

SENATE BILL NO. 430—COMMITTEE ON EDUCATION

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the Achievement School District and makes various other changes relating to public schools. (BDR 34-793)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; revising provisions relating to the Achievement School District; providing for the creation of an additional type of achievement charter school; authorizing the Department to enter into performance compacts with certain public schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Assembly Bill No. 448 of the 2015 Legislative Session established the
2 Achievement School District within the Department of Education, authorized the
3 conversion of certain public schools to achievement charter schools and made
4 various other changes relating to such schools. (Chapter 539, Statutes of Nevada
5 2015, p. 3775) **Sections 1, 3-5, 10, 12, 15-18 and 25-27** of this bill create a new
6 kind of achievement charter school, to be known as an “A+ school,” to which a
7 public school which is eligible for conversion to an achievement charter school
8 may be converted. Specifically, **section 24** of this bill authorizes the Executive
9 Director of the Achievement School District to accept applications from an
10 independent administrator to operate an achievement charter school. **Section 10** of
11 this bill requires such an independent administrator to manage all aspects of the
12 conversion of the public school to an A+ school and authorizes the independent
13 administrator to recommend that the Executive Director take certain actions to
14 manage the school before an A+ school contract is entered into. **Section 12** of this
15 bill requires an independent administrator whose application is approved to
16 facilitate the negotiation of an A+ school contract and to negotiate an agreement
17 with the board of trustees of the school district in which the A+ school will be
18 located to employ the principal of the A+ school. **Section 26** of this bill requires the
19 independent administrator to appoint the governing body of the A+ school, and
20 **section 27** of this bill requires the independent administrator to select the principal
21 of the A+ school. **Section 15** of this bill authorizes an A+ school to request a
22 waiver from complying with a law of this State relating to education or a regulation



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23 of the State Board of Education or Department of Education. **Section 15** also grants
24 the governing body of an A+ school discretion over 100 percent of the money
25 apportioned for the school from state financial aid and federal or local funds.
26 **Section 16** of this bill prohibits the board of trustees of the school district in which
27 an A+ school is located from engaging in certain activities relating to management
28 or oversight of the A+ school. **Section 17** of this bill prohibits an A+ school from
29 commencing operation until the governing body of the school has entered into an
30 indemnification agreement with the board of trustees of the school district in which
31 the A+ school is located. **Section 18** of this bill provides immunity from civil
32 liability for the governing body of the A+ school and its volunteer members for
33 certain acts. **Section 32** of this bill prohibits an A+ school from commencing
34 operation before August 1, 2018.

35 **Section 8** of this bill provides a process for parents or legal guardians of pupils
36 enrolled at a public school or achievement charter school to petition to convert the
37 school or to have the school enter into a performance compact. Such a petition is
38 valid only if the petition includes a number of signatures greater than 50 percent of
39 the number of pupils who attend the school.

40 **Section 9** of this bill authorizes the Department to offer to negotiate a
41 performance compact with certain public schools. **Section 9** prescribes the contents
42 of a performance compact and provides that a performance compact is valid for a
43 term not to exceed 3 school years. **Section 9** requires an annual review of a public
44 school subject to a performance compact and authorizes the termination of a
45 performance compact for a public school determined by the Department not to be
46 making adequate progress. **Section 9** provides that a public school subject to a
47 performance compact is not eligible for conversion to an achievement charter
48 school.

49 **Section 13** of this bill establishes reporting requirements relating to the
50 performance of an achievement charter school. **Section 14** of this bill requires an
51 annual performance review of each achievement charter school and authorizes the
52 Achievement School District to terminate a contract to operate an achievement
53 charter school or an A+ school contract in certain circumstances.

54 **Section 22** of this bill authorizes the Achievement School District, within
55 budgetary limitations, to contract for the services of a consultant or other
56 professional or technical personnel. **Section 23** of this bill requires the Executive
57 Director of the Achievement School District to be in the unclassified service of the
58 State and allows the Superintendent of Public Instruction to designate an employee
59 of the Department to serve as Executive Director.

60 **Section 24** of this bill revises the criteria for eligibility of a public school for
61 conversion to an achievement charter school. **Section 24** also allows a charter
62 school which would meet such criteria if it were a public school to apply for
63 conversion to an achievement charter school. **Section 24** requires the Department to
64 annually post a list of all public schools eligible for conversion to an achievement
65 charter school on its Internet website. **Section 25** of this bill revises the contents
66 and process for consideration of an application by an operator or an independent
67 administrator to operate an achievement charter school. **Section 27** of this bill
68 revises provisions relating to the building in which an achievement charter school
69 operates. **Section 27** also, to the extent an achievement charter school has the
70 capacity to enroll additional pupils, prescribes an order of priority for the
71 enrollment of such pupils. **Section 28** of this bill provides that A+ schools are not
72 deemed to be a local educational agency. **Section 29** of this bill authorizes the
73 Executive Director or an operator, independent administrator or governing body of
74 an achievement charter school to consult with the board of trustees of a school
75 district concerning the facilities and services of the board of trustees and any fee
76 charged for such facilities or services. **Section 30** of this bill requires the governing
77 body of an achievement charter school to authorize certain children to participate in



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78 classes or extracurricular activities not otherwise available at the child's school or
79 homeschool. **Section 31** of this bill prohibits a board of trustees of a school district
80 from terminating a licensed employee who is on a leave of absence to teach in an
81 achievement charter school in certain circumstances.

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

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:
4 1. "Achievement charter school" means a public school
5 operated by a charter management organization, as defined in NRS
6 388B.020, an educational management organization, as defined in
7 NRS 388B.030, *an independent administrator, as defined in*
8 *section 5 of this act*, or other person *or entity* pursuant to a contract
9 with the Achievement School District pursuant to NRS 388B.210
10 and subject to the provisions of chapter 388B of NRS.
11 2. "Department" means the Department of Education.
12 3. "Homeschooled child" means a child who receives
13 instruction at home and who is exempt from compulsory attendance
14 pursuant to NRS 392.070, but does not include an opt-in child.
15 4. "Limited English proficient" has the meaning ascribed to it
16 in 20 U.S.C. § 7801(25).
17 5. "Opt-in child" means a child for whom an education savings
18 account has been established pursuant to NRS 353B.850, who is not
19 enrolled full-time in a public or private school and who receives all
20 or a portion of his or her instruction from a participating entity, as
21 defined in NRS 353B.750.
22 6. "Public schools" means all kindergartens and elementary
23 schools, junior high schools and middle schools, high schools,
24 charter schools and any other schools, classes and educational
25 programs which receive their support through public taxation and,
26 except for charter schools, whose textbooks and courses of study are
27 under the control of the State Board.
28 7. "State Board" means the State Board of Education.
29 8. "University school for profoundly gifted pupils" has the
30 meaning ascribed to it in NRS 388C.040.
31 **Sec. 1.3.** NRS 387.1223 is hereby amended to read as follows:
32 387.1223 1. On or before October 1, January 1, April 1 and
33 July 1, each school district shall report to the Department, in the
34 form prescribed by the Department, the average daily enrollment of
35 pupils pursuant to this section for the immediately preceding quarter
36 of the school year.



1 2. Except as otherwise provided in subsection 3, basic support
2 of each school district must be computed by:

3 (a) Multiplying the basic support guarantee per pupil established
4 for that school district for that school year by the sum of:

5 (1) The count of pupils enrolled in kindergarten and grades 1
6 to 12, inclusive, based on the average daily enrollment of those
7 pupils during the quarter, including, without limitation, the count of
8 pupils who reside in the county and are enrolled in any charter
9 school and the count of pupils who are enrolled in a university
10 school for profoundly gifted pupils located in the county.

11 (2) The count of pupils not included under subparagraph (1)
12 who are enrolled full-time in a program of distance education
13 provided by that school district, a charter school located within that
14 school district or a university school for profoundly gifted pupils,
15 based on the average daily enrollment of those pupils during the
16 quarter.

17 (3) The count of pupils who reside in the county and are
18 enrolled:

19 (I) In a public school of the school district and are
20 concurrently enrolled part-time in a program of distance education
21 provided by another school district or a charter school or receiving a
22 portion of his or her instruction from a participating entity, as
23 defined in NRS 353B.750, based on the average daily enrollment of
24 those pupils during the quarter.

25 (II) In a charter school and are concurrently enrolled part-
26 time in a program of distance education provided by a school district
27 or another charter school or receiving a portion of his or her
28 instruction from a participating entity, as defined in NRS 353B.750,
29 based on the average daily enrollment of those pupils during the
30 quarter.

31 (4) The count of pupils not included under subparagraph (1),
32 (2) or (3), who are receiving special education pursuant to the
33 provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to
34 388.5267, inclusive, based on the average daily enrollment of those
35 pupils during the quarter and excluding the count of pupils who
36 have not attained the age of 5 years and who are receiving special
37 education pursuant to NRS 388.435.

38 (5) Six-tenths the count of pupils who have not attained the
39 age of 5 years and who are receiving special education pursuant to
40 NRS 388.435, based on the average daily enrollment of those pupils
41 during the quarter.

42 (6) The count of children detained in facilities for the
43 detention of children, alternative programs and juvenile forestry
44 camps receiving instruction pursuant to the provisions of



1 NRS 388.550, 388.560 and 388.570, based on the average daily
2 enrollment of those pupils during the quarter.

3 (7) The count of pupils who are enrolled in classes for at
4 least one semester pursuant to subsection 1 of NRS 388A.471,
5 subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, ~~for~~
6 subsection 1 of NRS 388B.280 or ~~any regulations adopted pursuant~~
7 ~~to NRS 388B.060 that authorize a child who is enrolled at a public~~
8 ~~school of a school district or a private school or a homeschooled~~
9 ~~child to participate in a class at an achievement charter school.]~~
10 *subsection 9 of NRS 388B.280*, based on the average daily
11 enrollment of pupils during the quarter and expressed as a
12 percentage of the total time services are provided to those pupils per
13 school day in proportion to the total time services are provided
14 during a school day to pupils who are counted pursuant to
15 subparagraph (1).

16 (b) Adding the amounts computed in paragraph (a).

17 3. Except as otherwise provided in subsection 4, if the
18 enrollment of pupils in a school district or a charter school that is
19 located within the school district based on the average daily
20 enrollment of pupils during the quarter of the school year is less
21 than or equal to 95 percent of the enrollment of pupils in the same
22 school district or charter school based on the average daily
23 enrollment of pupils during the same quarter of the immediately
24 preceding school year, the enrollment of pupils during the same
25 quarter of the immediately preceding school year must be used for
26 purposes of making the quarterly apportionments from the State
27 Distributive School Account to that school district or charter school
28 pursuant to NRS 387.124.

29 4. If the Department determines that a school district or charter
30 school deliberately causes a decline in the enrollment of pupils in
31 the school district or charter school to receive a higher
32 apportionment pursuant to subsection 3, including, without
33 limitation, by eliminating grades or moving into smaller facilities,
34 the enrollment number from the current school year must be used
35 for purposes of apportioning money from the State Distributive
36 School Account to that school district or charter school pursuant to
37 NRS 387.124.

38 5. The Department shall prescribe a process for reconciling the
39 quarterly reports submitted pursuant to subsection 1 to account for
40 pupils who leave the school district or a public school during the
41 school year.

42 6. Pupils who are excused from attendance at examinations or
43 have completed their work in accordance with the rules of the board
44 of trustees must be credited with attendance during that period.



1 7. Pupils who are incarcerated in a facility or institution
2 operated by the Department of Corrections must not be counted for
3 the purpose of computing basic support pursuant to this section. The
4 average daily attendance for such pupils must be reported to the
5 Department of Education.

6 8. Pupils who are enrolled in courses which are approved by
7 the Department as meeting the requirements for an adult to earn a
8 high school diploma must not be counted for the purpose of
9 computing basic support pursuant to this section.

10 **Sec. 1.7.** NRS 387.123 is hereby amended to read as follows:

11 387.123 1. The count of pupils for apportionment purposes
12 includes all pupils who are enrolled in programs of instruction of the
13 school district, including, without limitation, a program of distance
14 education provided by the school district, pupils who reside in the
15 county in which the school district is located and are enrolled in any
16 charter school, including, without limitation, a program of distance
17 education provided by a charter school, and pupils who are enrolled
18 in a university school for profoundly gifted pupils located in the
19 county, for:

20 (a) Pupils in the kindergarten department.

21 (b) Pupils in grades 1 to 12, inclusive.

22 (c) Pupils not included under paragraph (a) or (b) who are
23 receiving special education pursuant to the provisions of NRS
24 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

25 (d) Pupils who reside in the county and are enrolled part-time in
26 a program of distance education provided pursuant to NRS 388.820
27 to 388.874, inclusive.

28 (e) Children detained in facilities for the detention of children,
29 alternative programs and juvenile forestry camps receiving
30 instruction pursuant to the provisions of NRS 388.550, 388.560 and
31 388.570.

32 (f) Pupils who are enrolled in classes pursuant to subsection 1 of
33 NRS 388A.471, pupils who are enrolled in classes pursuant to
34 subsection 1 of NRS 388A.474 and pupils who are enrolled in
35 classes pursuant to subsection 1 of NRS 388B.280 or ~~any~~
36 ~~regulations adopted pursuant to NRS 388B.060 that authorize a~~
37 ~~child who is enrolled at a public school of a school district or a~~
38 ~~private school or a homeschooled child to participate in a class at an~~
39 ~~achievement charter school.] subsection 9 of NRS 388B.280.~~

40 (g) Pupils who are enrolled in classes pursuant to subsection 1
41 of NRS 392.074.

42 (h) Pupils who are enrolled in classes and taking courses
43 necessary to receive a high school diploma, excluding those pupils
44 who are included in paragraphs (d), (f) and (g).



1 2. The State Board shall establish uniform regulations for
2 counting enrollment and calculating the average daily attendance of
3 pupils. In establishing such regulations for the public schools, the
4 State Board:

5 (a) Shall divide the school year into 10 school months, each
6 containing 20 or fewer school days, or its equivalent for those public
7 schools operating under an alternative schedule authorized pursuant
8 to NRS 388.090.

9 (b) May divide the pupils in grades 1 to 12, inclusive, into
10 categories composed respectively of those enrolled in elementary
11 schools and those enrolled in secondary schools.

12 (c) Shall prohibit the counting of any pupil specified in
13 subsection 1 more than once.

14 **Sec. 2.** Chapter 388B of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 3 to 18, inclusive, of this
16 act.

17 **Sec. 3.** *“A+ school” means an achievement charter school*
18 *operated pursuant to an A+ school contract.*

19 **Sec. 4.** *“A+ school contract” means an agreement entered*
20 *into by the Executive Director on behalf of the Achievement*
21 *School District, the principal appointed by an independent*
22 *administrator for a public school and the governing body*
23 *appointed by an independent administrator for a public school*
24 *pursuant to section 12 of this act.*

25 **Sec. 5.** *“Independent administrator” means a person*
26 *appointed by the Executive Director to facilitate the negotiation of*
27 *an A+ school contract and the conversion of a public school to an*
28 *achievement charter school pursuant to NRS 388B.210 and*
29 *section 10 of this act.*

30 **Sec. 6.** *“Operator” means a charter management*
31 *organization, educational management organization or other*
32 *person who enters into a contract to operate an achievement*
33 *charter school. The term does not include an independent*
34 *administrator.*

35 **Sec. 7.** *“Performance compact” means a written agreement*
36 *between the board of trustees of a school district and the*
37 *Department which relates to pupil achievement and school*
38 *performance at a public school.*

39 **Sec. 8. 1.** *The parents or legal guardians of pupils enrolled*
40 *at a public school which has received, for the most recent school*
41 *year for which data is available, an annual rating established as*
42 *the lowest or the second lowest rating possible indicating*
43 *underperformance of a public school and which is not eligible for*
44 *conversion to an achievement charter school pursuant to*
45 *paragraph (a), (b) or (d) of subsection 1 of NRS 388B.200 may*



1 *submit a petition to the Executive Director to convert the public*
2 *school to an achievement charter school or to request the board of*
3 *trustees of the school district in which the public school is located*
4 *to enter into a performance compact for the public school. Such a*
5 *petition must be submitted to the Executive Director on or before*
6 *November 15 of the school year following the school year for*
7 *which the school received the rating.*

8 2. *If a petition pursuant to subsection 1 requests the*
9 *Department and the board of trustees of a school district to enter*
10 *into a performance compact for a public school located in the*
11 *school district, the petition must include a summary of the*
12 *requested terms of the performance compact, including, without*
13 *limitation, the goals for pupil achievement and school*
14 *performance which must meet or exceed the goals set by the*
15 *Department for the public school and the proposed actions to*
16 *achieve such goals.*

17 3. *The parents or legal guardians of pupils enrolled at an*
18 *achievement charter school which has not met the performance*
19 *goals set forth in its contract may submit a petition to the*
20 *Executive Director to terminate the contract of the achievement*
21 *charter school and select a new operator or independent*
22 *administrator for the achievement charter school or to convert the*
23 *achievement charter school into a public school, including,*
24 *without limitation, to the extent allowed by NRS 388G.050, an*
25 *empowerment school, as defined in NRS 388G.010, or a*
26 *turnaround school pursuant to NRS 388G.400, under the*
27 *governance of the board of trustees of the school district in which*
28 *it is located. Such a petition must not be circulated until the*
29 *beginning of the third year of the contract and notice must be*
30 *given to the Executive Director before circulation. Such a petition*
31 *must be submitted to the Executive Director not later than 30 days*
32 *after beginning circulation of the petition.*

33 4. *If a petition pursuant to subsection 3 proposes to convert*
34 *an achievement charter school to a public school operated as an*
35 *empowerment school, the board of trustees of the school district in*
36 *which the achievement charter school is located must, before the*
37 *petition is circulated, conditionally approve the conversion of the*
38 *achievement charter school to an empowerment school upon a*
39 *successful petition.*

40 5. *A petition pursuant to subsection 1 or 3 may only be signed*
41 *by one parent or legal guardian of each pupil who is enrolled in*
42 *the public school or achievement charter school which is the*
43 *subject of the petition. To be valid, such a petition must:*

44 (a) *Be in the form prescribed by the State Board and*
45 *conspicuously posted and available on the Internet;*



1 (b) Designate by name at least one and not more than three
2 petitioners to represent all of the persons who sign the petition and
3 to whom the Executive Director will provide notice of his or her
4 determination of the validity of the petition; and

5 (c) Include a number of signatures that is greater than 50
6 percent of the number of pupils who attend the public school or
7 achievement charter school which is the subject of the petition.

8 6. A person shall not sign a petition pursuant to subsection 1
9 or 3 on behalf of another person. Each signature on such a
10 petition must be accompanied by:

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

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

13 (c) The printed name of the pupil who is enrolled in the public
14 school or achievement charter school of whom the person is the
15 parent or legal guardian.

16 7. Once a petition is submitted to the Executive Director, the
17 petition is final and signatures may not be rescinded. Not later
18 than 15 days after receiving a petition, the Executive Director
19 shall determine whether the petition is valid by verifying the
20 signatures on the petition and preparing a written summary of the
21 verification which includes, without limitation, the number of
22 signatures on the petition that have been verified. Each signature
23 that meets the requirements of this section must be included in the
24 number of verified signatures and may be reviewed, but shall be
25 presumed valid.

26 8. After determining whether a petition is valid, the Executive
27 Director shall mail a copy of the written summary of verification
28 and his or her determination of validity to the petitioner or
29 petitioners designated in the petition pursuant to paragraph (b) of
30 subsection 5. If the Executive Director determines that the petition
31 is valid, the Executive Director shall notify the State Board. Upon
32 receipt of such a notice, the State Board shall adopt a resolution
33 approving the petition and notify the board of trustees of the
34 school district in which the school is located.

35 9. If the Executive Director determines that a petition is valid
36 and the petition was submitted:

37 (a) Pursuant to subsection 1 to request the conversion of a
38 public school to an achievement charter school:

39 (1) If the public school was not eligible for conversion to an
40 achievement charter school, the public school shall be deemed
41 eligible for conversion to an achievement charter school;

42 (2) The Executive Director and State Board shall consider
43 the petition when determining whether to select the public school
44 for conversion; and



1 (3) *The Executive Director and State Board shall consider*
2 *any preference stated in the petition for the appointment of an*
3 *operator or an independent administrator if the public school is*
4 *selected for conversion.*

5 (b) *Pursuant to subsection 1 to request a performance compact*
6 *for a public school, the Department and the board of trustees of*
7 *the school district in which the public school is located may enter*
8 *into a performance compact containing the terms specified in the*
9 *petition and the public school is not eligible for conversion to an*
10 *achievement charter school while the performance compact is in*
11 *effect.*

12 (c) *Pursuant to subsection 3, the Executive Director shall*
13 *consider the termination of the contract and, if the contract is*
14 *terminated, the board of trustees of the school district in which the*
15 *achievement charter school is located shall take such actions as*
16 *may be necessary to bring the recommendations included in the*
17 *petition into effect.*

18 10. *Any person who conducts any activity relating to a*
19 *petition pursuant to this section:*

20 (a) *On school property must comply with any applicable*
21 *policies of the school and the school district and must not conduct*
22 *such activity on school property during school hours; and*

23 (b) *Shall not attempt to coerce in any manner or offer a gift,*
24 *reward or other incentive or make a threat or false statement to*
25 *induce any person to sign or refrain from signing a petition,*
26 *including, without limitation, threatening or harassing any person*
27 *on the basis of his or her immigration status.*

28 11. *A school or school district shall take reasonable measures*
29 *to protect pupils and employees from retaliation or harassment*
30 *relating to a petition.*

31 12. *A board of trustees of a school district, a school district, a*
32 *public school and any employee thereof shall not use any public*
33 *money to participate in an organized effort to support or oppose a*
34 *petition, and such an employee shall not participate in an*
35 *organized effort to support or oppose a petition during his or her*
36 *working hours. The provisions of this subsection do not prohibit*
37 *such an employee from supporting or opposing or participating in*
38 *an organized effort to support or oppose a petition outside of the*
39 *working hours of the employee.*

40 **Sec. 9. 1. The Department shall offer to negotiate a**
41 *performance compact with each public school:*

42 (a) *Determined to be eligible, but not selected, for conversion*
43 *to an achievement charter school; and*

44 (b) *For which a valid petition requesting a performance*
45 *compact has been received by the Executive Director.*



1 2. *A performance compact must be for a term of 3 school*
2 *years, must prescribe goals for pupil achievement and school*
3 *performance and must require a public school to take one of the*
4 *following actions intended to cause the public school to rapidly*
5 *improve pupil achievement and school performance:*

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

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

10 (c) *Adopt a plan that includes evidence-based strategies for*
11 *improving pupil achievement and school performance developed*
12 *by the principal of the public school:*

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

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

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

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

23 ↳ *A public school which is subject to a performance compact is*
24 *not eligible for conversion to an achievement charter school for*
25 *any school year in which the performance compact is effective.*

26 3. *The Department shall annually review the progress of the*
27 *public school toward the goals for pupil achievement and school*
28 *performance contained in its performance compact. If the public*
29 *school does not make progress determined by the Department to be*
30 *adequate toward such goals, the Department may terminate the*
31 *performance compact. Upon the termination of a performance*
32 *compact pursuant to this subsection, the Department and the*
33 *public school may negotiate a new performance compact. If the*
34 *public school meets the criteria of NRS 388B.200 to be eligible for*
35 *conversion to an achievement charter school and does not enter*
36 *into a new performance compact, the public school shall be*
37 *deemed to be eligible for conversion to an achievement charter*
38 *school.*

39 4. *Within 15 days after the release by the Department of the*
40 *final ratings for each public school in this State pursuant to NRS*
41 *385A.720 for the school year immediately following the school*
42 *year in which a public school is subject to a performance compact,*
43 *the principal of the public school shall submit to the board of*
44 *trustees of the school district in which the public school is located*
45 *and the State Board a report that includes:*



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

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

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

9 (1) *The extent to which parental involvement and family*
10 *engagement aligns to the policy of parental involvement adopted*
11 *by the State Board and the policy of parental involvement and*
12 *family engagement adopted by the board of trustees of the school*
13 *district in which the public school is located pursuant to NRS*
14 *392.457; and*

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

18 5. *The board of trustees of each school district and the State*
19 *Board shall post on their Internet websites any report submitted*
20 *pursuant to subsection 4.*

21 6. *As used in this section, "evidence-based" has the meaning*
22 *ascribed to it in 20 U.S.C. § 7801(21)(A)(i).*

23 **Sec. 10. 1.** *An independent administrator appointed by the*
24 *Executive Director to facilitate the negotiation of an A+ school*
25 *contract shall manage all aspects of the conversion of the public*
26 *school to an A+ school.*

27 2. *An independent administrator may recommend that the*
28 *Executive Director take one or more of the following actions and*
29 *include in an A+ school contract of language which ratifies such*
30 *actions:*

31 (a) *Supersede any decision, policy or regulation of the board*
32 *of trustees of the school district in which the public school in the*
33 *process of conversion to an A+ school is located or of the principal*
34 *of the school that is not covered by a collective bargaining*
35 *agreement and that, in the sole judgment of the independent*
36 *administrator, conflicts with the plan being developed for the*
37 *school;*

38 (b) *Expand or replace the curriculum or program offerings of*
39 *the public school in the process of conversion to an A+ school;*

40 (c) *Extend the school day or school year;*

41 (d) *Develop a budget aligned to the components of the plan*
42 *being developed for the public school in the process of conversion*
43 *to an A+ school which includes, without limitation, discretion over*
44 *100 percent of the amount of money from the state financial aid*
45 *and federal or local funds that the school district apportions for*



1 *the school, without regard to any line-item specifications or*
2 *specific uses determined advisable by the school district;*

3 *(e) Supersede any employment decision by the board of*
4 *trustees of the school district in which the public school in*
5 *the process of conversion to an A+ school is located or by the*
6 *principal of the school unless the decision relates to the*
7 *independent administrator himself or herself;*

8 *(f) Establish methods to improve hiring, instruction, teacher*
9 *evaluation, professional development, teacher advancement,*
10 *school culture and organizational structure;*

11 *(g) Reconstitute the positions of all members of the teaching*
12 *and administrative and supervisory staff of the public school in the*
13 *process of conversion to an A+ school, including the principal,*
14 *and require that each employee of the school that wishes to be*
15 *employed after the conversion to an A+ school is complete must*
16 *reapply for a position; or*

17 *(h) Negotiate one or more changes to or waivers of any part of*
18 *a collective bargaining agreement which covers an employee of*
19 *the public school in the process of conversion to an A+ school.*

20 **3. An independent administrator shall consult with the**
21 **governing body of the A+ school for all decisions relating to the**
22 **A+ school, including, without limitation:**

23 *(a) The development of a plan for the performance of the A+*
24 *school for the year after an A+ school contract is executed;*

25 *(b) The negotiation of an A+ school contract; and*

26 *(c) The provision of direct support and oversight to the public*
27 *school for the period beginning on the date that the independent*
28 *administrator is appointed and ending at the conclusion of the*
29 *following school year.*

30 **4. The principal of an A+ school may request the assistance**
31 **of the independent administrator after the conclusion of the period**
32 **specified in paragraph (c) of subsection 3.**

33 **5. If the person appointed by an independent administrator as**
34 **the principal of an A+ school ceases for any reason to be the**
35 **principal of the A+ school during the term of an A+ school**
36 **contract, the governing body of the A+ school shall select a**
37 **replacement.**

38 **Sec. 11. A contract with an operator to operate an**
39 **achievement charter school must include, without limitation,**
40 **clear, quantifiable goals for:**

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

43 **2. Improving the performance of pupils enrolled in the**
44 **achievement charter school on examinations that measure the**



1 *achievement and proficiency of pupils pursuant to the state system*
2 *of accountability for public schools; and*

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

7 **Sec. 12. 1. An independent administrator whose**
8 **application is approved by the Executive Director shall facilitate**
9 **the negotiation of an A+ school contract entered into by the**
10 **governing body of the A+ school, the principal of the A+ school**
11 **and the Executive Director on behalf of the Achievement School**
12 **District. An A+ school contract must include, without limitation:**

13 *(a) A plan to improve pupil achievement and school*
14 *performance;*

15 *(b) Any conditions which the Achievement School District has*
16 *determined are necessary for the A+ school to satisfy before the*
17 *commencement of operation to ensure that the A+ school meets all*
18 *building, health, safety, insurance and other legal requirements;*
19 *and*

20 *(c) A plan for oversight and annual monitoring and review of*
21 *the A+ school by the Achievement School District, including,*
22 *without limitation, the rights and responsibilities of the A+ school*
23 *and the Achievement School District, in which the A+ school*
24 *agrees to the full oversight of, monitoring by and compliance of*
25 *the A+ school with requirements of the Achievement School*
26 *District and the Department.*

27 *2. In addition to the provisions required by subsection 1, an*
28 *A+ school contract may include, without limitation:*

29 *(a) Any waiver from a statute contained in this title or a*
30 *regulation of the State Board or Department which has been*
31 *granted by the State Board for the A+ school pursuant to section*
32 *15 of this act;*

33 *(b) Provisions which identify each facility or service provided*
34 *by a school district which the A+ school wishes to receive from the*
35 *school district pursuant to NRS 388B.260 or, if a facility or service*
36 *cannot be provided by the school district, from another person or*
37 *entity; and*

38 *(c) Provisions which ensure appropriate liability coverage is*
39 *obtained for the A+ school.*

40 *3. An independent administrator shall negotiate an*
41 *agreement with the board of trustees of the school district in which*
42 *the A+ school will be located to employ the principal of the A+*
43 *school but must delegate the management of the principal to the*
44 *governing body of the A+ school and the Achievement School*



1 *District pursuant to a contract for the performance of the*
2 *principal.*

3 *4. The Achievement School District shall, within 10 days*
4 *after the execution of an A+ school contract, provide written*
5 *notice to the Department of the A+ school contract and the date on*
6 *which it was executed, a copy of the plan to improve pupil*
7 *achievement and school performance included in the contract and*
8 *any other documentation relevant to the A+ school contract.*

9 *5. The Achievement School District may require, upon*
10 *request of the independent administrator or on its own*
11 *determination, that an A+ school delay the commencement of*
12 *operation for not more than 1 year after the execution of an A+*
13 *school contract.*

14 **Sec. 13.** *1. The principal of each achievement charter*
15 *school shall, within 15 days after the release by the Department of*
16 *the final ratings for each public school in this State pursuant to*
17 *NRS 385A.720, submit to the Achievement School District a report*
18 *that includes, without limitation:*

19 *(a) An explanation of whether the achievement charter school*
20 *met the goals for pupil achievement and school performance*
21 *prescribed in the contract of the achievement charter school;*

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

25 *(c) An annual financial audit conducted by an external*
26 *auditor; and*

27 *(d) A description of parental involvement and family*
28 *engagement at the achievement charter school, which must*
29 *describe:*

30 *(1) The extent to which parental involvement aligns to the*
31 *policy of parental involvement adopted by the State Board; and*

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

35 *2. Each achievement charter school shall host not less than*
36 *two annual parent meetings, one of which must be hosted at the*
37 *beginning of the school year to gather input from parents and*
38 *legal guardians of pupils enrolled at the achievement charter*
39 *school and one of which must be hosted at the end of the school*
40 *year to review the performance of the achievement charter school.*

41 **Sec. 14.** *1. Each year, the Achievement School District*
42 *shall conduct a performance review of each achievement charter*
43 *school which includes, without limitation, a review of the*
44 *academic, financial and organizational performance of the*
45 *achievement charter school and whether the achievement charter*



1 *school has met the expectations and performance goals set forth in*
2 *its contract.*

3 *2. In addition to any other circumstances under which a*
4 *contract to operate an achievement charter school or an A+ school*
5 *contract may be terminated, the Achievement School District may*
6 *terminate a contract to operate an achievement charter school or*
7 *an A+ school contract before the expiration of the contract if the*
8 *Executive Director determines that:*

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

11 *(1) Committed a material breach of the terms and*
12 *conditions of the contract;*

13 *(2) Failed to comply with generally accepted standards of*
14 *fiscal management;*

15 *(3) Failed to comply with any statute or regulation*
16 *applicable to achievement charter schools; or*

17 *(4) Has persistently underperformed, as measured by the*
18 *performance goals set forth in the contract;*

19 *(b) The achievement charter school has filed a voluntary*
20 *petition of bankruptcy, is adjudicated bankrupt or insolvent or is*
21 *otherwise financially impaired to the extent that the achievement*
22 *charter school cannot continue to operate;*

23 *(c) There is reasonable cause to believe that termination of the*
24 *contract is necessary to protect the health and safety of the pupils*
25 *enrolled in the achievement charter school or persons who are*
26 *employed by the achievement charter school from jeopardy or to*
27 *prevent damage to or loss of the property of the school district or*
28 *the community in which the achievement charter school is*
29 *located; or*

30 *(d) The operator or independent administrator of the*
31 *achievement charter school, the governing body of the*
32 *achievement charter school or an employee of the achievement*
33 *charter school has at any time made a material misrepresentation*
34 *or omission concerning any information disclosed to the Executive*
35 *Director, the Achievement School District or any representative or*
36 *employee thereof.*

37 *3. If the Executive Director decides to terminate a contract to*
38 *operate an achievement charter school or an A+ school contract,*
39 *the Executive Director shall, on or before March 31 following the*
40 *date of the decision, notify the operator, independent*
41 *administrator or governing body of the achievement charter*
42 *school, as applicable, of the decision to terminate the contract.*

43 *4. The operator, independent administrator or governing*
44 *body of an achievement charter school, as applicable, may appeal*
45 *the decision of the Executive Director to the Department if the*



1 *appeal is requested within 60 days after receiving notice pursuant*
2 *to subsection 3.*

3 *5. The operator, independent administrator or governing*
4 *body of an achievement charter school, as applicable, shall notify*
5 *the parent or legal guardian of each pupil enrolled in the*
6 *achievement charter school on or before May 31 following receipt*
7 *of a notice pursuant to subsection 3.*

8 *6. If a contract to operate an achievement charter school or*
9 *an A+ school contract is terminated, the Executive Director must*
10 *select a new operator or independent administrator to operate the*
11 *achievement charter school.*

12 **Sec. 15. 1. An A+ school may request a waiver from a**
13 **statute contained in this title or a regulation of the State Board or**
14 **Department. Such a waiver request must be submitted to the**
15 **Achievement School District for transmittal to the State Board for**
16 **review. The State Board may approve a request for a waiver that:**

17 *(a) Does not violate federal law or any provision of state law or*
18 *regulation which is required to carry out federal law; and*

19 *(b) Advances the mission and intent of the A+ school and is in*
20 *the best interest of the pupils served by the A+ school.*

21 *2. If the State Board denies a request for a waiver, the State*
22 *Board shall:*

23 *(a) Return the request to the A+ school with a written*
24 *statement indicating the reason for the denial; and*

25 *(b) Provide the A+ school with a reasonable opportunity to*
26 *correct any deficiencies in the request identified in the written*
27 *statement and resubmit the request for approval. A request may be*
28 *resubmitted not more than once in a school year.*

29 *3. If the State Board approves a request for a waiver, the A+*
30 *school and the Achievement School District shall:*

31 *(a) Amend the A+ school contract to include the waiver as*
32 *soon as practicable; and*

33 *(b) Indemnify the school district in which the A+ school is*
34 *located for liability resulting from any provision of statute or*
35 *regulation which is waived.*

36 *4. The State Board shall annually compile a report which*
37 *includes, without limitation, a list of all A+ schools that had a*
38 *request for a waiver approved pursuant to subsection 1 and each*
39 *provision of statute or regulation waived pursuant to such a*
40 *request and submit the report on or before October 1 of:*

41 *(a) Each odd-numbered year to the Legislative Committee on*
42 *Education.*

43 *(b) Each even-numbered year to the Director of the Legislative*
44 *Counsel Bureau for transmittal to the next regular session of the*
45 *Legislature.*



1 ↳ Upon the request of a Legislator, the State Board shall update
2 its most recent report with information regarding any waiver
3 approved since the report was submitted.

4 5. For the purpose of determining the budget of an A+
5 school, the governing body of the A+ school shall have discretion
6 over 100 percent of the money from the state financial aid and
7 federal or local funds that the school district apportions for the
8 school, without regard to any line-item specifications or specific
9 uses determined advisable by the school district.

10 6. Except as otherwise provided in subsection 7, if an action
11 determined to be necessary by the principal of the A+ school to
12 implement the A+ school contract will:

13 (a) Increase the cost of operating the A+ school, the principal
14 must seek to obtain any available grant from the Department and
15 request any necessary additional amount of money from the board
16 of trustees of the school district.

17 (b) Decrease the cost of operating the A+ school, the board of
18 trustees of the school district must not reduce the amount of
19 money allocated to the school as a result of the savings.

20 7. If the board of trustees of a school district reduces the
21 amount of money allocated to each public school located in the
22 school district, an A+ school shall reduce its budget by a
23 commensurate amount.

24 8. Any money remaining in the account of an A+ school at
25 the end of a fiscal year does not revert to the State General Fund,
26 and the balance in the account of an A+ school must be carried
27 forward to the next fiscal year.

28 **Sec. 16. 1.** The board of trustees of the school district in
29 which an A+ school is located shall not:

30 (a) Assign any pupil who is enrolled in a public school in the
31 school district or any employee who is employed in a public school
32 in the school district to an A+ school.

33 (b) Interfere with the operation and management of the A+
34 school except as authorized by the A+ school contract, this chapter
35 and any other statute or regulation applicable to an achievement
36 charter school or its officers or employees.

37 (c) Engage in or direct others to engage in oversight or
38 management of the principal of an A+ school.

39 2. If the board of trustees of a school district in which an A+
40 school is located identifies evidence of misconduct by the principal
41 of the A+ school which is harmful to pupils enrolled in the A+
42 school, the board of trustees may request the Department to
43 conduct a formal inquiry into the matter. The Department shall
44 conduct a formal inquiry and submit its findings to the
45 Superintendent of Public Instruction for a final determination and



1 *a proposed resolution. The decision of the Superintendent of*
2 *Public Instruction is final and not subject to judicial review.*

3 **Sec. 17. 1.** *An A+ school shall not commence operation*
4 *until the governing body of the school has entered into an*
5 *agreement with the board of trustees of the school district in which*
6 *the A+ school is located to indemnify the school district for the*
7 *activities of the A+ school.*

8 **2.** *The Department shall, by regulation, prescribe minimum*
9 *standards for such an indemnification agreement pursuant to*
10 *subsection 1.*

11 **3.** *If the governing body of an A+ school and the board of*
12 *trustees of a school district fail to execute an indemnification*
13 *agreement after a reasonable amount of time, the Superintendent*
14 *of Public Instruction shall arbitrate the differences between the*
15 *governing body and the board of trustees.*

16 **Sec. 18. 1.** *The governing body of an A+ school and its*
17 *volunteer members are immune from liability for civil damages as*
18 *a result of an act or omission in performing the following duties:*

19 *(a) Providing assistance and advice to the independent*
20 *administrator or principal of the A+ school regarding the*
21 *development of an A+ school contract;*

22 *(b) Providing continued assistance and advice to the principal*
23 *of the A+ school in carrying out the A+ school contract;*

24 *(c) Establishing a list of qualifications for the principal of the*
25 *A+ school and assisting with the selection of the next principal if a*
26 *vacancy occurs;*

27 *(d) Providing input regarding the principal to the independent*
28 *administrator, Achievement School District or Department;*

29 *(e) Recommending candidates for the position of principal to*
30 *the independent administrator; and*

31 *(f) Reviewing the A+ school contract and making*
32 *recommendations for revisions to the contract.*

33 **2.** *Each volunteer member of the governing body of an A+*
34 *school who participates in the interviewing of a candidate for*
35 *employment shall comply with all state and federal laws relating to*
36 *employment.*

37 **Sec. 19.** NRS 388B.010 is hereby amended to read as follows:

38 388B.010 As used in this chapter, unless the context otherwise
39 requires, the words and terms defined in NRS 388B.020 to
40 388B.050, inclusive, *and sections 3 to 7, inclusive, of this act* have
41 the meanings ascribed to them in those sections.

42 **Sec. 20.** NRS 388B.050 is hereby amended to read as follows:

43 388B.050 "Public school" does not include ~~fa charter school~~
44 ~~or~~ a university school for profoundly gifted pupils ~~†~~ *or, except as*
45 *otherwise provided in NRS 388B.200, a charter school.*



1 **Sec. 21.** NRS 388B.060 is hereby amended to read as follows:
2 388B.060 The Department shall adopt any regulations
3 necessary or convenient to carry out the provisions of this chapter.
4 The regulations may prescribe, without limitation:

5 1. The process by which the Executive Director will solicit the
6 input of:

7 (a) Members of the community in which a public school is
8 located, including, without limitation, parents of pupils enrolled at
9 the public school, before selecting the public school for conversion
10 to an achievement charter school pursuant to NRS 388B.200; and

11 (b) Parents of pupils enrolled at a public school that has been
12 selected for conversion to an achievement charter school concerning
13 the needs of such pupils before approving an application to operate
14 the achievement charter school pursuant to NRS 388B.210.

15 2. The process by which the Executive Director will solicit
16 applications to operate an achievement charter school , *including,*
17 *without limitation, to serve as an independent administrator,* and
18 the procedure and criteria that the Executive Director must use when
19 evaluating such applications.

20 3. The manner in which the Executive Director will monitor
21 and evaluate pupil achievement and school performance of an
22 achievement charter school.

23 4. The process by which the parent or legal guardian of a child
24 may apply for enrollment in an achievement charter school,
25 including, without limitation, the required contents of the
26 application, and the criteria used to determine which pupils will be
27 enrolled in the achievement charter school. An achievement charter
28 school shall not accept applications for enrollment in the charter
29 school or otherwise discriminate based on the race, gender, religion,
30 ethnicity or disability of a pupil.

31 5. ~~Circumstances under which the governing body of a charter
32 school may authorize a child who is enrolled in a public school of a
33 school district or a private school or a homeschooled child to
34 participate in a class at an achievement charter school that is not
35 otherwise available to the child at his or her school or homeschool
36 or participate in an extracurricular activity at the achievement
37 charter school.~~

38 ~~6.~~ The procedure for converting an achievement charter school
39 into a public school.

40 **Sec. 22.** NRS 388B.100 is hereby amended to read as follows:
41 388B.100 1. The Achievement School District is hereby
42 created within the Department.

43 2. The Achievement School District may employ such persons
44 as it deems necessary to carry out the provisions of this chapter. The
45 employees of the Achievement School District:



1 (a) Must be qualified to carry out the daily responsibilities of
2 overseeing achievement charter schools in accordance with the
3 provisions of this chapter; and

4 (b) Are in the unclassified service of the State and serve at the
5 pleasure of the Executive Director.

6 **3. *The Achievement School District may, to the extent that***
7 ***money is available for that purpose, contract for the services of a***
8 ***consultant or other professional or technical personnel as the***
9 ***Achievement School District may require to carry out the***
10 ***provisions of this chapter.***

11 **Sec. 23.** NRS 388B.110 is hereby amended to read as follows:

12 388B.110 1. The Superintendent of Public Instruction shall
13 appoint an Executive Director of the Achievement School District
14 ~~or~~ ***or designate an employee of the Department to serve as***
15 ***Executive Director of the Achievement School District.*** The
16 Executive Director ***is in the unclassified service of the State and***
17 shall serve at the pleasure of the Superintendent of Public
18 Instruction.

19 2. The Executive Director is the chief of the Achievement
20 School District. The Executive Director has the powers and duties
21 assigned by this chapter and any other applicable law or regulation
22 and such other powers and duties as may be assigned by the
23 Superintendent of Public Instruction.

24 3. The Executive Director shall develop policies and practices
25 for the operation of the Achievement School District that are
26 consistent with state laws and regulations governing achievement
27 charter schools. Such policies and practices must include, without
28 limitation, the manner in which the Achievement School District
29 will maintain oversight of achievement charter schools.

30 **Sec. 24.** NRS 388B.200 is hereby amended to read as follows:

31 388B.200 1. A public school is eligible for conversion to an
32 achievement charter school if:

33 (a) Based upon the most recent annual report of the statewide
34 system of accountability for public schools, the public school is an
35 elementary school or middle school that was rated in the lowest 5
36 percent of elementary or middle schools in this State in pupil
37 achievement and school performance for the most recent school
38 year;

39 (b) The public school is a high school that had a graduation rate
40 for the immediately preceding school year of less than 60 percent;

41 ~~or~~

42 ~~(c) Pupil achievement and school performance at the public~~
43 ~~school is unsatisfactory as determined by the Department pursuant~~
44 ~~to the criteria established by regulation of the Department.]~~ ***The***
45 ***public school has been identified by the Department for***



1 *comprehensive support and improvement pursuant to 20 U.S.C. §*
2 *6311(c)(4)(D)(i);*

3 *(d) The board of trustees of the school district in which the*
4 *public school is located recommends the school to the Department*
5 *for conversion to an achievement charter school;*

6 *(e) The public school has received, for the most recent school*
7 *year for which data is available, an annual rating established as*
8 *the lowest or the second lowest rating possible indicating*
9 *underperformance of a public school and a valid petition*
10 *containing the number of signatures required pursuant to section*
11 *8 of this act has been submitted to the Executive Director;*

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

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

24 *2. If a public school described in paragraph (f) or (g) of*
25 *subsection 1 has entered into a performance compact and met the*
26 *goals for pupil achievement and school performance prescribed in*
27 *the performance compact for the year in which the public school*
28 *received the annual rating described in those paragraphs, the*
29 *public school is not eligible for conversion to an achievement*
30 *charter school.*

31 *3. The governing body of a charter school which would be*
32 *eligible for conversion to an achievement charter school pursuant*
33 *to subsection 1 if the charter school were a public school may*
34 *apply to the Executive Director for conversion to an achievement*
35 *charter school. If the governing body of a charter school submits*
36 *such an application, the charter school shall be deemed a public*
37 *school for the purpose of this chapter.*

38 *4. The Executive Director shall notify the board of trustees of*
39 *the school district in which a public school is located if the*
40 *Executive Director determines that the public school is eligible for*
41 *conversion to an achievement charter school pursuant to*
42 *subsection 1. Within 5 business days after receipt of such a*
43 *notification, the board of trustees shall, in a manner that complies*
44 *with all applicable federal and state laws concerning the privacy of*
45 *information, provide the Executive Director with the name,*



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1 *address, telephone number, electronic mail address and any other*
2 *contact information known to the board of trustees for each parent*
3 *or legal guardian of a pupil who is enrolled in the public school.*

4 *5. On or before September 15 of each year, the Department*
5 *will post conspicuously on its Internet website a list of the public*
6 *schools that are eligible for conversion to an achievement charter*
7 *school pursuant to subsection 1. The list must include any existing*
8 *intervention which is being carried out at each such public school*
9 *and identify each public school for which a petition may be filed*
10 *pursuant to paragraph (e) of subsection 1. Upon publication of*
11 *such a list by the Department, the board of trustees of each school*
12 *district shall post conspicuously on its Internet website:*

13 *(a) A copy of the list;*

14 *(b) A statement that each public school on the list is eligible to*
15 *enter into a performance compact or be converted to an*
16 *achievement charter school;*

17 *(c) A summary of the relevant provisions of this section; and*

18 *(d) For each public school located in the school district for*
19 *which a petition may be filed pursuant to paragraph (e) of*
20 *subsection 1, the number of signatures required for such a petition*
21 *to be considered valid.*

22 **6.** Each year, the Executive Director shall submit a list of not
23 less than 20 percent of the public schools that are eligible for
24 conversion to an achievement charter school pursuant to subsection
25 1 to the State Board for its approval. Within 30 days after the list is
26 submitted, the State Board shall approve at least 50 percent of the
27 schools on the list.

28 ~~13~~ *When determining which schools to approve, the State*
29 *Board shall consider any relevant information, including, without*
30 *limitation, historical data concerning a public school that is*
31 *maintained pursuant to the statewide system of accountability for*
32 *public schools and any efforts by the board of trustees of the*
33 *school district in which a public school is located to improve pupil*
34 *achievement and school performance at the public school.*

35 **7.** Each year, the Executive Director may select not more than
36 six public schools approved for consideration by the State Board
37 pursuant to subsection ~~12~~ **6** for conversion to achievement charter
38 schools ~~H~~ *or for an agreement with a charter school that allows*
39 *the parent or legal guardian of a pupil enrolled at the public*
40 *school to enroll the pupil in the charter school. Before selecting a*
41 *public school for conversion to an achievement charter school ~~H~~ or*
42 *for such an agreement, the Executive Director must:*

43 *(a) Consider available data concerning pupil achievement and*
44 *school performance for the public school, including, without*
45 *limitation, data from the statewide system of accountability for*



1 public schools and data maintained by the board of trustees of the
2 school district in which the public school is located;

3 (b) Solicit, in accordance with *subsection 8 and* any regulations
4 adopted pursuant to NRS 388B.060, ~~and consider~~ input from *a*
5 *majority of the* parents of pupils enrolled at the public school and
6 other members of the community in which the public school is
7 located ~~and~~ *consider any such input received by the Executive*
8 *Director;*

9 (c) Consult with the board of trustees of the school district in
10 which the public school is located ~~and~~
11 ~~and~~ *;* ~~and~~

12 (d) *Comply with all federal and state laws concerning equality*
13 *and civil rights that prohibit discrimination.*

14 *8. To satisfy the requirements of paragraph (b) of subsection*
15 *7, the Executive Director must, without limitation:*

16 (a) *Hold one or more in-person meetings in the community in*
17 *which the public school is located;*

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

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

25 *9. The Executive Director shall notify a public school selected*
26 *for conversion to an achievement charter school and the school*
27 *district in which the public school is located not later than 60 days*
28 *after making the selection.*

29 **Sec. 25.** NRS 388B.210 is hereby amended to read as follows:

30 388B.210 1. For each public school *or charter school*
31 selected for conversion to an achievement charter school pursuant to
32 NRS 388B.200, the Executive Director shall:

33 (a) Solicit applications from ~~educational management~~
34 ~~organizations, charter management organizations~~ *operators* and
35 ~~other persons~~ *independent administrators* to operate the
36 achievement charter school.

37 (b) Provide information to parents of pupils enrolled at the
38 public school *or charter school* concerning programs of instruction
39 that applicants to operate the achievement charter school have
40 proposed to offer at the achievement charter school and, in
41 accordance with any regulations adopted pursuant to NRS
42 388B.060, solicit the input of such parents concerning the needs of
43 such pupils , ~~and~~ the ability of the proposed programs of
44 instruction to address those needs ~~and~~ *and the preference of the*
45 *parents for an operator or an independent administrator to be*



1 *chosen to operate the school before approving an application*
2 *pursuant to paragraph (c).*

3 (c) Taking into consideration the input provided pursuant to
4 paragraph (b), evaluate the applications submitted to operate the
5 achievement charter school and approve the application that the
6 Executive Director determines is high quality, meets the identified
7 educational needs of pupils and is likely to improve pupil
8 achievement and school performance.

9 (d) Negotiate and enter into a contract to operate the
10 achievement charter school directly with the ~~{charter management~~
11 ~~organization, educational management organization or other person}~~
12 *operator* whose application is approved pursuant to paragraph (c) ~~{}~~
13 *or begin negotiations facilitated by an independent administrator*
14 *whose application is approved pursuant to paragraph (c) to enter*
15 *into an A+ school contract.* A contract *with an operator* to operate
16 an achievement charter school *or an A+ school contract* must be for
17 a term of 6 years. The term of the contract begins on the first day on
18 which the contract provides that the ~~{educational management~~
19 ~~organization, charter management organization}~~ *operator* or ~~{other~~
20 ~~person}~~ *independent administrator* is responsible for the operation
21 of the achievement charter school. *A contract with an operator to*
22 *operate an achievement charter school or an A+ school contract*
23 *must include the terms described in sections 11 and 12 of this act,*
24 *as applicable.*

25 (e) Monitor the performance and compliance of each
26 achievement charter school.

27 2. ~~{The Department shall adopt regulations that prescribe the~~
28 ~~process by which a charter management organization, educational~~
29 ~~management organization or other person may apply to operate an~~
30 ~~achievement charter school. Such regulations}~~ *An application for*
31 *an operator* must ~~{}~~ *be on a form prescribed by the Department*
32 *and include,* without limitation:

33 (a) ~~{Require each application to include a}~~ *A plan to involve and*
34 *engage the parents and families of pupils enrolled at the*
35 *achievement charter school;* ~~{and}~~

36 (b) ~~{Authorize a charter management organization, educational~~
37 ~~management organization or other person to submit one application~~
38 ~~to operate more than one achievement charter school.}~~ *A description*
39 *of the mission and goals of the achievement charter school;*

40 (c) *The school model and academic plan for the achievement*
41 *charter school;*

42 (d) *Performance goals for the pupils enrolled in the*
43 *achievement charter school;*

44 (e) *The leadership team for and governing body of the*
45 *achievement charter school;*



1 (f) *The financial plan and policies of the achievement charter*
2 *school;*

3 (g) *A clear and high-quality plan for the achievement charter*
4 *school that prescribes the organizational structure of the*
5 *achievement charter school and includes measurable goals for the*
6 *achievement charter school;*

7 (h) *A clear basis for assessing the ability of the applicant to*
8 *carry out the plan described in paragraph (g); and*

9 (i) *If the applicant operates other schools, data concerning the*
10 *demographics, pupil achievement and school performance of each*
11 *school operated by the applicant, including, without limitation,*
12 *results that demonstrate a record of success in serving similar*
13 *pupils.*

14 3. *An application for an independent administrator must be*
15 *on a form prescribed by the Department and include, without*
16 *limitation, information that describes the experience of the*
17 *applicant relating to:*

18 (a) *Leading or selecting leaders for a high-performing school;*

19 (b) *Managing financial systems and operations;*

20 (c) *Litigation, including, without limitation, whether the*
21 *applicant is licensed to practice law in this State or any other state;*

22 (d) *Managing budgets;*

23 (e) *General management;*

24 (f) *The regulation of schools;*

25 (g) *Public relations and interacting with the press; and*

26 (h) *Community engagement.*

27 4. *The Executive Director shall:*

28 (a) *Accept applications pursuant to subsections 2 and 3*
29 *throughout each year and, at least once each year, review all*
30 *applications submitted to the Executive Director pursuant to*
31 *subsections 2 and 3 before the Executive Director begins to review*
32 *applications;*

33 (b) *At least 60 days before reviewing applications submitted*
34 *pursuant to subsections 2 and 3, provide a notice to the*
35 *Department for posting on the Internet website maintained by the*
36 *Department of the date on which the Executive Director will begin*
37 *to review applications;*

38 (c) *Notify each operator and independent administrator who*
39 *submits an application whether the application is approved or*
40 *denied;*

41 (d) *If practicable, obtain assistance from one or more*
42 *independent reviewers to review applications submitted pursuant*
43 *to subsections 2 and 3; and*

44 (e) *Notify the State Board and the board of trustees of the*
45 *school district in which the achievement charter school is located*



1 *as soon as practicable after the Executive Director approves an*
2 *application for an operator or independent administrator pursuant*
3 *to paragraph (c) of subsection 1.*

4 5. If ~~{a charter management organization, educational~~
5 ~~management organization}~~ *an operator* or ~~{other person}~~
6 *independent administrator* applies to operate more than one
7 achievement charter school , ~~{pursuant to paragraph (b) of~~
8 ~~subsection 2,}~~ the Department must not approve the application
9 unless any charter school currently operated by the ~~{charter~~
10 ~~management organization, educational management organization}~~
11 *operator* or ~~{other person}~~ *independent administrator* meets
12 specific criteria for pupil achievement and school performance
13 established for each such school by the Department.

14 6. *An achievement charter school may request the Executive*
15 *Director to amend the contract entered into pursuant to paragraph*
16 *(d) of subsection 1 to expand the achievement charter school. The*
17 *Executive Director may grant such a request if the Executive*
18 *Director determines that such an expansion:*

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

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

23 7. *A decision of the Executive Director to approve or deny an*
24 *application to operate an achievement charter school or to*
25 *approve or deny a request to amend a contract pursuant to*
26 *subsection 6 is a final decision for the purpose of judicial review.*

27 **Sec. 26.** NRS 388B.220 is hereby amended to read as follows:

28 388B.220 1. After a contract is entered into pursuant to
29 paragraph (d) of subsection 1 of NRS 388B.210, the Achievement
30 School District shall be deemed the sponsor of the achievement
31 charter school for all purposes, including, without limitation, receipt
32 of the sponsorship fee prescribed pursuant to NRS 388A.414.

33 2. The ~~{charter management organization, educational~~
34 ~~management organization}~~ *operator* or ~~{other person}~~ *independent*
35 *administrator* with whom the Executive Director enters into a
36 contract to operate the achievement charter school *or an A+ school*
37 *contract, as applicable*, shall appoint the governing body of the
38 achievement charter school, consisting of such persons as deemed
39 appropriate by the ~~{charter management organization, educational~~
40 ~~management organization}~~ *operator* or ~~{other person}~~ *independent*
41 *administrator* and who meet the requirements set forth in
42 ~~{subsection}~~ *subsections 3* ~~{,}~~ *, 4 and 5.* The governing body has
43 such powers and duties as assigned pursuant to this chapter and any
44 other applicable law or regulation and by the Executive Director.



1 3. ~~{At least two members of the governing body of an~~
2 ~~achievement charter school must reside in the community in which~~
3 ~~the achievement charter school is located.}~~ A person who is
4 employed by ~~{the charter management organization, educational~~
5 ~~management organization}~~ **an operator** or ~~{other person}~~
6 **independent administrator** with whom the Executive Director has
7 entered into a contract to operate the achievement charter school **or**
8 **an A+ school contract** may not serve as a voting member of the
9 governing body of the achievement charter school.

10 4. **If the governing body of an achievement charter school is**
11 **appointed by an operator, at least two members of the governing**
12 **body must reside in the community in which the achievement**
13 **charter school is located.**

14 5. **If the governing body of an achievement charter school is**
15 **appointed by an independent administrator, the governing body**
16 **must:**

17 (a) **Consist of not more than nine members selected from the**
18 **community, the staff of the achievement charter school and**
19 **the parents or legal guardians of pupils currently enrolled in the**
20 **achievement charter school. A member of an organizational team,**
21 **parent-teacher association or similar body of the school being**
22 **converted must be given priority in appointment.**

23 (b) **Receive all training or professional development that is**
24 **required of members of a board of trustees of a school district or,**
25 **if no such training or professional development is required, such**
26 **training as may be prescribed by the Department by regulation**
27 **before beginning to discharge its duties.**

28 6. The Executive Director may terminate a contract to operate
29 an achievement charter school **or an A+ school contract** before the
30 expiration of the contract **pursuant to section 14 of this act or** under
31 circumstances prescribed by regulation of the Department.

32 **Sec. 27.** NRS 388B.230 is hereby amended to read as follows:

33 388B.230 1. After the governing body of an achievement
34 charter school is appointed pursuant to NRS 388B.220, the
35 ~~{governing}~~ :

36 (a) **Governing body of an achievement charter school that is**
37 **not an A+ school** shall select the principal of the achievement
38 charter school. The principal shall review each employee of the
39 achievement charter school to determine whether to offer the
40 employee a position in the achievement charter school based on the
41 needs of the school and the ability of the employee to meet
42 effectively those needs.

43 (b) **Independent administrator of an A+ school shall select the**
44 **principal of the achievement charter school and review each**
45 **employee of the achievement charter school to determine whether**



1 *to offer the employee a position in the achievement charter school*
2 *based on the needs of the school and the ability of the employee to*
3 *meet effectively those needs. The independent administrator shall*
4 *notify the board of trustees of any employee who is not offered a*
5 *position in the A+ school on or before March 1 immediately*
6 *preceding the school year in which the A+ school will begin*
7 *operation.*

8 2. The board of trustees of the school district in which the
9 achievement charter school is located shall reassign any employee
10 who is not offered a position in the achievement charter school or
11 does not accept such a position in accordance with any collective
12 bargaining agreement negotiated pursuant to chapter 288 of NRS.

13 ~~12~~ 3. An achievement charter school must continue to operate
14 in the same building in which the school operated before being
15 converted to an achievement charter school. The board of trustees of
16 the school district in which the school is located *retains ownership*
17 *of the building and* must provide such use of the building without
18 compensation. While the school is operated as an achievement
19 charter school, the governing body of the achievement charter
20 school shall pay all costs related to the maintenance and operation of
21 the building and the board of trustees shall pay all capital expenses.

22 ~~13~~ *The governing body of the achievement charter school*
23 *shall enter into an agreement with the board of trustees of the*
24 *school district which must include, without limitation:*

25 (a) *A clear description of the maintenance and operation for*
26 *which the governing body will assume responsibility;*

27 (b) *Provisions delineating responsibility for any necessary*
28 *renovations and building improvements;*

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

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

35 (e) *A requirement that, when the achievement charter school*
36 *ceases operation for any reason, a representative of the board of*
37 *trustees will inspect the property on which the achievement*
38 *charter school operates and take an inventory of any property of*
39 *the school district that is missing or damaged; and*

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

44 4. *If a public school is converted to an achievement charter*
45 *school, any fixtures, improvements or other tangible assets added*



1 *by the board of trustees of the school district in which the public*
2 *school is located, or by the governing body of the charter school,*
3 *to the building used by the achievement charter school must*
4 *remain with the building after the school begins to operate as an*
5 *achievement charter school.*

6 *5. If an achievement charter school is converted to a public*
7 *school under the governance of the board of trustees of a school*
8 *district or a charter school subject to the provisions of chapter*
9 *388A of NRS, any fixtures, improvements or other tangible assets*
10 *added by the governing body of the achievement charter school to*
11 *the building used by the achievement charter school must remain*
12 *with the building after the school ceases to operate as an*
13 *achievement charter school.*

14 *6. The board of trustees of a school district:*

15 (a) *Is not required to give priority to a capital project at a public*
16 *school that is selected for conversion to an achievement charter*
17 *school; and*

18 (b) *Shall not reduce the priority of such a capital project that*
19 *existed before the school was selected for conversion.*

20 ~~14~~ *7. Any pupil who was enrolled at the school before it was*
21 *converted to an achievement charter school must be enrolled in the*
22 *achievement charter school unless the parent or guardian of the*
23 *pupil submits a written notice to the principal of the achievement*
24 *charter school that the pupil will not continue to be enrolled in the*
25 *achievement charter school.*

26 ~~15~~ *If an achievement charter school has the capacity to*
27 *enroll additional pupils after enrolling such pupils, a pupil who*
28 *resides within the zone of attendance established for the school*
29 *pursuant to NRS 388.040, if any, may be enrolled in the*
30 *achievement charter school before a pupil who does not reside*
31 *within that zone of attendance.*

32 *8. If an achievement charter school has the capacity to enroll*
33 *additional pupils after enrolling pupils pursuant to subsection 7,*
34 *the achievement charter school:*

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

38 (b) *May enroll pupils with a household income that is less than*
39 *185 percent of the federally designated level signifying poverty*
40 *who reside within the zone of attendance established pursuant to*
41 *NRS 388.040 for a public school that was included in the most*
42 *recent list of public schools eligible for conversion to an*
43 *achievement charter school published pursuant to NRS 388B.200*
44 *before enrolling other pupils.*



1 **9.** The governing body of an achievement charter school shall
2 not authorize the payment of loans, advances or other monetary
3 charges to the ~~{charter management organization, educational~~
4 ~~management organization or other person}~~ **operator** with whom the
5 Executive Director has entered into a contract to operate the
6 achievement charter school **or to the independent administrator**
7 **who facilitated an A+ school contract** which are greater than 15
8 percent of the total expected funding to be received by the
9 achievement charter school from the State Distributive School
10 Account.

11 **10.** *As used in this section, “capital expense” includes,*
12 *without limitation, any repair to a building that:*

13 **(a)** *Has a cost of more than \$15,000;*

14 **(b)** *Has a useful life of 5 years or more;*

15 **(c)** *Is intended to extend the useful life of the building; and*

16 **(d)** *Meets any applicable standard of the Building Owners and*
17 *Managers Association International or its successor organization.*

18 **Sec. 28.** NRS 388B.240 is hereby amended to read as follows:

19 388B.240 1. Each achievement charter school **operated by an**
20 **operator** is hereby deemed a local educational agency for the
21 purpose of receiving any money available from federal and state
22 categorical grant programs. An achievement charter school that
23 receives money pursuant to such a grant program shall comply with
24 any applicable reporting requirements to receive the grant.

25 2. If an achievement charter school is eligible to receive special
26 education program units, the Department must pay the special
27 education program units directly to the achievement charter school.

28 3. As used in this section, “local educational agency” has the
29 meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

30 **Sec. 29.** NRS 388B.260 is hereby amended to read as follows:

31 388B.260 1. Upon request of the Executive Director, the
32 board of trustees of the school district in which an achievement
33 charter school is located shall provide facilities to operate the
34 achievement charter school, in addition to and not including the
35 building in which the achievement charter school operates pursuant
36 to NRS 388B.230, or perform any service relating to the operation
37 of the achievement charter school, including, without limitation,
38 transportation, the provision of health services for pupils who are
39 enrolled in the achievement charter school and the provision of
40 school police officers. **The Executive Director or an operator,**
41 **independent administrator or governing body of an achievement**
42 **charter school may consult with the board of trustees of the school**
43 **district concerning the facilities and services of the board of**
44 **trustees and any fee charged for such facilities and services.** The
45 governing body of the achievement charter school shall reimburse



1 the board of trustees for the cost of such facilities and services. If a
2 dispute arises between the governing body of an achievement
3 charter school or the Executive Director and the board of trustees of a
4 school district concerning the cost of such facilities and services to
5 be reimbursed, the Superintendent of Public Instruction must
6 determine the cost to be reimbursed.

7 2. In addition to the school building used by the Achievement
8 School District pursuant to NRS 388B.230, an achievement charter
9 school may use any public facility located within the school district
10 in which the achievement charter school is located. An achievement
11 charter school may use school buildings owned by the school
12 district only upon approval of the board of trustees of the school
13 district.

14 3. The board of trustees of a school district may donate surplus
15 personal property of the school district to an achievement charter
16 school that is located within the school district.

17 4. An achievement charter school may:

18 (a) Acquire by construction, purchase, devise, gift, exchange or
19 lease, or any combination of those methods, and construct,
20 reconstruct, improve, maintain, equip and furnish any building,
21 structure or property to be used for any of its educational purposes
22 and the related appurtenances, easements, rights-of-way,
23 improvements, paving, utilities, landscaping, parking facilities and
24 lands;

25 (b) Mortgage, pledge or otherwise encumber all or any part of
26 its property or assets;

27 (c) Borrow money and otherwise incur indebtedness; and

28 (d) Use public money to purchase real property or buildings
29 with the approval of the Achievement School District.

30 **Sec. 30.** NRS 388B.280 is hereby amended to read as follows:

31 388B.280 1. Except as otherwise provided in this section,
32 upon the request of a parent or legal guardian of a pupil who is
33 enrolled in an achievement charter school, the board of trustees of
34 the school district in which the pupil resides shall authorize the pupil
35 to participate in a class that is not available to the pupil at the
36 achievement charter school or participate in an extracurricular
37 activity, excluding sports, at a public school within the school
38 district if:

39 (a) Space for the pupil in the class or extracurricular activity is
40 available; and

41 (b) The parent or legal guardian demonstrates to the satisfaction
42 of the board of trustees that the pupil is qualified to participate in the
43 class or extracurricular activity.

44 2. If the board of trustees of a school district authorizes a pupil
45 to participate in a class or extracurricular activity, excluding sports,



1 pursuant to subsection 1, the board of trustees is not required to
2 provide transportation for the pupil to attend the class or activity.

3 3. Upon the request of a parent or legal guardian of a pupil who
4 is enrolled in an achievement charter school, the board of trustees of
5 the school district in which the pupil resides shall authorize the pupil
6 to participate in sports at the public school that he or she would
7 otherwise be required to attend within the school district or, upon
8 approval of the board of trustees, any public school within the same
9 zone of attendance as the achievement charter school if:

10 (a) Space is available for the pupil to participate; and

11 (b) The parent or legal guardian demonstrates to the satisfaction
12 of the board of trustees that the pupil is qualified to participate.

13 4. If the board of trustees of a school district authorizes a pupil
14 to participate in sports pursuant to subsection 3, the board of trustees
15 is not required to provide transportation for the pupil to participate.

16 5. The board of trustees of a school district may revoke its
17 approval for a pupil to participate in a class, extracurricular activity
18 or sport at a public school pursuant to subsection 1 or 3 if the board
19 of trustees or the public school determines that the pupil has failed
20 to comply with applicable statutes, or applicable rules and
21 regulations of the board of trustees, the public school or the Nevada
22 Interscholastic Activities Association. If the board of trustees so
23 revokes its approval, neither the board of trustees nor the public
24 school is liable for any damages relating to the denial of services to
25 the pupil.

26 ***6. Upon the request of a parent or legal guardian of a child
27 who is enrolled in a public school of a school district or a private
28 school, or a parent or legal guardian of a homeschooled child or
29 opt-in child, the governing body of an achievement charter school
30 shall authorize the child to participate in a class or extracurricular
31 activity that is not otherwise available to the child at his or her
32 school or homeschool or from his or her participating entity, as
33 defined in NRS 353B.750, on the same terms and to the same
34 extent as provided for a charter school pursuant to NRS 388A.471.***

35 **Sec. 30.5.** NRS 388B.290 is hereby amended to read as
36 follows:

37 388B.290 1. During the sixth year that a school operates as
38 an achievement charter school, the Department shall evaluate the
39 pupil achievement and school performance of the school. The
40 Executive Director shall provide the Department with such
41 information and assistance as the Department determines necessary
42 to perform such an evaluation. If, as a result of such an evaluation,
43 the Department determines:

44 (a) That the achievement charter school has made adequate
45 improvement in pupil achievement and school performance, the



1 governing body of the achievement charter school must decide
2 whether to:

3 (1) Convert to a public school under the governance of the
4 board of trustees of the school district in which the school is located;

5 (2) Seek to continue as a charter school subject to the
6 provisions of chapter 388A of NRS by applying to the board of
7 trustees of the school district in which the school is located, the
8 State Public Charter School Authority or a college or university
9 within the Nevada System of Higher Education to sponsor the
10 charter school pursuant to NRS 388A.220; or

11 (3) Remain an achievement charter school for at least 6 more
12 years.

13 (b) That the achievement charter school has not made adequate
14 improvement in pupil achievement and school performance, the
15 Department shall direct the Executive Director to notify the parent
16 or legal guardian of each pupil enrolled in the achievement charter
17 school that the achievement charter school has not made adequate
18 improvement in pupil achievement and school performance. Such
19 notice must include, without limitation, information regarding:

20 (1) Public schools which the pupil may be eligible to attend,
21 including, without limitation, charter schools, programs of distance
22 education offered pursuant to NRS 388.820 to 388.874, inclusive,
23 and alternative programs for the education of pupils at risk of
24 dropping out of school pursuant to NRS 388.537;

25 (2) The opportunity for the parent to establish an education
26 savings account pursuant to NRS 353B.850 and enroll the pupil in a
27 private school, have the pupil become an opt-in child or provide for
28 the education of the pupil in any other manner authorized by
29 NRS 353B.900;

30 (3) Any other alternatives for the education of the pupil that
31 are available in this State; and

32 (4) The actions that may be considered by the Department
33 with respect to the achievement charter school and the manner in
34 which the parent may provide input.

35 2. Upon deciding that the achievement charter school has not
36 made adequate improvement in pupil achievement and school
37 performance pursuant to paragraph (b) of subsection 1, the
38 Department must decide whether to:

39 (a) Convert the achievement charter school to a public school
40 under the governance of the board of trustees of the school district
41 in which the school is located; or

42 (b) Continue to operate the school as an achievement charter
43 school for at least 6 more years.



1 3. If the Department decides to continue to operate a school as
2 an achievement charter school pursuant to subsection 2, the
3 Executive Director must:

4 (a) Terminate the contract with the ~~charter management~~
5 ~~organization, educational management organization or other person~~
6 ~~that operated~~ *operator to operate* the achievement charter school ~~;~~
7 *or the A+ school contract, as applicable;*

8 (b) Enter into a contract with a different ~~charter management~~
9 ~~organization, educational management organization or other person~~
10 *operator or independent administrator* to operate the achievement
11 charter school after complying with the provisions of
12 NRS 388B.210;

13 (c) Require the ~~charter management organization, educational~~
14 ~~management organization or other person~~ *operator or independent*
15 *administrator* with whom the Executive Director enters into a
16 contract to operate the achievement charter school to appoint a new
17 governing body of the achievement charter school in the manner
18 provided pursuant to NRS 388B.220, and must not reappoint more
19 than 40 percent of the members of the previous governing body; and

20 (d) Evaluate the pupil achievement and school performance of
21 such a school at least each 3 years of operation thereafter.

22 4. If an achievement charter school is converted to a public
23 school under the governance of the board of trustees of a school
24 district pursuant to paragraph (a) of subsection 1, the board of
25 trustees must employ any teacher, administrator or paraprofessional
26 who wishes to continue employment at the school and meets the
27 requirements of chapter 391 of NRS to teach at the school. Any
28 administrator or teacher employed at such a school who was
29 employed by the board of trustees as a postprobationary employee
30 before the school was converted to an achievement charter school
31 and who wishes to continue employment at the school after it is
32 converted back into a public school must be employed as a
33 postprobationary employee.

34 5. If an achievement charter school becomes a charter school
35 sponsored by the school district in which the charter school is
36 located, the State Public Charter School Authority or a college or
37 university within the Nevada System of Higher Education pursuant
38 to paragraph (a) of subsection 1, the school is subject to the
39 provisions of chapter 388A of NRS and the continued operation of
40 the charter school in the building in which the school has been
41 operating is subject to the provisions of NRS 388A.378.

42 6. As used in this section, "postprobationary employee" has the
43 meaning ascribed to it in NRS 391.650.



1 **Sec. 31.** NRS 388B.400 is hereby amended to read as follows:
2 388B.400 1. The board of trustees of a school district shall
3 grant a leave of absence, not to exceed 6 years, to any licensed
4 employee who is employed by the board of trustees who requests
5 such a leave of absence to accept or continue employment with an
6 achievement charter school.

7 2. After any of the first 5 school years in which a licensed
8 employee is on a leave of absence, the employee may return to a
9 comparable teaching position with the board of trustees. After the
10 sixth school year, a licensed employee shall either submit a written
11 request to return to a comparable teaching position or resign from
12 the position for which the employee's leave was granted.

13 3. The board of trustees shall grant a written request to return
14 to a comparable position pursuant to subsection 2 even if the return
15 of the licensed employee requires the board of trustees to reduce the
16 existing workforce of the school district.

17 4. The board of trustees is not required to accept the return of a
18 licensed employee if the employee does not comply with or is
19 otherwise not eligible to return to employment pursuant to NRS
20 388B.430, including, without limitation, the refusal of the licensed
21 employee to allow the school district to obtain the employment
22 record of the employee that is maintained by the achievement
23 charter school.

24 5. The board of trustees may require that a request to return to
25 a comparable teaching position submitted pursuant to subsection 2
26 be submitted at least 90 days before the employee would otherwise
27 be required to report to duty.

28 6. *The board of trustees of a school district shall not*
29 *terminate a licensed employee who is on a leave of absence*
30 *granted pursuant to subsection 1 as a result of a reduction in*
31 *workforce due to unforeseen economic circumstances.*

32 **Sec. 32.** The Executive Director of the Achievement School
33 District created pursuant to NRS 388B.100 shall not enter into an
34 A+ school contract, as defined in section 4 of this act, which allows
35 for such a school to begin to operate as an A+ school on or before
36 July 31, 2018.

37 **Sec. 33.** The provisions of subsection 1 of NRS 218D.380 do
38 not apply to any provision of this act which adds or revises a
39 requirement to submit a report to the Legislature.

40 **Sec. 34.** This act becomes effective upon passage and approval
41 for the purpose of adopting regulations and performing any other
42 preparatory administrative tasks that are necessary to carry out this
43 act, and on July 1, 2017, for all other purposes.

