SB 222	