

**REVISED ADOPTED REGULATION OF THE  
DEPARTMENT OF EDUCATION**

**LCB File No. R108-15**

Effective January 27, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-5, 17, 18 and 20, NRS 388B.060; §§6, 7, 12 and 14, NRS 388B.060 and 388B.200; §§8-11, NRS 388B.060, 388B.200 and 388B.220; §13, NRS 388B.060, 388B.200 and 388B.210; §§15 and 16, NRS 388B.060 and 388B.210; §19, NRS 388B.060, 388B.230 and 388B.260; §§21-23, NRS 388B.060 and 388B.220.

A REGULATION relating to education; providing the process for selecting schools for conversion to an achievement charter school; authorizing a person or governmental entity to petition to convert a public school to an achievement charter school or take certain other actions concerning an underperforming school; providing for performance compacts between a school district and the Department of Education; providing for the selection of operators of achievement charter schools; establishing the priority in enrollment of pupils at an achievement charter school; making various other changes concerning the operation of an achievement charter school and contracts to operate achievement charter schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the conversion of certain underachieving public schools into achievement charter schools and establishes the procedure for the operation of achievement charter schools. (Chapter 388B of NRS) Existing law requires the Department of Education to adopt any regulations necessary or convenient to carry out these provisions. (NRS 388B.060)

Existing law establishes the criteria which makes a public school eligible for conversion to an achievement charter school, which include unsatisfactory pupil achievement and school performance at the public school, as determined by the Department pursuant to criteria established by regulation of the Department. (NRS 388B.200) **Section 6** of this regulation prescribes the criteria that the Department will use to make such a determination. **Section 6** also requires the board of trustees of a school district to provide the Executive Director of the Achievement School District with the name and contact information of the parents or guardians of each pupil who is enrolled in a public school that is eligible for conversion to an achievement charter school. **Section 7** of this regulation requires the Department and the board of trustees of each school district to publish annually a list of public schools that are eligible for conversion to an achievement charter school. **Section 8** of this regulation authorizes any person or governmental entity to circulate and submit a petition containing recommendations for: (1)

making certain public schools eligible for conversion to an achievement charter school; (2) converting a public school to an achievement charter school; (3) the Department and the board of trustees of a school district to enter into a performance compact concerning a public school that is underachieving; and (4) the Executive Director to terminate the contract to operate an achievement charter school that is underachieving. **Section 9** of this regulation prescribes the requirements for gathering signatures and circulating such a petition. **Section 10** of this regulation prescribes actions that the Executive Director and State Board of Education must take to verify and approve a petition. **Section 11** of this regulation prescribes the effects of such a petition if found to be valid.

**Section 12** of this regulation authorizes the Department to enter into a performance compact with the board of trustees of a school district to address certain underperforming public schools within the school district that are eligible for conversion to an achievement charter school but are not selected for such conversion. If the public school does not meet the goals for pupil achievement and school performance set forth in the performance compact, the public school will be deemed eligible for conversion to an achievement charter school. If the public school meets the goals for pupil achievement and school performance set forth in the performance compact, the public school will not be deemed eligible for conversion to an achievement charter school during the immediately following school year.

Existing law requires the Executive Director to solicit and consider input from parents of pupils enrolled in a public school and other members of the community in which the public school is located before: (1) designating the public school for conversion to an achievement charter school; and (2) selecting a charter management organization, educational management organization or other person to operate the achievement charter school. (NRS 388B.200, 388B.210) **Section 13** of this regulation: (1) also requires the Executive Director to solicit such input from the guardians of pupils; and (2) prescribes the procedure that the Executive Director must use to solicit such input from the parents and guardians of pupils.

**Section 14** of this regulation prescribes the dates by which the Executive Director must annually: (1) submit the list of public schools for continued eligibility for conversion to an achievement charter school to the State Board of Education for approval; and (2) select public schools for conversion to achievement charter schools. **Section 14** also authorizes the State Board to consider any relevant information, including historic achievement data, when considering which public schools to approve for final consideration for conversion by the Executive Director.

Existing law requires the Department to adopt regulations that prescribe the process by which a charter management organization, educational management organization or other person may apply to operate an achievement charter school. (NRS 388B.210) **Section 15** of this regulation establishes the requirements to apply for approval to operate an achievement charter school and the procedure by which the Executive Director will review and approve such applications. **Section 16** of this regulation prescribes the process by which: (1) an operator that has been approved may apply to the Department to operate a public school selected for conversion to an achievement charter school; (2) the Executive Director will select an applicant to operate the achievement charter school; and (3) an operator of an achievement charter school may apply to the Executive Director to expand the achievement charter school.

**Section 17** of this regulation: (1) authorizes the parent or guardian of any child who resides within this State to apply for enrollment at an achievement charter school; and (2) establishes the order of priority in which applicants must be enrolled in the achievement charter school.

Existing law requires the governing body of a charter school to authorize a child enrolled in a public school of a school district or a private school, a homeschooled child or an opt-in child to participate in a class that is not otherwise available to the child or an extracurricular activity at the charter school if space is available and certain other requirements are met. Existing law also provides that the charter school is not required to provide transportation for any such child to the class or activity and authorizes the governing body to revoke such authorization if the governing body determines that the child has failed to comply with applicable statutes, rules or regulations. (NRS 388A.471) **Section 18** of this regulation similarly requires the governing body of an achievement charter school to allow such a child to participate in a class or an extracurricular activity at the achievement charter school under the same conditions.

Existing law provides that an achievement charter school must continue to operate in the same building in which the school operated before being converted to an achievement charter school and requires the governing body of the achievement charter school to pay costs related to maintenance and operation of the building. Existing law requires the board of trustees of the school district in which the school is located to pay all capital expenses. (NRS 388B.230) **Section 19** of this regulation provides that: (1) the board of trustees of the school district in which an achievement charter school is located continues to own the building in which the school operates; (2) the governing body of an achievement charter school is required to enter into an agreement with the board of trustees of the school district in which the school is located concerning maintenance of the building; (3) any repair or construction that is necessary for the continued operation of an achievement charter school that has a cost exceeding \$15,000 shall be deemed to be a capital expense; and (4) if an achievement charter school is converted to a public school under the governance of the board of trustees of a school district or a standard charter school, any fixtures, improvements or other tangible assets added to the building in which the achievement charter school operates by the governing body must remain with the building after the school is converted.

Existing law requires the board of trustees of a school district, upon the request of the Executive Director, to perform certain services relating to the operation of an achievement charter school. (NRS 388B.260) **Section 19** authorizes the Executive Director or the operator of an achievement charter school to consult with the board of trustees of the school district in which the achievement charter school is located concerning available services and any fees that must be paid for such services.

**Section 20** of this regulation requires the contract between the Executive Director and the operator of an achievement charter school to include statistical goals for the achievement charter school. **Section 22** of this regulation requires the Executive Director to conduct an annual performance review of an achievement charter school. If the Executive Director concludes, as a result of the performance review, that the achievement charter school has not met the performance goals set forth in the contract to operate the achievement charter school, **section 21** of this regulation: (1) authorizes the Executive Director to terminate the contract with the

operator and enter into another contract to operate the achievement charter school; and (2) requires the Executive Director to notify parents and guardians of certain pupils that the school has not met those goals and that they may submit a petition recommending the termination of the contract to operate the achievement charter school.

Existing law authorizes the reconstitution of the governing body of a charter school, the revocation of a written charter or the termination of a charter contract if the sponsor of a charter school determines that: (1) the charter school, its officers or its employees have failed to comply with generally accepted standards of fiscal management or violated the terms of the written charter, charter contract or a statute or regulation concerning charter schools; (2) the charter school is financially impaired such that it cannot continue to operate; (3) reconstitution, revocation or termination is necessary to protect the health and safety of pupils or school personnel or to prevent damage to or loss of property of the school district or the community in which the charter school is located; or (4) the charter school has persistently underperformed. (NRS 388A.330) **Section 22** of this regulation authorizes the Executive Director to terminate a contract to operate an achievement charter school for those reasons.

**Section 23** of this regulation provides for notification of the operator of an achievement charter school whose contract is terminated and the parents and guardians of pupils enrolled in such an achievement charter school. **Section 23** also authorizes the operator of an achievement charter school whose contract is terminated to appeal the decision to the Department and provides for the selection of a new operator of such an achievement charter school if the contract is terminated.

**Section 1.** Chapter 388B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 23, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Executive Director” has the meaning ascribed to it in NRS 388B.040.*

**Sec. 4.** *“Operator” means a charter management organization, educational management organization or other person who is approved to operate an achievement charter school pursuant to section 15 of this regulation.*

**Sec. 5.** *“Performance compact” means a written agreement between the board of trustees of a school district and the Department entered into in accordance with section 12 of this regulation.*

**Sec. 6. 1.** *In addition to a public school that is eligible for conversion to an achievement charter school pursuant to paragraph (a) or (b) of subsection 1 of NRS 388B.200, the Department may determine that pupil achievement and school performance at a public school is unsatisfactory pursuant to paragraph (c) of subsection 1 of NRS 388B.200 and that the public school is eligible for conversion to an achievement charter school if:*

*(a) The public school has been identified by the Department for comprehensive support and improvement pursuant to 20 U.S.C. § 6311(c)(4)(D)(1);*

*(b) The board of trustees of a school district recommends a public school that is located within the district for consideration for conversion to an achievement charter school;*

*(c) The Executive Director receives a valid petition pursuant to section 8 of this regulation requesting that the public school be converted to an achievement charter school;*

*(d) Except as otherwise provided in subsection 2, the public school has received, for the most recent school year for which data is available, an annual rating established as the lowest rating possible indicating underperformance of a public school; or*

*(e) Except as otherwise provided in subsection 2, the public school has received, for the most recent school year for which data is available, an annual rating established as the second lowest rating possible indicating underperformance of a public school and has demonstrated a downward trend in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools.*

*2. If a public school described in paragraph (d) or (e) of subsection 1 has met the goals for pupil achievement and school performance prescribed in a performance compact for the school year in which the public school received an annual rating established as the lowest or second lowest rating possible indicating underperformance of a public school, as applicable, the public school is not eligible for conversion to an achievement charter school.*

*3. On or before October 7 of each year, the board of trustees of a school district in which a public school that is eligible for conversion to an achievement charter school is located shall provide the Executive Director with the name, address, telephone number and any other contact information of each parent or guardian of a pupil who is enrolled in the public school in a manner that complies with all federal and state laws concerning the privacy of information.*

*Sec. 7. 1. On or before October 1 of each year, the Department will post conspicuously on its Internet website a list of the public schools that are eligible for conversion to an achievement charter school pursuant to NRS 388B.200. The list must identify the public schools for which a petition may be filed pursuant to paragraph (b) of subsection 1 of section 8 of this regulation.*

*2. Upon publication of the list described in subsection 1, the board of trustees of each school district shall post conspicuously on its Internet website:*

- (a) A copy of the list published pursuant to subsection 1;*
- (b) A statement that each public school on the list is eligible to enter into a performance compact or be converted to an achievement charter school;*
- (c) A summary of the relevant provisions of sections 8, 9 and 10 of this regulation; and*

*(d) For each public school located in the district that meets the criteria for eligibility for conversion to an achievement charter school prescribed by paragraph (d) or (e) of subsection 1 of section 6 of this regulation, the number of signatures required for a petition submitted pursuant to paragraph (b) of subsection 1 of section 8 of this regulation for the petition to be considered valid.*

**Sec. 8. 1.** *Any person or governmental entity, including, without limitation, the parent or guardian of a pupil, the board of trustees of a school district or an operator or prospective operator of an achievement charter school, may circulate a petition for signatures to submit to the Executive Director recommending that:*

*(a) A public school that is not otherwise eligible be made eligible for conversion to an achievement charter school. Such a petition must be submitted to the Executive Director on or before September 1 of the school year in which the public school seeks to become eligible for conversion to an achievement charter school.*

*(b) Except as otherwise provided in this paragraph, a public school that meets the criteria for eligibility for conversion to an achievement charter school prescribed by paragraph (d) or (e) of subsection 1 of section 6 of this regulation be converted to an achievement charter school or that the Department and the board of trustees of the school district in which such a public school is located enter into a performance compact concerning the public school. Such a petition must be submitted to the Executive Director on or before November 1 of the school year in which the public school is eligible for conversion to an achievement charter school. Such a petition may not be submitted on behalf of a school that has been determined eligible for conversion to an achievement charter school pursuant to paragraph (a) or (b) of subsection 1 of NRS 388B.200 or paragraph (a) of subsection 1 of section 6 of this regulation.*

*(c) The Executive Director terminate the contract to operate an achievement charter school that has not met the performance goals set forth in the contract and enter into a contract with a different operator to operate the achievement charter school or convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located. Such a petition must not be circulated until the Executive Director provides the notice required by paragraph (b) of subsection 2 of section 21 of this regulation and must be submitted to the Executive Director not later than 60 days thereafter.*

*2. Upon the request of any person or governmental entity, the board of trustees of a school district shall provide the number of signatures required for a petition submitted pursuant to paragraph (a) of subsection 1 concerning any public school within the school district for the petition to be considered valid.*

*3. A petition circulated pursuant to paragraph (b) of subsection 1 requesting the Department and the board of trustees to enter into a performance compact must include a summary of the terms of the proposed performance compact, including, without limitation, the proposed goals for pupil achievement and school performance and the proposed action to be included pursuant to subsection 3 of section 12 of this regulation. If the petition requests designation of the public school as an empowerment school, the board of trustees of the school district in which the school is located must approve that action before the petition is circulated.*

*4. A petition circulated pursuant to paragraph (c) of subsection 1 requesting the Executive Director to convert an achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located may further request that the school be designated a turnaround school pursuant to NRS 388G.400*



*or an empowerment school as defined in NRS 388G.010. If the petition requests designation of the public school as an empowerment school, the board of trustees of the school district in which the school is located must approve that action before the petition is circulated.*

**Sec. 9. 1.** *A petition circulated pursuant to section 8 of this regulation may only be signed by:*

*(a) One parent or guardian of a pupil who attends the school to which the petition pertains. Such a parent or guardian may only sign the petition one time, regardless of the number of children the parent or guardian has who attend the school.*

*(b) One parent or guardian of a child who does not attend the school to which the petition pertains but who resides within the zone of attendance established for the school pursuant to NRS 388.040, if such a zone of attendance has been established, and who is otherwise eligible to attend the school. Such a parent or guardian may only sign the petition one time, regardless of the number of children the parent or guardian has who are eligible to attend the school.*

**2.** *To be valid, a petition circulated pursuant to section 8 of this regulation must:*

*(a) Be in the form prescribed by the State Board;*

*(b) Designate a petitioner to represent all of the persons who sign the petition and to whom the Executive Director will mail his or her determination concerning the validity of the petition; and*

*(c) Include a number of signatures greater than 50 percent of the number of pupils who attend the school to which the petition pertains.*

**3.** *A person shall not sign a petition circulated pursuant to section 8 of this regulation on behalf of another person. Each signature must be accompanied by:*

*(a) The printed name and address of the person;*

*(b) The date on which the person signed the petition;*

*(c) If the person is the parent or guardian of one or more pupils who attend the school to which the petition pertains, the printed name of each such pupil; and*

*(d) If the person is the parent or guardian of one or more children who do not attend the school, the printed name of the school that each child currently attends or a statement that the child is a homeschooled child or an opt-in child.*

*4. Any person or governmental entity conducting activity relating to a petition circulated pursuant to section 8 of this regulation on school property must comply with any applicable policies of the school and the school district and must not be conducted on school property during school hours.*

*5. A person or governmental entity shall not attempt to coerce in any manner or offer a gift, reward or other incentive or make a threat or false statement to induce any person to sign or refrain from signing a petition circulated pursuant to section 8 of this regulation.*

**Sec. 10.** *1. Not later than 15 days after receiving a petition pursuant to section 8 of this regulation, the Executive Director shall determine whether the petition is valid by:*

*(a) Verifying the signatures on the petition and prepare a written summary of the verification, which must include the number of signatures on the petition that have been verified; and*

*(b) Determining whether the petition meets the requirements of section 9 of this regulation. Each signature that meets the requirements of that section must be included in the number of signatures verified.*

*2. After determining whether a petition is valid pursuant to subsection 1, the Executive Director shall mail a copy of the written summary and his or her determination to the*

*representative designated in the petition pursuant to subsection 2 of section 9 of this regulation.*

*3. Not later than 30 days after the Executive Director determines that a petition is valid and on or before December 1 immediately following such a determination, the State Board shall adopt a resolution approving the petition. The State Board shall notify the board of trustees of the school district in which the school to which the petition pertains is located of the adoption of the resolution.*

**Sec. 11.** *If the Executive Director determines that a petition is valid pursuant to section 10 of this regulation and the petition was submitted:*

*1. Pursuant to paragraph (a) of subsection 1 of section 8 of this regulation and recommends that a public school be eligible for conversion to an achievement charter school, the public school shall be deemed eligible for conversion to an achievement charter school.*

*2. Pursuant to paragraph (b) of subsection 1 of section 8 of this regulation and recommends that a public school be converted to an achievement charter school, the Executive Director and the State Board shall consider the petition when determining whether to convert the public school to an achievement charter school pursuant to NRS 388B.200 and section 14 of this regulation.*

*3. Pursuant to paragraph (b) of subsection 1 of section 8 of this regulation and recommends the Department and the board of trustees of a school district in which a public school is located to enter into a performance compact concerning the public school:*

*(a) The Department and the board of trustees of the school district in which the public school is located shall enter into a performance compact for the next school year that includes the terms included in the petition pursuant to subsection 3 of section 8 of this regulation; and*

*(b) The State Board shall not approve the public school for conversion to an achievement charter school for the year in which the public school is subject to the performance compact.*

*4. Pursuant to paragraph (c) of subsection 1 of section 8 of this regulation and recommends the termination of the contract of an operator, the Executive Director and the board of trustees of the school district in which the achievement charter school is located shall terminate the contract and take any other action necessary to effectuate the recommendations included in the petition pursuant to subsection 3 of section 8 of this regulation.*

**Sec. 12. 1.** *On or before March 31 of a school year during which a public school is determined to be eligible for conversion to an achievement charter school pursuant to NRS 388B.200, the Department:*

*(a) Will enter into a performance compact with the board of trustees of the school district in which the public school is located if required by subsection 3 of section 11 of this regulation; and*

*(b) May enter into a performance compact with the board of trustees of the school district in which any other such public school is located.*

*2. The term of a performance compact entered into pursuant to subsection 1 ends at the conclusion of the school year immediately following the school year in which the performance compact is entered into.*

*3. A performance compact entered into pursuant to subsection 1 must require the public school to take one of the following actions intended to cause the school to rapidly improve pupil achievement and school performance:*

*(a) Receive designation as an empowerment school as defined in NRS 388G.010.*

*(b) Receive designation as a turnaround school pursuant to NRS 388G.400.*

*(c) Adopt a plan that includes evidence-based strategies for improving pupil achievement and school performance. Such a plan must be developed by the principal of the public school:*

*(1) In consultation with other administrators and teachers of the public school and the Department; and*

*(2) With input from parents and guardians of pupils enrolled in the public school and other members of the community in which the public school is located.*

*(d) Enter into a partnership with a nonprofit organization to provide services to pupils that are aligned to a comprehensive plan for improving pupil achievement and school performance.*

*(e) Any other evidence-based action deemed appropriate by the Department.*

*4. In addition to meeting the requirements of subsection 3, a performance compact must prescribe goals for pupil achievement and school performance.*

*5. If the public school does not meet the goals for pupil achievement and school performance prescribed pursuant to subsection 4, the public school shall be deemed to be eligible for conversion to an achievement charter school. If a public school meets the goals for pupil achievement and school performance prescribed pursuant to subsection 4, the public school shall not be deemed eligible for conversion to an achievement charter school for the immediately following school year.*

*6. On or before October 1 of the school year immediately following the school year in which a public school is subject to a performance compact, the principal of the public school shall submit to the board of trustees of the school district in which the public school is located and the State Board a report that includes:*

*(a) An explanation of whether the public school met the goals for pupil achievement and school performance prescribed in the performance compact;*

*(b) A description of programs to support higher pupil achievement and school performance that have been implemented since entering into the performance compact; and*

*(c) A description of parental involvement and family engagement at the public school, which must describe:*

*(1) The extent to which parental involvement and family engagement aligns to the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of the school district in which the public school is located pursuant to NRS 392.457; and*

*(2) The observed impact of parental involvement and family engagement on pupil achievement and school performance at the public school.*

*7. The board of trustees of a school district and the State Board shall post on their Internet websites any report submitted pursuant to subsection 6.*

*8. As used in this section, “evidence-based” has the meaning ascribed to it in in 20 U.S.C. § 7801.*

**Sec. 13. 1.** *Before selecting a public school for conversion to an achievement charter school, the Executive Director must solicit and consider input from parents and guardians of pupils enrolled in the public school and other members of the community in which the public school is located as required pursuant to subsection 3 of NRS 388B.200. The Executive Director shall solicit input from a majority of parents and guardians of pupils enrolled in the public school.*

*2. Before approving an application to operate an achievement charter school, the Executive Director must solicit the input of parents and guardians of pupils enrolled in the public school as required pursuant to subsection 1 of NRS 388B.210.*

*3. To comply with the requirement to solicit input from parents and guardians of pupils as described in subsections 1 and 2, the Executive Director shall:*

*(a) Hold in-person meetings in the community in which the public school is located;*

*(b) Solicit input from parents and guardians of pupils enrolled in the public school using strategies and practices for effective parental involvement and family engagement developed by the Office of Parental Involvement and Family Engagement pursuant to NRS 385.635; and*

*(c) Take any other reasonable measures he or she deems appropriate.*

*Sec. 14. 1. The Executive Director shall submit the list of not less than 20 percent of the public schools that are eligible for conversion to an achievement charter school to the State Board for its approval as required by subsection 2 of NRS 388B.200 on or before October 31 of each year.*

*2. Before selecting a public school for inclusion on the list described in subsection 1, the Executive Director must consult with the board of trustees of the school district in which the public school is located.*

*3. When determining whether to approve a public school for consideration for conversion to an achievement charter school as required by subsection 2 of NRS 388B.200, the State Board may consider any relevant information, including, without limitation, historical data concerning the public school that is maintained pursuant to the statewide system of accountability for public schools and any efforts by the board of trustees of the school district*

*in which the public school is located to improve pupil achievement and school performance at the public school.*

*4. On or before February 1 of each year, the Executive Director shall select the public schools for conversion to an achievement charter school from the list of public schools approved by the State Board pursuant to subsection 2 of NRS 388B.200. The Executive Director shall comply with all federal and state laws concerning equality and civil rights that prohibit discrimination when selecting public schools for conversion to an achievement charter school.*

*5. When the Executive Director notifies a public school that the public school has been selected for conversion to an achievement charter school pursuant to subsection 4 of NRS 388B.200, the Executive Director must also notify the State Board, the board of trustees of the school district in which the public school is located and each charter management organization, educational management organization and any other person whose application for approval as an operator has been approved pursuant to section 15 of this regulation.*

*Sec. 15. 1. A charter management organization, educational management organization or other person may apply to the Executive Director for approval to become an operator by completing and submitting an application to the Executive Director on a form prescribed by the Department, which must describe, without limitation, the proposed:*

- (a) Mission and goals of the achievement charter school;*
- (b) School model and academic plan for the achievement charter school;*
- (c) Performance goals for pupils enrolled at the achievement charter schools;*
- (d) Leadership team for and governing body of the achievement charter school;*



*(e) Plan to involve and engage the parents and families of pupils enrolled in the achievement charter school; and*

*(f) Financial plan and policies of the achievement charter school; and*

*2. In addition to meeting the requirements of subsection 1, if an applicant operates other schools, the application must include data concerning the demographics of each such school and pupil achievement and school performance at each such school.*

*3. Each application submitted pursuant to subsection 1 must:*

*(a) Demonstrate a clear and high-quality plan for the achievement charter school that prescribes the intended organizational structure of the achievement charter school and includes measurable goals; and*

*(b) Provide a clear basis for assessing the ability of the applicant to carry out the plan for the achievement charter school.*

*4. The Executive Director shall:*

*(a) Accept applications submitted pursuant to subsection 1 on a rolling basis throughout the year;*

*(b) At least once each year, review the applications submitted pursuant to subsection 1;*

*(c) At least 60 days before reviewing the applications, provide notice to the Department of the date on which the review of the applications will begin, which the Department will post on its Internet website;*

*(d) Approve applications that meet the requirements of this section and which he or she determines are of the highest quality and most likely to improve pupil achievement and school performance at the achievement charter school;*

*(e) Notify each charter management organization, educational management organization or other person who submitted an application pursuant to this section whether the application is approved or denied; and*

*(f) When practicable, obtain assistance from independent reviewers to review applications pursuant to this subsection.*

*5. An application submitted pursuant to subsection 1 during a period in which the Executive Director is reviewing applications pursuant to subsection 4 will be reviewed during the next period for review.*

*6. Any decision of the Executive Director to approve or deny an application submitted pursuant to subsection 1 is final and may not be appealed.*

**Sec. 16.** *1. After the Executive Director provides notice of the public schools that have been selected for conversion to an achievement charter school pursuant to section 14 of this regulation, an operator, including, without limitation, an operator that currently operates an achievement charter school, may apply to operate one or more of the public schools selected for conversion to an achievement charter school by completing and submitting to the Department an application on a form prescribed by the Department. An operator may submit one application to operate more than one achievement charter school.*

*2. After considering the input received from the parents and guardians of pupils enrolled in a public school selected for conversion to an achievement charter school pursuant to subsection 1 of NRS 388B.210 and section 14 of this regulation, the Executive Director shall select an operator for the achievement charter school based on the ability of the operator to meet the identified educational needs of the pupils enrolled in, and to improve pupil achievement and school performance at, the achievement charter school.*

*3. To expand an achievement charter school, including, without limitation, opening another campus of the achievement charter school, the operator may request the Executive Director to amend the contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210. The Executive Director may grant such a request if the Executive Director determines that the expansion:*

*(a) Is in the best interests of the pupils in this State; and*

*(b) Would primarily serve pupils who are enrolled in public schools that meet the requirements to be eligible for conversion to an achievement charter school prescribed in NRS 388B.200.*

*4. Any decision of the Executive Director to approve or deny an application or a request to amend a contract to operate an achievement charter school submitted pursuant to this section is final and may not be appealed.*

**Sec. 17. 1.** *Each year the governing body of an achievement charter school shall determine enrollment at the school in the manner provided pursuant to NRs 388B.230 and this section.*

*2. If an achievement charter school has the capacity to enroll additional pupils after enrolling pupils who were enrolled in the school before it was converted to an achievement charter school as required by NRS 388B.230, a pupil who resides within the zone of attendance established for the school pursuant to NRS 388.040, if a zone of attendance has been established, must be enrolled in the achievement charter school before a pupil who does not reside within that zone of attendance.*

*3. If, after enrolling pupils pursuant to subsection 2, an achievement charter school has the capacity to enroll additional pupils, the achievement charter school:*

*(a) Except as otherwise provided in paragraph (b), must enroll pupils in the same order of priority prescribed for a charter school pursuant to NRS 388A.453 and 388A.456.*

*(b) May enroll pupils with a household income that is less than 185 percent of the federally designated level signifying poverty who reside within the zone of attendance established pursuant to NRS 388.040 for a public school that was included on the most recent list of public schools eligible for conversion to an achievement charter school published pursuant to section 6 of this regulation before enrolling other pupils.*

*4. When enrolling pupils, an achievement charter school shall not discriminate in any manner prohibited by subsection 4 of NRS 388B.060.*

*Sec. 18. Upon the request of a parent or guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or guardian of a homeschooled child or opt-in child, the governing body of an achievement charter school must authorize the child to participate in a class or extracurricular activity at the achievement charter school to the same extent provided for a charter school pursuant to NRS 388A.471.*

*Sec. 19. 1. The board of trustees of the school district in which an achievement charter school is located continues to own the building in which the achievement charter school operates. The governing body of an achievement charter school shall enter into an agreement with the board of trustees of the school district in which the achievement charter school is located, which must include, without limitation:*

*(a) A clear description of the maintenance for which the governing body will assume responsibility in accordance with NRS 388B.230;*

*(b) Provisions delineating responsibility for any necessary renovations and building improvements, which must comply with subsection 2 and NRS 388B.230;*

*(c) Any requirements concerning the maintenance of insurance;*

*(d) A requirement that a representative of the board of trustees conduct an annual inspection of the property on which the achievement charter school operates to ensure that the property is maintained in accordance with the agreement;*

*(e) A requirement that, when the achievement charter school ceases to be operated by the operator for any reason, a representative of the board of trustees will inspect the property on which the achievement charter school operates and take an inventory of any property of the school district that is missing or damaged; and*

*(f) Provisions governing the reimbursement of the school district for any property of the school district found to be missing or damaged during the inspection described in paragraph (d) or (e).*

*2. Any repair to a building or construction that is necessary for the continued operation of an achievement charter school in the same building in which the school operated before being converted to an achievement charter school that has a cost of more than \$15,000 and has a useful life of at least 1 year shall be deemed to be a capital expense and must be paid by the board of trustees of the school district in which the achievement charter school is located, as required pursuant to NRS 388B.230.*

*3. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district or a charter school subject to the provisions of chapter 388A of NRS, any fixtures, improvements or other tangible assets added by the governing body of the achievement charter school to the building used by the achievement charter school must remain with the building after the school ceases to operate as an achievement charter school.*

*4. The Executive Director or an operator may consult with the board of trustees of a school district concerning services made available by the school district to an operator of an achievement charter school that is located within the school district and any fee charged for such services.*

*Sec. 20. A contract to operate an achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210 must include, without limitation, clear quantifiable goals concerning:*

*1. Improving attendance and reducing truancy and transiency of pupils enrolled in the achievement charter school;*

*2. Improving the performance of pupils enrolled in the achievement charter school on examinations that measure the achievement and proficiency of pupils; and*

*3. If the achievement charter school is a high school, improving the rate of graduation at the achievement charter school and reducing the rate at which pupils drop out of the achievement charter school.*

*Sec. 21. If, as a result of the performance review of an achievement charter school conducted pursuant to section 22 of this regulation, the Executive Director concludes that the achievement charter school:*

*1. Has met the performance goals set forth in the contract to operate the achievement charter school pursuant to section 20 of this regulation, the operator must continue to operate the achievement charter school under the contract to operate the achievement charter school.*

*2. Has not met the performance goals set forth in the contract to operate the achievement charter school, the Executive Director:*

*(a) May, after the end of the school year, terminate the contract of the operator to operate the achievement charter school and enter into a contract with a different operator to operate the achievement charter school.*

*(b) Shall notify the parent or guardian of each pupil enrolled in the achievement charter school and each pupil who does not attend the school but receives instruction in a grade taught at the achievement charter school and resides within the zone of attendance established for the achievement charter school pursuant to NRS 388.040. Such notification must be accompanied by:*

*(1) A summary of the relevant provisions of sections 8, 9 and 10 of this regulation; and*

*(2) The number of signatures required on a petition circulated pursuant to paragraph*

*(c) of subsection 1 of section 8 of this regulation for the petition to be considered valid.*

*Sec. 22. 1. On or before July 15 of each year, the Executive Director shall conduct a performance review of each achievement charter school which includes, without limitation, a review of the academic, financial and organizational performance of the achievement charter school and whether the achievement charter school has met the expectations and performance goals set forth in the contract to operate the achievement charter school pursuant to section 20 of this regulation.*

*2. In addition to the circumstances under which a contract to operate a charter school may be terminated pursuant to subsection 4 of section 11 of this regulation and subsection 2 of section 21 of this regulation, the Executive Director may terminate a contract to operate an achievement charter school before the expiration of the contract if the Executive Director determines that:*

*(a) The achievement charter school, its officers or its employees:*

- (1) Committed a material breach of the terms and conditions of the contract;*
- (2) Failed to comply with generally accepted standards of fiscal management;*
- (3) Failed to comply with any statute or regulation applicable to achievement charter schools; or*
- (4) Has persistently underperformed, as measured by the performance goals set forth in the contract to operate the achievement charter school;*
- (b) The achievement charter school has filed a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent or is otherwise financially impaired to the extent that the achievement charter school cannot continue to operate;*
- (c) There is reasonable cause to believe that termination of the contract is necessary to protect the health and safety of the pupils 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; or*
- (d) The operator of the achievement charter school or an employee thereof, the governing body of the achievement charter school or an employee of the achievement charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the Executive Director, the Achievement School District or any representative or employee thereof.*

**Sec. 23. 1.** *If the Executive Director decides to terminate a contract to operate an achievement charter school pursuant to section 11, 21 or 22 of this regulation, the Executive Director shall, on or before March 31 following the date of the decision, notify the operator of the achievement charter school of the decision to terminate the contract.*



*2. The operator of the achievement charter school may appeal the decision of the Executive Director to the Department if the appeal is requested within 60 days after receiving notice pursuant to subsection 1 or May 31, whichever is sooner.*

*3. An operator whose contract to operate an achievement charter school is terminated pursuant to section 11, 21 or 22 of this regulation shall, on or before May 31 following receipt of the notice pursuant to subsection 1, notify the parents and guardians of each pupil enrolled in the achievement charter school of the termination of the contract.*

*4. If a contract to operate an achievement charter school is terminated pursuant to section 11, 21 or 22 of this regulation, the Executive Director must select a new operator in accordance with section 16 of this regulation.*