

PROPOSED REGULATION OF THE DEPARTMENT OF EDUCATION

LCB FILE No. R108-15

Effective __, 2015

Authority: §§1-20, AB 448 (2015).

A REGULATION relating to education; establishing the procedure for conversion from a public school to an achievement charter school; prescribing requirements for the conversion of a public school to an achievement charter school and the operation of an achievement charter school; prescribing requirements for the application of certain operators of achievement charter schools; providing for the use of certain school buildings by an achievement charter school; clarifying that certain funding stays with the school after conversion from a public school to an achievement charter school; providing for the early termination of contracts between the Achievement School District and certain achievement charter school operators under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter ___ of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *As used in sections 3 to 19, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Charter Management Organization” means a nonprofit corporation, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 4. *“Charter School Performance Compact” means a written agreement between an achievement charter school operator and Achievement School District which clearly defines the expectation of, and goals for, an achievement charter school.*

Sec. 5. *“Department” means the Department of Education.*

Sec. 6. *“Executive Director” means the Executive Director of the Achievement School District created pursuant to section 17 of AB 448 (2015).*

Sec. 7. *“Operator” means a charter management organization, educational management organization, or other person who operates an achievement charter school.*

Sec. 8. *“State Board” means the State Board of Education.*

Sec. 9. 1. *In order to determine whether the school is eligible for conversion to an achievement charter school as authorized in AB448 Sec. 20(1)(c), the Department shall use information that may include but is not limited to:*

- (a) A review and analysis of the data pertaining to the last five years of information prescribed by NRS 385.3572 to 385.3592, inclusive;*
- (b) A review and analysis of any local data concerning pupil achievement; and*
- (c) Any other data that the Department considers relevant.*

2. *On or before October 31 of each year, the Department shall publish a list of schools that are eligible for conversion to an achievement charter school as determined by AB448 Sec.20 subsection 1 (a) and (b) and any schools in which the Department has determined pupil achievement and school performance are unsatisfactory based on criteria established in this section.*

Sec. 10. 1. *Before selecting a public school for conversion to an achievement charter school, the Executive Director shall solicit and consider community input regarding the selection process for schools to convert to achievement charter schools, including the input of parents of pupils enrolled at the public school that meet the Achievement School District's eligibility criteria.*

2. Once the Executive Director has selected the a school for conversion to an achievement charter school, the Executive Director shall solicit and consider input of parents of pupils enrolled at the school concerning the needs of such pupils

3. The Executive Director shall solicit community input as required in subsections 1 and 2 by:

- (a) Holding in person meetings within the community;*
- (b) Utilizing strategies outlined in the Nevada Policy of Parental Involvement and Family Engagement; and*
- (c) Any other mechanism the Executive Director deems appropriate to maintain a high level of community input.*

4. The process for selecting schools to enter the Achievement School District from the list of eligible schools will be:

(a) On or before October 31 of each year, the Executive Director shall submit a list of not less than 20 percent of public schools that are eligible for conversion to an achievement charter school to the State Board for approval.

(b) Within 30 days after the list is submitted, the State Board shall approve at least 50 percent of the list of schools submitted by the Executive Director for conversion to an achievement charter school.

(c) On or before January 15 of each year, the Executive Director shall select not more than six schools from the list approved by the State Board pursuant to this section for conversion to achievement charter schools.

(d) Within 60 days of making the selection of not more than six schools for conversion to achievement charter schools, the Executive Director shall notify the State Board, the schools selected and the board of trustees of the school of the school's selection.

3. *The schools not selected by the Executive Director for conversion to an achievement charter school from list in subsection (b) are eligible to be designated Turnaround Schools pursuant to Senate Bill 92 (2015). The Executive Director may enter into*

a memorandum of understanding with any school designated as a Turnaround School or any school eligible to be designated as a Turnaround School. The memorandum of understanding shall contain clear recommendations for the school to rapidly improve pupil performance and school achievement and shall contain provisions that if the school does not meet improvement goals, it will be placed back on the list of schools eligible for conversion to an achievement school.

Sec. 11. *1. If an achievement charter school has space for additional pupils, any pupil who resides within the zone of attendance shall receive first priority for enrollment in the achievement charter school.*

2. If an achievement charter school has space for additional pupils after the enrollment of pupils who reside within the zone of attendance pursuant to subsection 1, it must comply with NRS 386.580 regarding priority enrollment.

3. Upon the request of a parent or legal guardian of a homeschooled child, the governing body of the achievement charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the achievement charter school if:

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

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

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

4. If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to subsection 4, the governing body is not required to provide transportation for the child to attend the class or activity.

Sec. 13. *The governing body of an achievement charter school shall pay all cost associated the operation of the buildings used for the school. Any repairs or construction required for the operation of the buildings used for the school that cost over \$15,000 shall be paid by the Board of Trustees of the school district where the school was located before being converted to an achievement charter school. Any fixtures, improvements or other tangible assets added to the school by the governing body of an achievement charter school shall remain at the school when the school is converted back to a public school.*

Sec. 14. *Each achievement charter school shall continue to receive any money it was receiving, was due to receive or may have been eligible to receive, prior to conversion from a public school, from any federal and state categorical grants, including but not limited to funding from:*

- 1. Designation as a Title I school;*
- 2. Designation as a Victory school pursuant to SB 432 (2015);*
- 3. Designation as a Zoom elementary school pursuant to SB 405 (2015);*
- 4. Special Education funding;*
- 5. Class room reduction funding pursuant to section 14-15 of SB 515 (2015); and*
- 6. Full day kindergarten and pre-kindergarten programs.*

Sec. 15. 1. *The Achievement School District shall be eligible for any funding that a traditional public school district is eligible for.*

 2. *All local education agencies in the Achievement School District are eligible for any funding that any and all other local education agencies in Nevada are eligible for.*

 3. *Charter schools in the Achievement School district shall be eligible for any funding that other charter schools and/or traditional public schools are eligible for.*

Sec. 16. 1. *Each operator may choose whether the local education agency for each of its achievement charter schools shall be the school itself or a non-profit entity that oversees multiple schools.*

 2. *If an achievement charter school is eligible for any funding from the Department that other charter schools and traditional public schools are eligible for, the Department shall pay those funds directly to the school if the school is a local education agency or to the parent organization if the parent organization is a local education agency.*

Sec. 17. 1. *In the fourth year of an achievement charter school's operation, the Achievement School District shall review the achievement charter school's performance based on the achievement charter school's academic, financial, and organizational performance.*

 2. *In making its review pursuant to subsection 1, the Achievement School District shall conduct a detailed evaluation of the achievement charter school and evaluate its performance relative to an Achievement Charter School Performance Compact. If the school meets the standards of the Charter School Performance Compact, it will be allowed to continue to operate schools until its contract expires. If it does not meet the standards, the Achievement School District may elect to terminate its contract with that operator at the end of the fourth year of operation, and replace that operator with a new operator.*

 3. *An Achievement Charter School Performance Compact must include clear statistical goals for the achievement charter school, including goals in the following areas, without limitation:*

 (a) *Attendance, truancy and transiency of pupils;*

 (b) *For high schools, graduation and drop out rates; and*

 (c) *Performance by pupils on examinations that measure the achievement and proficiency of pupils.*

 4. *If a contract is terminated pursuant to subsection 2, notice of contract termination must be made by the Achievement School District in writing to:*

 a. *The operator of the achievement charter school by April of the year that the contract shall be terminated; and*

 b. *The parents of pupils in the achievement charter school that will be transferred to a new operator by May of the last year that the operator will manage the school.*

Sec. 18. 1. *On or before July 15 of each year, the Achievement School District shall conduct a performance review for each achievement charter school.*

 2. *If as a result of the performance review contained in subsection 1, there is reasonable cause to believe that the termination of the contract between the Achievement School District and the achievement charter school operator is necessary to protect the health and safety of the pupils who are enrolled in the achievement charter school or persons who*

are employed by the achievement charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the achievement charter school is located, the Achievement School District shall conduct a subsequent review and prepare a formal report to be presented to the achievement charter school board and the Superintendent of the Department.

3. If the formal report contained in subsection 2 determines that the health and safety of the pupils or persons employed by the achievement charter school are in jeopardy, or that property or the community in which the achievement charter school is located may be damaged, the Achievement School District may terminate its contract with the achievement charter school operator effective immediately or at the end of the current school year. The achievement charter school operator shall have the right to appeal to the Department prior to the notification to parents of the pupils enrolled in the achievement charter school pursuant to subsection 4.

4. If a contract is terminated pursuant to subsection 3, parents of pupils enrolled in the achievement charter school shall be notified of the termination by May of the last year that the operator shall manage the achievement charter school.

5. If a contract is terminated pursuant to subsection 3, the Achievement School District may select a new operator for that achievement charter school. Any new achievement charter school operator shall be selected through the process contained in section 10.

6. Any transition to a new operator shall be executed between school years and not during a school year.

Sec. 19. Sections 1 through 19 become effective upon adoption.