

ASSEMBLY BILL NO. 67—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Education

SUMMARY—Revises provisions governing achievement charter schools. (BDR 34-335)

FISCAL NOTE: Effect on Local Government: No.
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 governing the employment of the Executive Director of the Achievement School District; providing for the creation of a new type of achievement charter school which is not operated by a charter management organization or educational management organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 448 of the 2015 Legislative Session established the Achievement School District within the Department of Education, authorized the conversion of certain public schools to achievement charter schools and made various other changes relating to such schools. (Chapter 539, Statutes of Nevada 2015, at page 3775) **Sections 1-18 and 20-25** of this bill create a new kind of achievement charter school, to be known as an “A+ achievement charter school,” to which a public school that is eligible for conversion to an achievement charter school may be converted. Specifically, **section 20** of this bill authorizes the Executive Director of the Achievement School District to accept applications to serve as the independent administrator of an achievement charter school. **Section 8** of this bill requires the independent administrator to appoint the governing body of the A+ achievement charter school, and **section 22** of this bill requires the independent administrator to select the principal of the A+ achievement charter school. **Section 9** of this bill: (1) requires such an independent administrator to manage all aspects of the conversion of the public school to an A+ achievement charter school; and (2) authorizes the independent administrator, or the governing body of the A+ achievement charter school after the first year of operation of the school, to recommend that the Executive Director take certain actions to manage the school. **Section 10** of this bill: (1) requires the board of trustees of the school



district in which an A+ achievement charter school is located to remain the employer of the staff of the A+ achievement charter school; (2) requires the governing body of the A+ achievement charter school to reimburse the board of trustees for the cost of employing the staff; (3) authorizes the principal of an A+ achievement charter school to make certain determinations for the school; and (4) provides for the selection of a replacement principal if the principal appointed by the independent administrator is removed or vacates the position. **Section 11** of this bill requires the independent administrator to facilitate the negotiation of an A+ achievement charter school contract. **Section 12** of this bill requires the independent administrator to develop a plan to improve pupil achievement and school performance at the A+ achievement charter school and submit the plan to the Executive Director for approval.

Section 13 of this bill authorizes an A+ achievement charter school to request a waiver from the State Board of Education from complying with certain statutes and regulations regarding instructional materials and retention of pupils. **Section 14** of this bill grants the governing body of an A+ achievement charter school discretion over 100 percent of the money apportioned for the school from state financial aid and federal or local funds. **Section 15** of this bill prohibits the board of trustees of the school district in which an A+ achievement charter school is located from engaging in certain activities relating to management or oversight of the A+ achievement charter school. **Section 15** also requires the governing body of an A+ achievement charter school to indemnify the board of trustees of the school district in which the A+ achievement charter school is located for the activities of the A+ achievement charter school. **Section 16** of this bill provides immunity from civil liability for the governing body of the A+ achievement charter school and its volunteer members for certain acts. **Section 23** of this bill requires the board of trustees of the school district in which an A+ achievement charter school is located to serve as the local educational agency for the purpose of receiving money from federal and state categorical grant programs. **Sections 17, 18, 21 and 25** of this bill make conforming changes.

During the sixth year that a school operates as an achievement charter school, existing law requires the Department of Education to evaluate pupil achievement and school performance at the school. If the Department determines that the achievement charter school has made adequate improvement in pupil achievement and school performance, existing law requires the governing body of the achievement charter school to make certain decisions concerning the future of the school. If the Department determines that the achievement charter school has not made adequate improvement in pupil achievement and school performance, existing law requires the Department to make such decisions. (NRS 388B.290) **Section 24** of this bill clarifies that these provisions apply to A+ achievement charter schools to the same extent as other achievement charter schools.

Existing law requires the Superintendent of Public Instruction to appoint an Executive Director of the Achievement School District. (NRS 388B.110) **Section 19** of this bill requires the Executive Director to be in the unclassified service of the State and allows the Superintendent of Public Instruction to designate an employee of the Department to serve as Executive Director.

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

Section 1. NRS 385.007 is hereby amended to read as follows:
385.007 As used in this title, unless the context otherwise
requires:



1 1. "Achievement charter school" means a public school
2 operated ~~by a charter management organization, as defined in NRS~~
3 ~~388B.020, an educational management organization, as defined in~~
4 ~~NRS 388B.030, or other person~~ :

5 *(a) Pursuant to an A+ achievement charter school contract, as*
6 *defined in section 5 of this act; or*

7 *(b) By an operator, as defined in section 7 of this act,* pursuant
8 to a contract with the Achievement School District pursuant to NRS
9 388B.210 and subject to the provisions of chapter 388B of NRS.

10 2. "Department" means the Department of Education.

11 3. "English learner" has the meaning ascribed to it in 20 U.S.C.
12 § 7801(20).

13 4. "Homeschooled child" means a child who receives
14 instruction at home and who is exempt from compulsory attendance
15 pursuant to NRS 392.070, but does not include an opt-in child.

16 5. "Local school precinct" has the meaning ascribed to it in
17 NRS 388G.535.

18 6. "Opt-in child" means a child for whom an education savings
19 account has been established pursuant to NRS 353B.850, who is not
20 enrolled full-time in a public or private school and who receives all
21 or a portion of his or her instruction from a participating entity, as
22 defined in NRS 353B.750.

23 7. "Public schools" means all kindergartens and elementary
24 schools, junior high schools and middle schools, high schools,
25 charter schools and any other schools, classes and educational
26 programs which receive their support through public taxation and,
27 except for charter schools, whose textbooks and courses of study are
28 under the control of the State Board.

29 8. "School bus" has the meaning ascribed to it in
30 NRS 484A.230.

31 9. "State Board" means the State Board of Education.

32 10. "University school for profoundly gifted pupils" has the
33 meaning ascribed to it in NRS 388C.040.

34 **Sec. 2.** NRS 388A.366 is hereby amended to read as follows:

35 388A.366 1. A charter school shall:

36 (a) Comply with all laws and regulations relating to
37 discrimination and civil rights.

38 (b) Remain nonsectarian, including, without limitation, in its
39 educational programs, policies for admission and employment
40 practices.

41 (c) Refrain from charging tuition or fees, except for tuition or
42 fees that the board of trustees of a school district is authorized to
43 charge, levying taxes or issuing bonds.



(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph **and section 9 of this act**, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an



employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 3. Chapter 388B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 16, inclusive, of this act.

Sec. 4. *"A+ achievement charter school" means an achievement charter school operated pursuant to an A+ achievement charter school contract.*

Sec. 5. *"A+ achievement charter school contract" means an agreement entered into by the Executive Director on behalf of the Achievement School District, the principal selected by an independent administrator and the governing body of a school pursuant to section 11 of this act.*

Sec. 6. *"Independent administrator" means a person with whom the Executive Director has entered into a contract pursuant to NRS 388B.210 to facilitate the negotiation of an A+ achievement charter school contract and the conversion of a public school to an A+ achievement charter school.*

Sec. 7. *"Operator" means a charter management organization, educational management organization or other person who enters into a contract with the Executive Director to operate an achievement charter school pursuant to paragraph (d) of subsection 1 of NRS 388B.210. The term does not include an independent administrator.*

Sec. 8. 1. *If the Executive Director enters into a contract pursuant to paragraph (d) of subsection 1 of NRS 388B.210 with*



1 an independent administrator to serve as the independent
2 administrator of an achievement charter school, the independent
3 administrator shall appoint the governing body of the A+
4 achievement charter school, consisting of such persons as deemed
5 appropriate by the independent administrator and who meet the
6 requirements of this section.

7 2. The governing body of an A+ achievement charter school
8 must include, without limitation:

9 (a) At least one member who is a teacher or other person
10 licensed pursuant to chapter 391 of NRS or who previously held
11 such a license and relinquished the license while in good
12 standing;

13 (b) At least two members who are selected by an organizational
14 team, parent-teacher association or similar body of the A+
15 achievement charter school; and

16 (c) At least four members who possess knowledge and
17 experience in one or more of the following areas:

- 18 (1) Accounting;
- 19 (2) Financial Services;
- 20 (3) Law;
- 21 (4) Human resources;
- 22 (5) Education; or
- 23 (6) School operations.

24 3. A majority of the members of the governing body of an A+
25 achievement charter school must possess the qualifications
26 prescribed by paragraph (c) of subsection 2.

27 4. Each member of the governing body of an A+ achievement
28 charter school must receive the training or professional
29 development required for members of a board of trustees of a
30 school district, including, without limitation, the training
31 prescribed by NRS 386.327, before beginning to discharge its
32 duties.

33 **Sec. 9. 1. An independent administrator shall manage all**
34 **aspects of the conversion of a public school to an A+ achievement**
35 **charter school.**

36 2. Except as otherwise provided in subsection 3, the
37 Executive Director may, upon the recommendation of the
38 independent administrator during the first year after a public
39 school is converted to an A+ achievement charter school or the
40 governing body of the A+ achievement charter school thereafter:

41 (a) Revise any decision, policy or regulation of the board of
42 trustees of the school district otherwise applicable to the A+
43 achievement charter school or of the principal of the school that is
44 not covered by a collective bargaining agreement and which, in
45 the judgment of the independent administrator or governing body,



1 as applicable, conflicts with the plan developed for the school
2 pursuant to section 12 of this act, including, without limitation,
3 any such decision concerning incentives for staff;

4 (b) Expand or replace the curriculum or program offerings of
5 the A+ achievement charter school;

6 (c) Modify the school day or school year except that the school
7 must provide at least as many hours or minutes of instruction as
8 would be provided under a program consisting of 180 days;

9 (d) Develop a budget that aligns to the plan developed for the
10 A+ achievement charter school pursuant to section 12 of this act
11 which includes, without limitation, allowing the governing body of
12 the school discretion to determine the manner in which to spend
13 all of the money received by the school from the state financial aid
14 and federal or local funds that the school district apportions for
15 the school, without regard to any line-item specifications or
16 specific uses determined advisable by the school district;

17 (e) Revise any employment decision made by the board of
18 trustees of the school district or by the principal of the school
19 except to the extent that the decision relates to the independent
20 administrator;

21 (f) Establish methods to improve hiring, instruction,
22 evaluation of teachers, professional development, advancement of
23 teachers, school culture and organizational structure;

24 (g) Reconstitute the positions of members of the teaching and
25 administrative and supervisory staff, including, without limitation,
26 the principal, and require any employee who wishes to remain
27 employed at the school after the conversion to reapply for a
28 position; or

29 (h) Negotiate one or more changes to or waivers of any part of
30 a collective bargaining agreement which covers an employee of
31 the A+ achievement charter school, as necessary.

32 3. The Executive Director shall not:

33 (a) Establish different standards for the suspension or
34 expulsion of a pupil than those that were in place before the
35 school converted to an A+ achievement charter school;

36 (b) Abolish a program to provide free and reduced-price lunch
37 established pursuant to 42 U.S.C. §§ 1751 et seq. or free and
38 reduced-price breakfast established pursuant to 42 U.S.C. § 1773
39 that existed at the school before the school was selected for
40 conversion to an A+ achievement charter school;

41 (c) Reduce or eliminate transportation provided to pupils who
42 reside within the zone of attendance established for the school
43 pursuant to NRS 388.040; or

44 (d) Reduce or eliminate standards and procedures relating to
45 the rights of pupils with diverse gender identities or expressions.



4. After the governing body of an A+ achievement charter school has been appointed pursuant to section 8 of this act, the independent administrator of the A+ achievement charter school shall consult with the governing body for all decisions relating to the school, including, without limitation:

(a) The negotiation of an agreement pursuant to section 10 of this act between the board of trustees of a school district and the governing body of an A+ achievement charter school concerning the employment of the principal of the A+ achievement charter school;

(b) The negotiation of an A+ achievement charter school contract pursuant to section 11 of this act; and

(c) The development of a plan to improve pupil achievement and school performance at the school pursuant to section 12 of this act.

Sec. 10. 1. The board of trustees of a school district in which an A+ achievement charter school is located shall employ the staff of the A+ achievement charter school, including, without limitation, the principal. The A+ achievement charter school shall reimburse the board of trustees for the cost of employing the staff of the A+ achievement charter school as prescribed in NRS 388B.260.

2. The governing body of an A+ achievement charter school, the Executive Director and the principal of the A+ achievement charter school shall enter into an agreement that prescribes the duties and requirements for the performance of the principal. The agreement must make the principal directly responsible to the governing body of the A+ achievement charter school.

3. Except as otherwise provided in NRS 388B.230 and any provision of an A+ contract or plan developed pursuant to section 12 of this act to the contrary, the principal of an A+ achievement charter school shall make all determinations for the school concerning employment of staff, curriculum, schedule and instructional design.

4. If the principal of an A+ achievement charter school is removed from or vacates his or her position:

(a) During the first year of an A+ achievement charter school contract, the independent administrator shall select a replacement.

(b) After the first year of an A+ achievement charter school contract, the governing body of the A+ achievement charter school shall select a replacement.

Sec. 11. 1. An independent administrator shall facilitate the negotiation of an A+ achievement charter school contract entered into by the governing body of the A+ achievement charter school, the principal of the A+ achievement charter school and the



1 *Executive Director on behalf of the Achievement School District.*
2 *An A+ achievement charter school contract must include, without*
3 *limitation:*

4 (a) *Any conditions the Executive Director has determined*
5 *necessary for the A+ achievement charter school to meet,*
6 *including, without limitation, all building, health, safety,*
7 *insurance and other legal requirements, before the*
8 *commencement of operation as an A+ achievement charter*
9 *school; and*

10 (b) *A plan for the oversight and annual monitoring and review*
11 *of the A+ achievement charter school by the Achievement School*
12 *District, including, without limitation, the rights and*
13 *responsibilities of the A+ achievement charter school and the*
14 *Achievement School District, in which the governing body and*
15 *principal of the A+ achievement charter school agree to the full*
16 *oversight of, monitoring by and compliance of the A+ achievement*
17 *charter school with requirements of the Achievement School*
18 *District and the Department.*

19 2. *In addition to the provisions required by subsection 1, an*
20 *A+ achievement charter school contract may include, without*
21 *limitation:*

22 (a) *Any waiver from a statute or regulation which has been*
23 *granted by the State Board for the A+ achievement charter school*
24 *pursuant to section 13 of this act;*

25 (b) *Information identifying each facility belonging to the*
26 *school district or otherwise which the school district will make*
27 *available to the A+ achievement charter school pursuant to*
28 *NRS 388B.260;*

29 (c) *The services that will be made available from the school*
30 *district to the A+ achievement charter school as provided in*
31 *section 10 of this act; and*

32 (d) *Provisions which ensure that the A+ achievement charter*
33 *school is covered by adequate liability insurance.*

34 3. *An A+ achievement charter school contract must be for a*
35 *term of 6 years. The term of the contract begins on the first day on*
36 *which the governing body is responsible for the operation of the*
37 *A+ achievement charter school. The Executive Director may*
38 *terminate an A+ achievement charter school contract before the*
39 *expiration of the contract under circumstances prescribed by*
40 *regulation of the Department.*

41 4. *The Executive Director may require, upon request of the*
42 *independent administrator or on his or her own determination,*
43 *that an A+ achievement charter school delay operation as an A+*
44 *achievement charter school and continue to operate in the same*



manner for not more than 1 year after the execution of an A+ achievement charter school contract.

Sec. 12. 1. An independent administrator shall, in consultation with the principal, governing body and any organizational team, parent-teacher association or similar body at the school that is being converted to an A+ achievement charter school, develop a plan to improve pupil achievement and school performance at the school. The independent administrator shall submit the plan to the Executive Director for approval not later than 45 days before the effective date of the A+ achievement charter school contract. The plan must include, without limitation:

(a) Specific measures and strategies to improve pupil achievement and school performance at the school, including, without limitation, any evidence-based strategies that will be implemented at the A+ achievement charter school;

(b) A plan to provide professional development for the staff and governing body of the school; and

(c) If the plan includes a partnership with a nonprofit organization to provide evidence-based services aligned to the plan, the goals for the partnership, the criteria to be used to evaluate whether those goals are achieved and a provision authorizing termination of such a partnership if those goals are not achieved.

2. During the first year of the term of an A+ achievement charter school contract, the independent administrator of the A+ achievement charter school may submit to the Executive Director a request to revise a plan approved pursuant to subsection 1. After the first year of the term, the governing body of the A+ achievement charter school may submit such a request to the Executive Director. A request to revise a plan made pursuant to this subsection must include, without limitation:

(a) The rationale for the requested changes; and

(b) An explanation of the manner in which the requested changes are expected to improve pupil achievement and school performance at the A+ achievement charter school.

3. Not later than 30 days after receiving a plan pursuant to subsection 1 or a request to revise a plan pursuant to subsection 2, the Executive Director shall determine whether to approve the plan or request. The Executive Director shall approve the plan or request, as applicable, upon determining that the plan or request advances the mission and purpose of the A+ achievement charter school and is in the best interests of pupils served by the A+ achievement charter school.



4. If the Executive Director denies a plan submitted pursuant to subsection 1 or a request to revise a plan submitted pursuant to subsection 2, the Executive Director must:

(a) Return the plan or request to the independent administrator or governing body, as applicable, with an explanation of the reason for denial; and

(b) Provide the independent administrator or governing body, as applicable, with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit the plan for approval.

5. As used in this section, "evidence-based" has the meaning ascribed to it in 20 U.S.C. § 7801.

Sec. 13. 1. The governing body of an A+ achievement charter school may request a waiver from the provisions of NRS 389.850, 389.870, 389.880 or 392.125 or any regulation adopted pursuant thereto. Such a waiver request must be submitted to the Executive Director. If the Executive Director approves the request, he or she shall transmit the request to the State Board for review. The State Board may approve a request for a waiver if the waiver:

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

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

2. If the State Board denies a request for a waiver, the State Board must:

(a) Return the request to the governing body with a written statement indicating the reason for the denial; and

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

3. If the State Board approves a request for a waiver, the governing body and the Executive Director shall:

(a) Amend the A+ achievement charter school contract to include the waiver as soon as practicable; and

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

4. The State Board shall:

(a) Annually compile a report that includes, without limitation, a list of all A+ achievement charter schools for which a request for a waiver has been approved pursuant to subsection 1 during the immediately preceding calendar year and each provision of statute or regulation waived pursuant to such a request; and



(b) *Submit the report, on or before October 1 of:*

(1) *Each odd-numbered year, to the Legislative Committee on Education.*

(2) *Each even-numbered year, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.*

5. *Upon the request of a Legislator, the State Board shall update the most recent report submitted pursuant to subsection 4 with information regarding any waiver approved since the report was submitted.*

Sec. 14. 1. *For the purpose of determining the budget of an A+ achievement charter school, the governing body of the A+ achievement charter school shall have discretion over all of the money from the state financial aid and federal or local funds that the school district apportions for the school, without regard to any specifications, requirements or recommendations by the school district.*

2. *Except as otherwise provided in subsection 3, if an action determined to be necessary by the principal of the A+ achievement charter school to carry out the A+ achievement charter school contract causes the cost of operating the A+ achievement charter school to:*

(a) *Increase, the principal must seek to obtain any available grant from the Department and request any necessary additional amount of money from the board of trustees of the school district.*

(b) *Decrease, the board of trustees of the school district must not reduce the amount of money allocated to the school as a result of the savings.*

3. *If the board of trustees of a school district reduces the amount of money allocated to each public school located in the school district, an A+ achievement charter school shall reduce its budget by a commensurate amount.*

4. *Any money remaining in the account of an A+ achievement charter school at the end of a fiscal year does not revert to the State General Fund, and the balance in the account of an A+ achievement charter school must be carried forward to the next fiscal year.*

Sec. 15. 1. *The board of trustees of the school district in which an A+ achievement charter school is located shall not:*

(a) *Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to an A+ achievement charter school.*

(b) *Interfere with the operation or management of the A+ achievement charter school except as authorized by the A+ achievement charter school contract, this chapter or any other*



1 *statute or regulation applicable to an achievement charter school*
2 *or its officers or employees.*

3 *(c) Engage in or direct others to engage in oversight or*
4 *supervision of the principal of an A+ achievement charter school.*

5 *2. If the board of trustees of a school district in which an A+*
6 *achievement charter school is located has reason to believe that*
7 *the principal of the A+ achievement charter school has engaged in*
8 *misconduct which is harmful to pupils enrolled in the A+*
9 *achievement charter school, the board of trustees may request the*
10 *Department to conduct a formal investigation into the matter. The*
11 *Department shall conduct a formal investigation and submit its*
12 *findings to the Superintendent of Public Instruction for a final*
13 *determination and resolution. The decision of the Superintendent*
14 *of Public Instruction is final and not subject to judicial review.*

15 *3. The governing body of an A+ achievement charter school*
16 *shall, to the extent prescribed by regulation of the Department,*
17 *indemnify the school district in which the A+ achievement charter*
18 *school is located for the activities of the A+ achievement charter*
19 *school.*

20 **Sec. 16. 1. The governing body of an A+ achievement**
21 **charter school and its members are immune from liability for civil**
22 **damages as a result of an act or omission in:**

23 *(a) Providing assistance and advice to the independent*
24 *administrator or principal of the A+ achievement charter school*
25 *regarding the development of an A+ achievement charter school*
26 *contract;*

27 *(b) Providing continued assistance and advice to the principal*
28 *of the A+ achievement charter school in carrying out the A+*
29 *achievement charter school contract;*

30 *(c) Establishing a list of qualifications for the principal of the*
31 *A+ achievement charter school and assisting with the selection of*
32 *the next principal if a vacancy occurs;*

33 *(d) Providing input regarding the principal to the independent*
34 *administrator, Executive Director or Department;*

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

37 *(f) Reviewing the A+ achievement charter school contract and*
38 *making recommendations for revisions to the contract.*

39 *2. Each member of the governing body of an A+ achievement*
40 *charter school who participates in the interviewing of a candidate*
41 *for employment shall comply with all state and federal laws*
42 *relating to employment.*

43 **Sec. 17. NRS 388B.010 is hereby amended to read as follows:**
44 **388B.010 As used in this chapter, unless the context otherwise**
45 **requires, the words and terms defined in NRS 388B.020**



to 388B.050, inclusive, *and sections 4 to 7, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 18. NRS 388B.060 is hereby amended to read as follows:
388B.060 The Department shall adopt any regulations necessary or convenient to carry out the provisions of this chapter. The regulations may prescribe, without limitation:

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

(a) 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) 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 to operate *or serve as the administrator of* the achievement charter school pursuant to NRS 388B.210.

2. The process by which the Executive Director will solicit applications to operate *or serve as the independent administrator of* an achievement charter school and the procedure and criteria that the Executive Director must use when evaluating such applications.

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

4. 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. 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.

Sec. 19. NRS 388B.110 is hereby amended to read as follows:
388B.110 1. The Superintendent of Public Instruction shall appoint an Executive Director of the Achievement School District



~~§~~ *or designate an employee of the Department to serve as Executive Director.* The Executive Director *is in the unclassified service of the State and* 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.

Sec. 20. NRS 388B.210 is hereby amended to read as follows:
388B.210 1. For each public school selected for conversion to an achievement charter school pursuant to NRS 388B.200, the Executive Director shall ~~§~~ *determine whether to create an A+ achievement charter school or enter into a contract with an operator. The Executive Director shall:*

(a) Solicit applications from ~~educational~~ :
(1) *Educational* management organizations, charter management organizations and other persons to operate the achievement charter school ~~§~~; and

(2) *Organizations and natural persons to serve as the independent administrator of the achievement charter school.*

(b) Provide information to parents of pupils enrolled at the public school concerning programs of instruction that applicants to operate *or serve as the independent administrator of* 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 the applications submitted to operate *or serve as the independent administrator of* the achievement charter school and approve the application that the Executive Director determines is high quality, meets the identified educational needs of pupils and is likely to improve pupil achievement and school performance.

(d) Negotiate and enter into a contract to operate *or serve as the independent administrator of* the achievement charter school directly with the ~~charter management organization, educational~~



~~management~~ organization or other person whose application is approved pursuant to paragraph (c). ~~[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) Monitor the performance and compliance of each achievement charter school.

2. The Department 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 ~~[.]~~ *or an organization or natural person may apply to serve as an independent administrator.* 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 ~~[.]~~; *and*

(c) Authorize a person to serve as the independent administrator for more than one school being converted to an A+ achievement charter school.

3. If ~~[a charter management]~~ *an* 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 must not approve the application unless any charter school currently operated by the ~~[charter management organization, educational management organization or other person]~~ *applicant* meets specific criteria for pupil achievement and school performance established for each such school by the Department.

4. *A contract to serve as an independent administrator must require the independent administrator to:*

(a) Carry out the duties prescribed by sections 9, 11 and 12 of this act; and

(b) Provide or arrange for the provision of any other services deemed necessary by the Executive Director to facilitate and support the conversion of the school to an A+ achievement charter school or the operation of the A+ achievement charter school.

5. *A contract to operate an achievement charter school, other than an A+ 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 operator is responsible for the*



1 *operation of the achievement charter school. The Executive*
2 *Director may terminate a contract to operate an achievement*
3 *charter school before the expiration of the contract under*
4 *circumstances prescribed by regulation of the Department.*

5 6. After a contract to operate or serve as the independent
6 administrator of an achievement charter school is entered into
7 pursuant to paragraph (d) of subsection 1, the Achievement
8 School District shall be deemed the sponsor of the achievement
9 charter school for all purposes, including, without limitation,
10 receipt of the sponsorship fee prescribed pursuant to
11 NRS 388A.414.

12 **Sec. 21.** NRS 388B.220 is hereby amended to read as follows:

13 388B.220 1. ~~{After a contract is entered into pursuant to~~
14 ~~paragraph (d) of subsection 1 of NRS 388B.210, the Achievement~~
15 ~~School District shall be deemed the sponsor of the achievement~~
16 ~~charter school for all purposes, including, without limitation, receipt~~
17 ~~of the sponsorship fee prescribed pursuant to NRS 388A.414.~~

18 ~~—2. The charter management organization, educational~~
19 ~~management organization or other person with whom} If the~~
20 Executive Director enters into a contract *pursuant to paragraph (d)*
21 *of subsection 1 of NRS 388B.210 with an operator* to operate the
22 achievement charter school, *the operator* shall appoint the
23 governing body of the achievement charter school, consisting of
24 such persons as deemed appropriate by the ~~{charter management~~
25 ~~organization, educational management organization or other person}~~
26 *operator* and who meet the requirements set forth in subsection ~~{3.}~~

27 2. The governing body has such powers and duties as assigned
28 pursuant to this chapter and any other applicable law or regulation
29 and by the Executive Director.

30 ~~{3.}~~ 2. At least two members of the governing body of an
31 achievement charter school, *other than an A+ achievement charter*
32 *school*, must reside in the community in which the achievement
33 charter school is located. A person who is employed by the ~~{charter~~
34 ~~management organization, educational management organization or~~
35 ~~other person with whom the Executive Director has entered into a~~
36 ~~contract to operate the} operator of an~~ achievement charter school
37 may not serve as a voting member of the governing body of the
38 achievement charter school.

39 ~~{4.—The Executive Director may terminate a contract to operate~~
40 ~~an achievement charter school before the expiration of the contract~~
41 ~~under circumstances prescribed by regulation of the Department.}~~

42 **Sec. 22.** NRS 388B.230 is hereby amended to read as follows:

43 388B.230 1. *The governing body of an achievement charter*
44 *school may, with the approval of the Executive Director, serve as*
45 *the governing body of more than one achievement charter school.*



2. After the governing body of an achievement charter school is appointed pursuant to NRS 388B.220 ~~H~~ *or section 8 of this act, the ~~governing~~:*

(a) Governing body of an achievement charter school that is not an A+ achievement charter school 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 governing body shall notify the board of trustees of the school district in which the achievement charter school is located of any employee who is not offered a position in the achievement charter school on or before March 1 immediately preceding the school year in which the achievement charter school will begin operation.

(b) Independent administrator of an A+ achievement charter school shall select the principal of the A+ achievement charter school and review each employee of the A+ achievement charter school to determine whether to offer the employee a position in the A+ achievement charter school based on the needs of the A+ achievement charter school and the ability of the employee to meet effectively those needs. The independent administrator shall notify the board of trustees of the school district in which the A+ achievement charter school is located of any employee who is not offered a position in the A+ achievement charter school on or before March 1 immediately preceding the school year in which the A+ achievement charter school will begin operation.

3. 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.

~~F2.1~~ 4. 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.

~~F3.1~~ 5. 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.}~~ **6.** 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.}~~ **7.** 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}~~ **operator or independent administrator** of 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.

Sec. 23. NRS 388B.240 is hereby amended to read as follows:

388B.240 1. Each achievement charter school , ***other than an A+ achievement charter school,*** is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. The school district in which an A+ achievement charter school is located shall serve as the local educational agency for the purpose of receiving any money available to the A+ achievement charter school from federal and state categorical grant programs. The board of trustees of a school district that receives money pursuant to such a grant program on behalf of an A+ achievement charter school:

(a) Shall comply with any applicable reporting requirements to receive the grant; and

(b) Shall not withhold money received pursuant to such a grant from the A+ achievement charter school.

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

~~{3.}~~ **4.** As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).



Sec. 24. NRS 388B.290 is hereby amended to read as follows:

388B.290 1. During the sixth year that a school operates as an achievement charter school, the Department 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 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 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 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 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.

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

(a) Terminate the contract with the ~~{charter management organization, educational management organization or other person that operated}~~ **operator of** the achievement charter school ~~{;} or the A+ achievement charter school contract, as applicable;~~

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

(c) Require the ~~{charter management organization, educational management organization or other person}~~ **operator or independent administrator** 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 ~~{;} or section 8 of this act, as applicable,~~ 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.

Sec. 25. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 6 and 10, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.



(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7, 9 and 10, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general



1 fund from all sources, except any nonrecurring source, during the
2 next preceding fiscal year, as reflected in the reports of the annual
3 audits conducted for those fiscal years for the local government
4 employer pursuant to NRS 354.624; or

5 (2) If the local government employer has budgeted an
6 unreserved ending fund balance in its general fund for the current
7 fiscal year in an amount equal to 4 percent or less of the actual
8 expenditures from the general fund for the last preceding fiscal year,
9 and the local government employer has provided a written
10 explanation of the budgeted ending fund balance to the Department
11 of Taxation that includes the reason for the ending fund balance and
12 the manner in which the local government employer plans to
13 increase the ending fund balance.

14 (b) Take whatever actions may be necessary to carry out its
15 responsibilities in situations of emergency such as a riot, military
16 action, natural disaster or civil disorder. Those actions may include
17 the suspension of any collective bargaining agreement for the
18 duration of the emergency.

19 ➤ Any action taken under the provisions of this subsection must not
20 be construed as a failure to negotiate in good faith.

21 5. The provisions of this chapter, including without limitation
22 the provisions of this section, recognize and declare the ultimate
23 right and responsibility of the local government employer to manage
24 its operation in the most efficient manner consistent with the best
25 interests of all its citizens, its taxpayers and its employees.

26 6. If the sponsor of a charter school reconstitutes the governing
27 body of a charter school pursuant to NRS 388A.330, the new
28 governing body may terminate the employment of any teachers or
29 other employees of the charter school, and any provision of any
30 agreement negotiated pursuant to this chapter that provides
31 otherwise is unenforceable and void.

32 7. The board of trustees of a school district in which a school is
33 designated as a turnaround school pursuant to NRS 388G.400 or the
34 principal of such a school, as applicable, may take any action
35 authorized pursuant to NRS 388G.400, including, without
36 limitation:

37 (a) Reassigning any member of the staff of such a school; or

38 (b) If the staff member of another public school consents,
39 reassigning that member of the staff of the other public school to
40 such a school.

41 8. Any provision of an agreement negotiated pursuant to this
42 chapter which differs from or conflicts in any way with the
43 provisions of subsection 7 or imposes consequences on the board of
44 trustees of a school district or the principal of a school for taking



any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, *and sections 8 to 12, inclusive, of this act*, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

13. As used in this section:

(a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 26. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 27. This act becomes effective upon passage and approval.

