

Proposed Conceptual Amendment to AB 78

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Clear Lines of Authority and Accountability: The SPCSA’s Local Education Agency Status

NRS 388A.159 Authority deemed local educational agency for certain purposes. [Effective through June 30, 2019.]

1. Except as otherwise provided in [NRS 388A.161](#), the State Public Charter School Authority is hereby deemed a local educational agency, *[including but not limited to](#)*, for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

NRS 388A.161 Selection of certain charter schools to act as local educational agencies; payment of special education program units to charter school selected. [Effective through June 30, 2019.]

1. The State Public Charter School Authority may select ~~not more than two~~ charter schools sponsored by the State Public Charter School Authority to act as a local educational agency for the purposes described in subsection 2.

2. A charter school selected pursuant to subsection 1 is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. A charter school that receives money pursuant to such a program shall comply with any applicable reporting requirements to receive the grant.

3. If a charter school selected pursuant to subsection 1 is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

4. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Clear Lines of Authority and Accountability: The SPCSA's Regulatory Authority

Context

Existing statutes provide that the Department of Education shall adopt certain regulations related to charter schools. See NRS 388A.105, 388A.459, 388A.5334. Existing statutes also provide that the department may adopt certain regulations related to charter schools. See NRS 388A.110, 388A.229(3), 388A.300

Existing statutes also require the SPCSA to adopt certain regulations related to charter schools. See NRS 388A.168, 388A.438. Existing statutes also provide that the SPCSA may adopt certain regulations related to charter schools. See NRS 388A.229(4), 388A.258

Finally, existing statutes require the SPCSA, in consultation with the Department and local school districts, to review all statutes and regulations related to charter schools every three years. See NRS 388A.171.

[New Section 1 in NRS 388A:](#)

[The State Public Charter School Authority may adopt regulations necessary to carry out its responsibilities under the provisions of this chapter or any other state or federal law or regulation, including, without limitation, provisions relating to its duties as a sponsor of charter schools or a local educational agency.](#)

Clear Lines of Authority and Accountability: Oversight of Charter School Sponsors

NRS 388A.105 Required regulations of Department. [Effective through December 31, 2019.] The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to [NRS 388A.220](#) by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

~~2. The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to [NRS 388A.220](#) at least once every 3 years;~~

~~3. The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;~~

4. The process for submission of an application to form a charter school to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;

5. The process for submission of an application to renew a charter contract to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;

6. The criteria and type of investigation that must be applied by the board of trustees of a school district and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract;

7. The process for submission of an amendment of a written charter or a charter contract to the board of trustees of a school district and a college or university within the Nevada System of Higher Education pursuant to [NRS 388A.276](#) and the contents of the application; and

8. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

NRS 388A.351 Annual report by sponsor of charter school. [Effective through December 31, 2019.]

On or before October 1 of each year, the sponsor of a charter school shall submit a written report to the Department [on a form prescribed by the Department. The written report shall be reviewed by the State Board by December 31 each year.](#) The written report must include:

1. For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.

2. For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

3. An identification of each charter school approved by the sponsor:

(a) Which has not opened and the scheduled time for opening, if any;

(b) Which is open and in operation;

(c) Which has transferred sponsorship;

(d) Whose written charter has been revoked or whose charter contract has been terminated by the sponsor;

(e) Whose charter contract has not been renewed by the sponsor; and

(f) Which has voluntarily ceased operation.

4. A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

5. A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 388A.381, including an itemized accounting of the actual costs of those services.

6. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

New Section 2 in NRS 388A:

1. At least once every 3 years, the Department will conduct a comprehensive review of each sponsor of charter schools that the Department has approved for sponsorship pursuant to NRS 388A.220 and the State Public Charter School Authority.

2. In conducting a comprehensive review of a sponsor, the Department:

(a) Shall review the annual reports submitted to the Department by the sponsor pursuant to NRS 388A.351.

(b) Shall determine whether the sponsor has complied with all applicable statutes and regulations.

(c) Shall determine whether the sponsor has complied with nationally recognized best practices in carrying out its duties as a sponsor.

(d) May obtain assistance from qualified organizations or individuals to conduct the comprehensive review.

3. For each sponsor approved to sponsor charter schools pursuant to NRS 388A.220, based on the comprehensive review described in subsection 2, the Department will determine whether to continue or revoke the authorization of the sponsor to sponsor charter schools.

NRS 388A.153 Appointment and qualifications of members; terms; vacancies; selection of Chair and Vice Chair; compensation, allowances and travel expenses.

1. The State Public Charter School Authority consists of nine ~~seven~~ members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; ~~and~~

(d) Two members appointed by the State Board of Education; and

~~—(d) (e)~~ One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate, ~~and~~ the Speaker of the Assembly, and the State Board of Education shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

NRS 388A.156 Meetings; quorum.

1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the members.

2. ~~Four~~Five members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Enrollment and Equitable Access: Equitable Admission and Enrollment

NRS 388A.453 Application for admission; determination of enrollment; timeline for lottery; governing body authorized to request transfer of pupil with disability under certain conditions; discrimination prohibited; exception for charter school that provides education for certain pupils.

1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, [NRS 388A.336](#), and subsections 1 and 2 of [NRS 388A.456](#), [and applicable state and federal laws, including but not limited to 42 U.S.C. 11301 et seq.](#), a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to [NRS 388.040](#), the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of [NRS 388A.456](#), if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity;
- (e) Disability;
- (f) Sexual orientation; or
- (g) Gender identity or expression, of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

~~8.— If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.~~

9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of [NRS 385A.740](#), who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of [NRS 385A.740](#).

→ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Enrollment and Equitable Access: Achievement School District

NRS 388B.040 “Executive Director” defined. “Executive Director” means the ~~Executive Director of the Achievement School District created by NRS 388B.100.~~ Executive Director of the State Public Charter School Authority appointed pursuant to NRS 388A.190

NRS 388B.050 “Public school” defined. “Public school” does not include ~~a charter school or a~~ university school for profoundly gifted pupils.

NRS 388B.060 Regulations.

1. The Department shall adopt any regulations necessary or convenient to carry out the provisions of this chapter: ~~related to the eligibility and selection of schools to be Achievement Charter Schools.~~ The regulations may prescribe, without limitation:

~~—1.—~~ (a) The process by which the ~~Executive Director~~ Superintendent of Public Instruction will solicit the input of:

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

~~—(b) (b) The process by which the Executive Director will solicit the input of parents~~ Parents of pupils enrolled at a public school that has been selected for conversion to an achievement charter school concerning the needs of such pupils before ~~approving an application~~ selecting a charter management organization, education management organization or other person to operate the achievement charter school pursuant to NRS 388B.210.

(c) The procedure for converting an achievement charter school into a public school.

2. The State Public Charter School Authority shall adopt any other regulations necessary or convenient to carry out the provisions of this chapter The regulations may prescribe, without limitation:

~~—2.—~~ (a) The process by which the ~~Executive Director~~ State Public Charter School Authority will solicit applications to operate an achievement charter school and the procedure and criteria that the Executive Director must use when evaluating such applications.

~~—3.—~~ (b) The manner in which the ~~Executive Director~~ State Public Charter School Authority will monitor and evaluate pupil achievement and school performance of an achievement charter school.

~~—4.—~~ (c) The process by which the parent or legal guardian of a child may apply for enrollment in an achievement charter school, including, without limitation, the required contents of the application, and the criteria used to determine which pupils will be enrolled in the achievement charter school. An achievement charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the race, gender, religion, ethnicity, disability, sexual orientation, or gender identity or expression of a pupil.

~~—5.—~~ (d) Circumstances under which the governing body of a charter school may authorize a child who is enrolled in a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the achievement charter school.

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

~~NRS 388B.100—Creation; employees.~~

~~—1.— The Achievement School District is hereby created within the Department.~~

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

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

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

~~— NRS 388B.110 Executive Director: Appointment; powers and duties.~~

~~— 1. The Superintendent of Public Instruction shall appoint an Executive Director of the Achievement School District. The Executive Director shall serve at the pleasure of the Superintendent of Public Instruction.~~

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

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

~~— NRS 388B.120 Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.~~

~~— 1. The Account for the Achievement School District is hereby created in the State General Fund, to be administered by the Executive Director.~~

~~— 2. The interest and income earned on the money in the Account must be credited to the Account.~~

~~— 3. The money in the Account may be used only for the establishment and maintenance of the Achievement School District.~~

~~— 4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~— 5. The Executive Director and the Achievement School District may accept gifts, grants and bequests to carry out the responsibilities of the Achievement School District pursuant to this chapter. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.~~

~~— 6. Claims against the Account must be paid as other claims against the state are paid.~~

NRS 388B.200 Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

1. A public school is eligible for conversion to an achievement charter school if:

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

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

(c) Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department.

2. Each year, the ~~Executive Director~~ Superintendent of Public Instruction shall submit a list of not less than 20 percent of the public schools that are eligible for conversion to an achievement charter school pursuant to subsection 1 to the State Board for its approval. Within 30 days after the list is submitted, the State Board shall approve at least 50 percent of the schools on the list.

3. Each year, the ~~Executive Director~~ Superintendent of Public Instruction may select not more than six public schools approved for consideration by the State Board pursuant to subsection 2 for conversion to achievement charter schools. Before selecting a public school for conversion to an achievement charter school, the ~~Executive Director~~ Superintendent of Public Instruction must:

(a) Consider available data concerning pupil achievement and school performance for the public school, including, without limitation, data from the statewide system of accountability for public schools and data maintained by the board of trustees of the school district in which the public school is located;

(b) Solicit, in accordance with any regulations adopted pursuant to NRS 388B.060, and consider input from parents of pupils enrolled at the public school and other members of the community in which the public school is located; and

(c) Consult with the board of trustees of the school district in which the public school is located.

(d) Consult with the Executive Director regarding available educational management organizations, charter management organizations and other persons to operate an achievement charter school.

4. The ~~Executive Director~~ Superintendent of Public Instruction shall notify a public school selected for conversion to an achievement charter school and the school district in which the public school is located not later than 60 days after making the selection.

NRS 388B.210 Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

1. ~~For each public school selected for conversion to an achievement charter school pursuant to NRS 388B.200, the Executive Director~~ The State Public Charter School Authority shall:

(a) Solicit applications from educational management organizations, charter management organizations and other persons to operate ~~the~~ an achievement charter school.

~~—(b) Provide information to parents of pupils enrolled at the public school concerning programs of instruction that applicants to operate the achievement charter school have proposed to offer at the achievement charter school and, in accordance with any regulations adopted pursuant to NRS 388B.060, solicit the input of such parents concerning the needs of such pupils and the ability of the proposed programs of instruction to address those needs.~~

~~—(c) Taking into consideration the input provided pursuant to paragraph (b), evaluate~~ (b) Evaluate the applications submitted to operate ~~the~~ an achievement charter school and approve ~~the application~~ applications that the ~~Executive Director~~ State Public Charter School Authority determines ~~is~~ are high quality, meets the identified educational needs of pupils and is likely to improve pupil achievement and school performance.

~~—(d)-(c)~~ Negotiate and enter into a contract to operate ~~the~~ an achievement charter school directly with the charter management organization, educational management organization or other person whose application is approved pursuant to paragraph ~~(e)~~ (b). A contract to operate an achievement charter school must be for a term of 6 years. The term of the contract begins on the first day on which the contract provides that the educational management organization, charter management organization or other person is responsible for the operation of the achievement charter school.

~~—(e)-(d)~~ Monitor the performance and compliance of each achievement charter school.

2. For each public school selected for conversion to an achievement charter school pursuant to NRS 388B.200, the Executive Director shall:

(a) Solicit proposals from educational management organizations, charter management organizations and other persons who have been approved by the State Public Charter School Authority pursuant to paragraph (b) of subsection 1 to operate the achievement charter school.

(b) Provide information to parents of pupils enrolled at the public school concerning programs of instruction that educational management organizations, charter management organizations and other persons have proposed to offer at the achievement charter school and, in accordance with any regulations adopted pursuant to NRS 388B.060, solicit the input of such parents concerning the needs of such pupils and the ability of the proposed programs of instruction to address those needs.

(c) Taking into consideration the input provided pursuant to paragraph (b), evaluate the proposals submitted to operate the achievement charter school and select the educational management organizations, charter management organizations or other person that the Executive Director determines meets the identified educational needs of pupils and is likely to improve pupil achievement and school performance to operate the achievement charter school.

~~2.—~~ 3. The ~~Department~~ State Public Charter School Authority shall adopt regulations that prescribe the process by which a charter management organization, educational management organization or other person may apply to operate an achievement charter school. Such regulations must, without limitation:

(a) Require each application to include a plan to involve and engage the parents and families of pupils enrolled at the achievement charter school; and

(b) Authorize a charter management organization, educational management organization or other person to submit one application to operate more than one achievement charter school.

~~—3.—~~ 4. If a charter management organization, educational management organization or other person applies to operate more than one achievement charter school pursuant to paragraph (b) of subsection 2, the ~~Department~~ State Public Charter School Authority must not approve the application unless any charter school currently operated by the charter management organization, educational management organization or other person meets specific criteria for pupil achievement and school performance established for each such school by the ~~Department~~ State Public Charter School Authority.

NRS 388B.220 Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

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

2. The charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school shall appoint the governing body of the achievement charter school, consisting of such persons as deemed appropriate by the charter management organization, educational management organization or other person and who meet the requirements set forth in subsection 3. The governing body has such powers and duties as assigned pursuant to this chapter and any other applicable law or regulation and by the Executive Director.

3. At least two members of the governing body of an achievement charter school must reside in the community in which the achievement charter school is located. A person who is employed by the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school may not serve as a voting member of the governing body of the achievement charter school.

4. The ~~Executive Director~~ State Public Charter School Authority may terminate a contract to operate an achievement charter school before the expiration of the contract under circumstances prescribed by regulation of the ~~Department~~ State Public Charter School Authority.

NRS 388B.230 Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building; building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

1. After the governing body of an achievement charter school is appointed pursuant to NRS 388B.220, the governing body shall select the principal of the achievement charter school. The principal shall review each employee of the achievement charter school to determine whether to offer the employee a position in the achievement charter school based on the needs of the school and the ability of the employee to meet effectively those needs. The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position in accordance with any collective bargaining agreement negotiated pursuant to chapter 288 of NRS.

2. An achievement charter school must continue to operate in the same building in which the school operated before being converted to an achievement charter school. The board of trustees of the school district in which the school is located must provide such use of the building without compensation. While the school is operated as an achievement charter school, the governing body of the achievement charter school shall pay all costs related to the maintenance and operation of the building and the board of trustees shall pay all capital expenses.

3. The board of trustees of a school district:

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

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

4. Any pupil who was enrolled at the school before it was converted to an achievement charter school must be enrolled in the achievement charter school unless the parent or guardian of the pupil submits a written

notice to the principal of the achievement charter school that the pupil will not continue to be enrolled in the achievement charter school.

5. The governing body of an achievement charter school shall not authorize the payment of loans, advances or other monetary charges to the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school which are greater than 15 percent of the total expected funding to be received by the achievement charter school from the State Distributive School Account.

[6. Achievement charter schools shall provide free and reduced price lunch and breakfast through the National School Lunch Program.](#)

NRS 388B.250 Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

1. Except as otherwise provided in this section, the provisions of [chapter 388A](#) of NRS are not applicable to an achievement charter school.

2. The provisions of [NRS 388A.090](#), [388A.095](#), [388A.100](#), [388A.171](#), [388A.226](#), [388A.345](#), [388A.348](#), [388A.351](#), [388A.363](#), [388A.366](#), [388A.369](#), [388A.384](#), ~~[388A.408](#)~~[388A.405](#) to [388A.420](#), inclusive, ~~[388A.478](#)~~ [388A.474](#) to [388A.527](#), inclusive, [388A.547](#) and [388A.550](#) to [388A.695](#), inclusive, apply to an achievement charter school.

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of [NRS 388A.366](#) or subsection 2 of that section or, except with regard to a program supported with Title I money, [NRS 388A.518](#), [388A.521](#) or [388A.524](#). The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances justify the waiver and that granting the waiver is in the best interest of the pupils enrolled in the achievement charter school.

NRS 388B.260 Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

1. Upon request of the Executive Director, the board of trustees of the school district in which an achievement charter school is located shall provide facilities to operate the achievement charter school, in addition to and not including the building in which the achievement charter school operates pursuant to [NRS 388B.230](#), or perform any service relating to the operation of the achievement charter school, including, without limitation, transportation, the provision of health services for pupils who are enrolled in the achievement charter school and the provision of school police officers. The governing body of the achievement charter school shall reimburse the board of trustees for the cost of such facilities and services. If a dispute arises between the governing body of an achievement charter school or the Executive Director and the board of trustees of a school district concerning the cost of such facilities and services to be reimbursed, the Superintendent of Public Instruction must determine the cost to be reimbursed.

2. In addition to the school building used by the ~~[Achievement School District](#)~~ [an achievement charter school](#) pursuant to [NRS 388B.230](#), an achievement charter school may use any public facility located within the school district in which the achievement charter school is located. An achievement charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

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

4. An achievement charter school may:

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

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

- (c) Borrow money and otherwise incur indebtedness; and
- (d) Use public money to purchase real property or buildings with the approval of the Achievement School District.

~~**NRS 388B.270—Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status:**~~

~~1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:~~

~~(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;~~

~~(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;~~

~~(c) The achievement charter school has met or exceeded the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those school achievement targets and performance targets, for the majority of the years of its operation;~~

~~(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the requirements of subsection 3 or 4 of NRS 390.600 or the criteria prescribed by the State Board pursuant to subsection 1 of NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and~~

~~(e) The achievement charter school meets the requirements prescribed by regulation of the Department.~~

~~2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.~~

~~**NRS 388B.280—Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate:**~~

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

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

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

~~2. If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, the board of trustees is not required to provide transportation for the pupil to attend the class or activity.~~

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

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

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

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

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

NRS 388B.290 Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

1. During the sixth year that a school operates as an achievement charter school, the ~~Department~~State Public Charter School Authority shall evaluate the pupil achievement and school performance of the school. ~~The Executive Director shall provide the Department with such information and assistance as the Department determines necessary to perform such an evaluation.~~ If, as a result of such an evaluation, the ~~Department~~State Public Charter School Authority determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

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

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

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

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the ~~Department~~State Public Charter School Authority shall ~~direct the Executive Director to~~ notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:

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

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

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

(4) The actions that may be considered by the ~~Department~~State Public Charter School Authority with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the ~~Department~~State Public Charter School Authority must decide whether to:

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

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

(c) If the school is a neighborhood option achievement charter school pursuant to NEW SECTION 2, terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school and close the school.

3. If the ~~Department~~State Public Charter School Authority decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the ~~Executive Director~~State Public Charter School Authority must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of NRS 388B.210;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a

new governing body of the achievement charter school in the manner provided pursuant to [NRS 388B.220](#), and must not reappoint more than 40 percent of the members of the previous governing body; and

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

4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of [chapter 391](#) of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

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

6. As used in this section, “postprobationary employee” has the meaning ascribed to it in [NRS 391.650](#).

NRS 388B.410 Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

1. All employees of an achievement charter school shall be deemed public employees and are not employees of the ~~Department~~ [State Public Charter School Authority](#).

2. Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to [chapter 288](#) of NRS, the principal of an achievement charter school may make:

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school; and

(b) All employment decisions with regard to the employees of the achievement charter school pursuant to [NRS 391.650](#) to [391.830](#), inclusive.

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

[New Section 1 in NRS 388B:](#)

[1. Each contract executed between the Nevada Achievement School District and a school to operate an Achievement Charter School prior to July 1, 2019 shall be assigned to the State Public Charter School Authority. For each contract that is assigned to the State Public Charter School Authority pursuant to this section,](#)

[a. The State Public Charter School Authority shall become the sponsor.](#)

[b. The State Public Charter School Authority shall uphold the terms of the contract.](#)

[c. The State Public Charter School Authority may, with the approval of the governing body of the charter school, negotiate amendments to the contract.](#)

[New Section 2 in NRS 388B:](#)

1. The State Public Charter School Authority may also sponsor neighborhood option achievement charter schools under this chapter.
2. The provisions of NRS 388B.210(2), 388B.230(1, 2,3 4), 388B.290(1)(a)(1), 388B.290(2)(a) are not applicable to neighborhood option achievement charter schools.
3. Neighborhood option achievement charter schools
 - (a) Shall enroll pupils in accordance with NRS 388A.453
 - (b) Before enrolling pupils who are eligible for enrollment pursuant to NRS 388A.453, shall enroll pupils who are zoned to attend a school that based upon the most recent annual report of the statewide system of accountability for public schools, met the criteria for eligibility for conversion to an achievement charter school pursuant to NRS 388B.200
 - (c) After enrolling pupils pursuant to paragraph b of this section, may enroll pupils pursuant to NRS 388A.459.
4. When a contract is entered into pursuant to paragraph (c) of subsection 1 of NRS 388B.210 to operate a neighborhood option achievement charter school the location must be approved by the State Public Charter School Authority and shall be within three miles of the zone of attendance of a district school that
 - (a) has at least once in the last two years received an annual rating established as the lowest rating of performance pursuant to the statewide system of accountability for public schools; and
 - (b) serves students in grade levels that will be offered by the neighborhood option achievement charter school
5. If a neighborhood option achievement charter school changes locations, the new location must be approved by the State Public Charter School Authority and shall be within three miles of the zone of attendance of a district school that
 - (a) has at least once in the last two years received an annual rating established as the lowest rating of performance pursuant to the statewide system of accountability for public schools; and
 - (b) serves students in grade levels that will be offered by the neighborhood option achievement charter school
6. Neighborhood option achievement charter schools must maintain a rate of students qualifying for free or reduced price lunch that is not less than 90 percent of the average of the district in which the school is located.
7. If a neighborhood option achievement charter schools does not maintain a rate of students qualifying for free or reduced price lunch that meets the requirement in subsection 6, the State Public Charter School Authority may require the school enroll students who qualify for free or reduced price lunch before enrolling other students.
8. If a neighborhood option achievement charter schools does not maintain a rate of students qualifying for free or reduced price lunch that meets the requirement in subsection 6 for multiple years, the State Public Charter School Authority may, following its evaluation of the school in the sixth year pursuant to NRS 388B.290 require that the school seek to continue as a charter school subject to the provisions of chapter 388A of NRS by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 388A.220.

(a) Any neighborhood option achievement charter school required to apply for sponsorship under this section, who fails to obtain a sponsor under the provisions of chapter 388A of NRS within one year of the State Public Charter School Authority's requirement shall close prior at the end of the current fiscal year.

New Section 3 in NRS 388B:

1. The State Public Charter School Authority shall define in regulation the process by which a charter school sponsored under NRS 388A can apply to be sponsored under NRS 388B.
2. Any school or operator under the State Public Charter School Authority that for the last three years has been in good standing, as defined by the State Public Charter School Authority, and who has maintained a rating among the three highest ratings issued by the Nevada Department of Education pursuant to chapter 385A of the Nevada Revised Statutes for the past three years, shall be automatically approved to open a school under this chapter. In order to open a school pursuant to this section, the school or operator shall:
 - a. The year prior to when the proposed school would open, submit a letter of intent to the State Public Charter School Authority by a deadline established by the State Public Charter School Authority.
 - b. The year prior to when the proposed school would open, provide a project plan on a form provided by the Executive Director that shall include without limitations:
 - i. A proposed budget for the school
 - ii. A plan for opening the school, including facilities, staffing, student recruitment and school operations
 - iii. Evidence of community demand for the school

New Section 4 in NRS 388B:

1. By September 30 of each year, the Executive Director shall present an annual plan for Achievement Charter Schools to the State Public Charter School Authority and the State Board of Education. The annual plan:
 - a. Shall provide information on the performance of the achievement charter schools and schools eligible for conversion.
 - b. May request authority from the State Public Charter School Authority for the Executive Director to amend contracts of certain achievement charter schools
 - c. May request authority from the State Public Charter School Authority for the Executive Director to terminate contracts of certain achievement charter schools
2. The State Public Charter School Authority may grant authority for the Executive Director to take actions requested in the annual plan pursuant to section 1.
3. If the State Public Charter School Authority grants authority for the Executive Director to take actions requested in the annual plan pursuant to section 1, the Executive Director shall update the board on any such actions taken at the next meeting of the State Public Charter School Authority.