
ASSEMBLY BILL NO. 35—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Education

SUMMARY—Revises provisions governing achievement charter schools. (BDR 34-334)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 achievement charter schools; authorizing the opening of a new school as an achievement charter school; authorizing the conversion of an existing charter school into an achievement charter school under certain circumstances; establishing requirements concerning pupils to be enrolled in a school that is converted to or opened as an achievement charter school; requiring the Department of Education to take certain actions during the sixth year of the operation of a new school that is opened as an achievement charter school that is a neighborhood option school; clarifying that an application to operate an achievement charter school must be approved before the Achievement School District is deemed the sponsor of the school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Achievement School District within the
2 Department of Education and requires the Superintendent of Public Instruction to
3 appoint an Executive Director of the Achievement School District. (NRS 388B.100,
4 388B.110) Existing law provides for the selection of a public school, other than a
5 charter school, that fails to meet certain standards of performance for conversion
6 into a charter school, known as an achievement charter school. (NRS 388B.200)
7 Upon selecting a public school for conversion to an achievement charter school, the
8 Executive Director is required to enter into a contract with a charter management
9 organization, educational management organization or other person to operate the



10 achievement charter school. Such a contract must be for a term of 6 years. (NRS
11 388B.210) After the Executive Director enters into such a contract with a charter
12 management organization, educational management organization or other person,
13 the Achievement School District is deemed to be the sponsor of the achievement
14 charter school. (NRS 388B.220) After the expiration of such a contract, the
15 achievement charter school may, depending on the performance of the school: (1)
16 convert to a public school under the governance of the board of trustees of the
17 school district in which the school is located; (2) seek to continue as a charter
18 school under the sponsorship of the board of trustees of the school district in which
19 the school is located, the State Public Charter School Authority or a college or
20 university within the Nevada System of Higher Education; or (3) remain an
21 achievement charter school for at least 6 more years. (NRS 388B.290) **Section 14**
22 of this bill clarifies that an application to operate the achievement charter school
23 must be approved and a contract to operate the achievement charter school must be
24 entered into before the Achievement School District is deemed the sponsor of the
25 achievement charter school.

26 **Section 11** of this bill authorizes the opening of a new achievement charter
27 school, to be known as a neighborhood option school, to serve pupils who reside in
28 the zone of attendance of a public school, other than a charter school, that fails to
29 meet the prescribed standards of performance while the public school continues to
30 operate under the governance of the board of trustees of a school district. **Section**
31 **11** also authorizes the conversion of a charter school into an achievement charter
32 school after an action of either the sponsor or governing body, depending on the
33 circumstances, of the charter school. **Section 11** provides that an achievement
34 charter school that was converted from a previously existing public school,
35 including a previously existing charter school, is to be known as a transformation
36 school.

37 **Section 7** of this bill requires a neighborhood option school to operate in a
38 facility approved by the Executive Director. **Section 7** requires such a facility to be
39 located not farther than 3 miles outside the zone of attendance to be served by the
40 neighborhood option school, with certain exceptions. **Section 7** additionally
41 requires each pupil who was enrolled in a public school in the zone of attendance to
42 be served by the neighborhood option school be enrolled in the neighborhood
43 option school upon the request of his or her parent or guardian if the neighborhood
44 option school offers instruction in the grade level for which enrollment is requested.
45 **Sections 8-10 and 12-16** of this bill make conforming changes.

46 Existing law requires the Department of Education to evaluate the pupil
47 achievement and school performance of an achievement charter school during its
48 sixth year of operation as an achievement charter school. If the Department
49 determines that the school has made adequate improvement in pupil achievement
50 and school performance, existing law requires the governing body of the school to
51 determine whether to: (1) convert the achievement charter school to a public school
52 within the school district in which the school is located; (2) continue to operate the
53 school as a charter school, but not an achievement charter school; or (3) continue to
54 operate the school as an achievement charter school for at least 6 additional years.
55 (NRS 388B.290) **Section 17** of this bill prohibits the conversion of a neighborhood
56 option school to a public school within the school district in which the school is
57 located unless the board of trustees approves such action.

58 Existing law requires the Department, after determining that an achievement
59 charter school has not made adequate improvement in pupil achievement and
60 school performance, to decide whether to: (1) convert the school to a public school
61 within the school district in which the school is located; or (2) continue to operate
62 the school as an achievement charter school for at least 6 additional years. (NRS
63 388B.290) **Section 17** reduces this period to at least 3 additional years and limits
64 the application of this provision to transformation schools. **Section 17** requires the



65 Department, after determining that a neighborhood option school has not made
66 adequate improvement in pupil achievement and school performance, to decide
67 whether to: (1) close the school; or (2) continue to operate the school as an
68 achievement charter school for at least 3 additional years. **Sections 15 and 18** of
69 this bill replace references to achievement charter schools generally with references
70 to transformation schools in provisions governing conversion of an existing public
71 school into a transformation school.

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

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:

2 385.007 As used in this title, unless the context otherwise
3 requires:

4 1. "Achievement charter school" means a public school
5 ~~operated~~:

6 (a) *Operated* by a charter management organization, as defined
7 in NRS 388B.020, an educational management organization, as
8 defined in NRS 388B.030, or other person pursuant to a contract
9 with the Achievement School District pursuant to NRS 388B.210
10 and subject to the provisions of chapter 388B of NRS ~~H~~; and

11 (b) *Designated as a neighborhood option school, as defined in*
12 *section 4 of this act, or a transformation school, as defined in*
13 *section 5 of this act.*

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

15 3. "English learner" has the meaning ascribed to it in 20 U.S.C.
16 § 7801(20).

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

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

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

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

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



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

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

4 **Sec. 2.** Chapter 388B of NRS is hereby amended by adding
5 thereto the provisions set forth as sections 3 to 7, inclusive, of this
6 act.

7 **Sec. 3.** *"Charter school" does not include an achievement*
8 *charter school.*

9 **Sec. 4.** *"Neighborhood option school" means an*
10 *achievement charter school opened pursuant to paragraph (b) of*
11 *subsection 5 of NRS 388B.200.*

12 **Sec. 5.** *"Transformation school" means an achievement*
13 *charter school that was created by converting an existing public*
14 *school pursuant to paragraph (a) of subsection 5 of*
15 *NRS 388B.200.*

16 **Sec. 6.** *"Zone of attendance" means the zone established by*
17 *the board of trustees of a school district pursuant to NRS 388.040*
18 *to designate which public school within the district a pupil must*
19 *attend.*

20 **Sec. 7. 1.** *A neighborhood option school must operate in a*
21 *facility approved by the Executive Director, which may be the*
22 *same facility used by the public school which serves the same zone*
23 *of attendance that is served by the neighborhood option school.*

24 **2.** *Except as otherwise provided in subsection 3, the*
25 *Executive Director shall not approve a facility for the purposes of*
26 *subsection 1 if:*

27 *(a) The facility is located farther than 3 miles outside the zone*
28 *of attendance served by the neighborhood option school; and*

29 *(b) The neighborhood option school will not provide*
30 *transportation to each pupil who:*

31 *(1) Resides in the zone of attendance to be served by the*
32 *neighborhood option school; and*

33 *(2) Attends the neighborhood option school.*

34 **3.** *During the first 5 years of operation pursuant to a contract*
35 *to operate a neighborhood option school, the governing body of*
36 *the neighborhood option school may obtain a waiver from the*
37 *Executive Director from the requirements of subsection 2. The*
38 *Executive Director may grant such a waiver upon a determination*
39 *that it is reasonable and will not deter pupils who reside within the*
40 *zone of attendance served by the neighborhood option school from*
41 *attending the school.*

42 **4.** *A pupil who was enrolled in a public school in the same*
43 *zone of attendance that is served by a neighborhood option school*
44 *must be enrolled in the neighborhood option school upon the*
45 *request of the parent or guardian of the pupil if the neighborhood*



1 *option school offers instruction in the grade level for which*
2 *enrollment is requested.*

3 **Sec. 8.** NRS 388B.010 is hereby amended to read as follows:

4 388B.010 As used in this chapter, unless the context otherwise
5 requires, the words and terms defined in NRS 388B.020 to
6 388B.050, inclusive, *and sections 3 to 6, inclusive, of this act* have
7 the meanings ascribed to them in those sections.

8 **Sec. 9.** NRS 388B.050 is hereby amended to read as follows:

9 388B.050 "Public school" does not include ~~[a charter school~~
10 ~~or]~~ a university school for profoundly gifted pupils.

11 **Sec. 10.** NRS 388B.060 is hereby amended to read as follows:

12 388B.060 The Department shall adopt any regulations
13 necessary or convenient to carry out the provisions of this chapter.
14 The regulations may prescribe, without limitation:

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

17 (a) Members of the community in which a public school is
18 located, including, without limitation, parents of pupils enrolled at
19 the public school, before selecting the public school *pursuant to*
20 *subsection 5 of NRS 388B.200* for ~~[conversion]~~ :

21 (1) *Conversion to [an achievement charter] a transformation*
22 *school ; or*

23 (2) *The opening of a neighborhood option school to serve*
24 *pupils who reside in the zone of attendance of the public school;*
25 ~~[pursuant to NRS 388B.200;]~~ and

26 (b) Parents of pupils enrolled at a public school that has been
27 selected *pursuant to subsection 5 of NRS 388B.200* for
28 ~~[conversion]~~ :

29 (1) *Conversion to [an achievement charter] a transformation*
30 *school concerning the needs of such pupils before approving an*
31 *application to operate the [achievement charter] transformation*
32 *school pursuant to NRS 388B.210.*

33 (2) *The opening of a neighborhood option school to serve*
34 *pupils who reside in the zone of attendance of the public school*
35 *concerning the needs of such pupils before approving an*
36 *application to operate the transformation school pursuant to*
37 *NRS 388B.210.*

38 2. The process by which the Executive Director will solicit
39 applications to operate an achievement charter school and the
40 procedure and criteria that the Executive Director must use when
41 evaluating such applications.

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



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

10 5. Circumstances under which the governing body of ~~an~~ **an**
11 **achievement** charter school may authorize a child who is enrolled in
12 a public school of a school district or a private school or a
13 homeschooled child to participate in a class at ~~an~~ **the** achievement
14 charter school that is not otherwise available to the child at his or
15 her school or homeschool or participate in an extracurricular activity
16 at the achievement charter school.

17 6. The procedure for converting an achievement charter school
18 into a public school ~~is~~ **under the governance of the board of**
19 **trustees of a school district.**

20 **Sec. 11.** NRS 388B.200 is hereby amended to read as follows:

21 388B.200 1. **Each year, the Executive Director shall**
22 **determine which public schools to add to the Achievement School**
23 **District in accordance with the provisions of this section.**

24 2. A public school, **other than a charter school,** is eligible
25 ~~for conversion~~ to ~~an achievement charter~~ **become a**
26 **transformation school or to have a neighborhood option school**
27 **opened as set forth in subsection 5 if:**

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

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

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

39 ~~is~~ 3. **A charter school is eligible to be selected to become a**
40 **transformation school as set forth in subsection 5 if:**

41 (a) **The sponsor of the charter school:**

42 (1) **Has initiated the process to revoke a written charter,**
43 **terminate a charter contract or restart the charter school pursuant**
44 **to NRS 388A.300 or to reconstitute the governing body of the**



1 *charter school, revoke a written charter or terminate a charter*
2 *contract pursuant to NRS 388A.330; and*

3 *(2) Recommends that the charter school become a*
4 *transformation school. If a public hearing is required by*
5 *subsection 3 of NRS 388A.330, the sponsor shall not make such a*
6 *recommendation until the hearing is concluded.*

7 *(b) The sponsor of the charter school has not initiated any*
8 *process described in subparagraph (1) of paragraph (a) and the*
9 *governing body of the charter school passes a resolution stating*
10 *that the charter school is eligible to become a transformation*
11 *school.*

12 **4.** Each year, the Executive Director shall submit a list of not
13 less than 20 percent of the public schools that are eligible ~~for~~
14 ~~conversion to an achievement charter~~ *to become a transformation*
15 *school or to have a neighborhood option school opened* pursuant to
16 ~~subsection 1~~ *subsections 2 and 3* to the State Board for its
17 approval. Within 30 days after the list is submitted, the State Board
18 shall approve at least 50 percent of the schools on the list.

19 ~~3.~~ **5.** Each year, the Executive Director may select not more
20 than six public schools *from the schools that were* approved for
21 consideration by the State Board pursuant to subsection ~~2 for~~
22 ~~conversion~~ *4 and determine whether* to :

23 *(a) Convert the public school, which may be a charter school,*
24 *into an achievement charter* ~~schools.~~ *school, to be known as a*
25 *transformation school; or*

26 *(b) If the public school is not a charter school, open a new*
27 *school as an achievement charter school, to be known as a*
28 *neighborhood option school, to serve pupils who reside in the zone*
29 *of attendance of the public school while the public school*
30 *continues to operate under the governance of the board of trustees*
31 *of the school district.*

32 **6.** Before selecting a public school ~~for conversion to an~~
33 ~~achievement charter school,~~ *pursuant to subsection 5,* the
34 Executive Director must:

35 *(a) Consider available data concerning pupil achievement and*
36 *school performance for the public school, including, without*
37 *limitation, data from the statewide system of accountability for*
38 *public schools and data maintained by the board of trustees of the*
39 *school district in which the public school is located* ~~;~~ *or the*
40 *governing body of the charter school, as applicable;*

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



1 (c) Consult with the board of trustees of the school district in
2 which the public school is located ~~[-~~

3 ~~—4.] or the governing body of the charter school, as applicable.~~

4 7. The Executive Director shall notify a public school selected
5 ~~[for conversion to an achievement charter school]~~ pursuant to
6 subsection 5 and the school district in which the public school is
7 located *or the governing body and sponsor of the charter school,*
8 *as applicable,* not later than 60 days after making the selection.

9 **Sec. 12.** NRS 388B.200 is hereby amended to read as follows:

10 388B.200 1. Each year, the Executive Director shall
11 determine which public schools to add to the Achievement School
12 District in accordance with the provisions of this section.

13 2. A public school, other than a charter school, is eligible to
14 become a transformation school or to have a neighborhood option
15 school opened as set forth in subsection 5 if:

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

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

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

27 3. A charter school is eligible to be selected to become a
28 transformation school as set forth in subsection 5 if:

29 (a) The sponsor of the charter school:

30 (1) Has initiated the process to ~~[revoke a written charter,]~~
31 terminate a charter contract or restart the charter school pursuant to
32 NRS 388A.300 or to reconstitute the governing body of the charter
33 school ~~[-, revoke a written charter]~~ or terminate a charter contract
34 pursuant to NRS 388A.330; and

35 (2) Recommends that the charter school become a
36 transformation school. If a public hearing is required by subsection
37 3 of NRS 388A.330, the sponsor shall not make such a
38 recommendation until the hearing is concluded.

39 (b) The sponsor of the charter school has not initiated any
40 process described in subparagraph (1) of paragraph (a) and the
41 governing body of the charter school passes a resolution stating that
42 the charter school is eligible to become a transformation school.

43 4. Each year, the Executive Director shall submit a list of not
44 less than 20 percent of the public schools that are eligible to become
45 a transformation school or to have a neighborhood option school



1 opened pursuant to subsections 2 and 3 to the State Board for its
2 approval. Within 30 days after the list is submitted, the State Board
3 shall approve at least 50 percent of the schools on the list.

4 5. Each year, the Executive Director may select not more than
5 six public schools from the schools that were approved for
6 consideration by the State Board pursuant to subsection 4 and
7 determine whether to:

8 (a) Convert the public school, which may be a charter school,
9 into an achievement charter school, to be known as a transformation
10 school; or

11 (b) If the public school is not a charter school, open a new
12 school as an achievement charter school, to be known as a
13 neighborhood option school, to serve pupils who reside in the zone
14 of attendance of the public school while the public school continues
15 to operate under the governance of the board of trustees of the
16 school district.

17 6. Before selecting a public school pursuant to subsection 5,
18 the Executive Director must:

19 (a) Consider available data concerning pupil achievement and
20 school performance for the public school, including, without
21 limitation, data from the statewide system of accountability for
22 public schools and data maintained by the board of trustees of the
23 school district in which the public school is located or the governing
24 body of the charter school, as applicable;

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

29 (c) Consult with the board of trustees of the school district in
30 which the public school is located or the governing body of the
31 charter school, as applicable.

32 7. The Executive Director shall notify a public school selected
33 pursuant to subsection 5 and the school district in which the public
34 school is located or the governing body and sponsor of the charter
35 school, as applicable, not later than 60 days after making the
36 selection.

37 **Sec. 13.** NRS 388B.210 is hereby amended to read as follows:

38 388B.210 1. For each ~~[public]~~ school ~~[selected for~~
39 ~~conversion to an achievement charter school]~~ *selected by the*
40 *Executive Director to include in the Achievement School District*
41 pursuant to *subsection 5 of* NRS 388B.200, the Executive Director
42 shall:

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



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

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

14 (d) Negotiate and enter into a contract to operate the
15 achievement charter school directly with the charter management
16 organization, educational management organization or other person
17 whose application is approved pursuant to paragraph (c). A contract
18 to operate an achievement charter school must be for a term of 6
19 years. The term of the contract begins on the first day on which the
20 contract provides that the educational management organization,
21 charter management organization or other person is responsible for
22 the operation of the achievement charter school.

23 (e) Monitor the performance and compliance of each
24 achievement charter school.

25 2. The Department shall adopt regulations that prescribe the
26 process by which a charter management organization, educational
27 management organization or other person may apply to operate an
28 achievement charter school. Such regulations must, without
29 limitation:

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

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

36 3. If a charter management organization, educational
37 management organization or other person applies to operate more
38 than one achievement charter school pursuant to paragraph (b) of
39 subsection 2, the Department must not approve the application
40 unless any charter school *or achievement charter school* currently
41 operated by the charter management organization, educational
42 management organization or other person meets specific criteria for
43 pupil achievement and school performance established for each such
44 school by the Department.



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

9 **Sec. 14.** NRS 388B.220 is hereby amended to read as follows:

10 388B.220 1. After ***an application to operate an achievement***
11 ***charter school is approved and*** a contract is entered into pursuant to
12 ~~paragraph (d) of~~ subsection 1 of NRS 388B.210, the Achievement
13 School District shall be deemed the sponsor of the achievement
14 charter school for all purposes, including, without limitation, receipt
15 of the sponsorship fee prescribed pursuant to NRS 388A.414.

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

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

34 **4. *After the governing body of an achievement charter school***
35 ***is appointed, the governing body shall select the principal of the***
36 ***achievement charter school.***

37 **5.** The Executive Director may terminate a contract to operate
38 an achievement charter school before the expiration of the contract
39 under circumstances prescribed by regulation of the Department.

40 **Sec. 15.** NRS 388B.230 is hereby amended to read as follows:

41 388B.230 1. After ***being appointed by*** the governing body of
42 ~~an achievement charter~~ ***a transformation*** school ~~is appointed~~
43 pursuant to NRS 388B.220, the ~~governing body shall select the~~
44 ~~principal of the achievement charter school. The~~ principal shall
45 review each employee of the ~~achievement charter~~ school to



1 determine whether to offer the employee a position in the
2 ~~[achievement charter]~~ school based on the needs of the school and
3 the ability of the employee to meet effectively those needs. The
4 board of trustees of the school district in which the ~~[achievement~~
5 ~~charter]~~ *transformation* school is located shall reassign any
6 employee who is not offered a position in the ~~[achievement charter]~~
7 school or does not accept such a position in accordance with any
8 collective bargaining agreement negotiated pursuant to chapter 288
9 of NRS.

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

20 3. The board of trustees of a school district:

21 (a) Is not required to give priority to a capital project at a public
22 school that is selected for conversion to ~~[an achievement charter]~~ *a*
23 *transformation* school; and

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

26 4. Any pupil who was enrolled at the school before it was
27 converted to ~~[an achievement charter]~~ *a transformation* school must
28 be enrolled in the ~~[achievement charter]~~ *transformation* school
29 unless the parent or guardian of the pupil submits a written notice to
30 the principal of the ~~[achievement charter]~~ *transformation* school
31 that the pupil will not continue to be enrolled in the ~~[achievement~~
32 ~~charter]~~ *transformation* school.

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

41 **Sec. 16.** NRS 388B.260 is hereby amended to read as follows:

42 388B.260 1. Upon request of the Executive Director, the
43 board of trustees of the school district in which an achievement
44 charter school is located shall provide facilities to operate the
45 achievement charter school, in addition to and not including the



1 building in which the achievement charter school operates pursuant
2 to NRS 388B.230 **§ or section 7 of this act**, or perform any service
3 relating to the operation of the achievement charter school,
4 including, without limitation, transportation, the provision of health
5 services for pupils who are enrolled in the achievement charter
6 school and the provision of school police officers. The governing
7 body of the achievement charter school shall reimburse the board of
8 trustees for the cost of such facilities and services. If a dispute arises
9 between the governing body of an achievement charter school or the
10 Executive Director and the board of trustees of a school district
11 concerning the cost of such facilities and services to be reimbursed,
12 the Superintendent of Public Instruction must determine the cost to
13 be reimbursed.

14 2. In addition to the school building used by the Achievement
15 School District pursuant to NRS 388B.230 **§ or section 7 of this**
16 **act**, an achievement charter school may use any public facility
17 located within the school district in which the achievement charter
18 school is located. An achievement charter school may use school
19 buildings owned by the school district only upon approval of the
20 board of trustees of the school district.

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

24 4. An achievement charter school may:

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

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

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

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

37 **Sec. 17.** NRS 388B.290 is hereby amended to read as follows:

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



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

5 (1) ~~Convert~~ *Subject to the requirements of subsection 2, if*
6 *applicable, convert* to a public school under the governance of the
7 board of trustees of the school district in which the school is located;

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

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

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

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

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

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

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

38 2. *A neighborhood option school must not be converted to a*
39 *public school under the governance of the board of trustees of the*
40 *school district in which the school is located pursuant to*
41 *paragraph (a) of subsection 1 without the approval of that board*
42 *of trustees.*

43 3. Upon deciding that ~~the achievement charter~~ *a*
44 *transformation* school has not made adequate improvement in pupil



1 achievement and school performance pursuant to paragraph (b) of
2 subsection 1, the Department must decide whether to:

3 (a) Convert the ~~[achievement charter]~~ *transformation* school to
4 a public school under the governance of the board of trustees of the
5 school district in which the school is located; or

6 (b) Continue to operate the school as ~~[an achievement charter]~~ *a*
7 *transformation* school for at least ~~[6]~~ *3* more years.

8 ~~[3.]~~ *4. Upon deciding that a neighborhood option school has*
9 *not made adequate improvement in pupil achievement and school*
10 *performance pursuant to paragraph (b) of subsection 1, the*
11 *Department must decide whether to:*

12 (a) *Close the neighborhood option school; or*

13 (b) *Continue to operate the school as a neighborhood option*
14 *school for at least 3 more years.*

15 *5. If the Department decides to continue to operate a school as*
16 *an achievement charter school pursuant to subsection ~~[2.]~~ 3 or 4, the*
17 *Executive Director must:*

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

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

25 (c) *Require the charter management organization, educational*
26 *management organization or other person with whom the Executive*
27 *Director enters into a contract to operate the achievement charter*
28 *school to appoint a new governing body of the achievement charter*
29 *school in the manner provided pursuant to NRS 388B.220, and must*
30 *not reappoint more than 40 percent of the members of the previous*
31 *governing body; and*

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

34 ~~[4.]~~ *6. If an achievement charter school is converted to a*
35 *public school under the governance of the board of trustees of a*
36 *school district pursuant to paragraph (a) of subsection 1, the board*
37 *of trustees must employ any teacher, administrator or*
38 *paraprofessional who wishes to continue employment at the school*
39 *and meets the requirements of chapter 391 of NRS to teach at the*
40 *school. [Any]*

41 *7. If a transformation school is converted to a public school*
42 *under the governance of the board of trustees of a school district*
43 *pursuant to paragraph (a) of subsection 1, any administrator or*
44 *teacher employed at such a school who was employed by the board*
45 *of trustees as a postprobationary employee before the school was*



1 converted to ~~[an achievement charter]~~ *a transformation* school and
2 who wishes to continue employment at the school after it is
3 converted back into a public school *under the governance of the*
4 *board of trustees of a school district* must be employed as a
5 postprobationary employee.

6 ~~[5.]~~ 8. If an achievement charter school becomes a charter
7 school sponsored by the school district in which the charter school is
8 located, the State Public Charter School Authority or a college or
9 university within the Nevada System of Higher Education pursuant
10 to paragraph (a) of subsection 1, the school is subject to the
11 provisions of chapter 388A of NRS and the continued operation of
12 the charter school in the building in which the school has been
13 operating is subject to the provisions of NRS 388A.378.

14 ~~[6.]~~ 9. As used in this section, "postprobationary employee"
15 has the meaning ascribed to it in NRS 391.650.

16 **Sec. 18.** NRS 288.150 is hereby amended to read as follows:

17 288.150 1. Except as otherwise provided in subsection 4 and
18 NRS 354.6241, every local government employer shall negotiate in
19 good faith through one or more representatives of its own choosing
20 concerning the mandatory subjects of bargaining set forth in
21 subsection 2 with the designated representatives of the recognized
22 employee organization, if any, for each appropriate bargaining unit
23 among its employees. If either party so requests, agreements reached
24 must be reduced to writing.

25 2. The scope of mandatory bargaining is limited to:

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

28 (b) Sick leave.

29 (c) Vacation leave.

30 (d) Holidays.

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

33 (f) Insurance benefits.

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

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

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

40 (j) Recognition clause.

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

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



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

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

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

9 (p) General savings clauses.

10 (q) Duration of collective bargaining agreements.

11 (r) Safety of the employee.

12 (s) Teacher preparation time.

13 (t) Materials and supplies for classrooms.

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

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

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

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

25 (a) Except as otherwise provided in paragraph (u) of subsection
26 2, the right to hire, direct, assign or transfer an employee, but
27 excluding the right to assign or transfer an employee as a form of
28 discipline.

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

32 (c) The right to determine:

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

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

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

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

40 (d) Safety of the public.

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

44 (a) Reopen a collective bargaining agreement for additional,
45 further, new or supplementary negotiations relating to compensation



1 or monetary benefits during a period of fiscal emergency.
2 Negotiations must begin not later than 21 days after the local
3 government employer notifies the employee organization that a
4 fiscal emergency exists. For the purposes of this section, a fiscal
5 emergency shall be deemed to exist:

6 (1) If the amount of revenue received by the general fund of
7 the local government employer during the last preceding fiscal year
8 from all sources, except any nonrecurring source, declined by 5
9 percent or more from the amount of revenue received by the general
10 fund from all sources, except any nonrecurring source, during the
11 next preceding fiscal year, as reflected in the reports of the annual
12 audits conducted for those fiscal years for the local government
13 employer pursuant to NRS 354.624; or

14 (2) If the local government employer has budgeted an
15 unreserved ending fund balance in its general fund for the current
16 fiscal year in an amount equal to 4 percent or less of the actual
17 expenditures from the general fund for the last preceding fiscal year,
18 and the local government employer has provided a written
19 explanation of the budgeted ending fund balance to the Department
20 of Taxation that includes the reason for the ending fund balance and
21 the manner in which the local government employer plans to
22 increase the ending fund balance.

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

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

30 5. The provisions of this chapter, including without limitation
31 the provisions of this section, recognize and declare the ultimate
32 right and responsibility of the local government employer to manage
33 its operation in the most efficient manner consistent with the best
34 interests of all its citizens, its taxpayers and its employees.

35 6. If the sponsor of a charter school reconstitutes the governing
36 body of a charter school pursuant to NRS 388A.330, the new
37 governing body may terminate the employment of any teachers or
38 other employees of the charter school, and any provision of any
39 agreement negotiated pursuant to this chapter that provides
40 otherwise is unenforceable and void.

41 7. The board of trustees of a school district in which a school is
42 designated as a turnaround school pursuant to NRS 388G.400 or the
43 principal of such a school, as applicable, may take any action
44 authorized pursuant to NRS 388G.400, including, without
45 limitation:



1 (a) Reassigning any member of the staff of such a school; or
2 (b) If the staff member of another public school consents,
3 reassigning that member of the staff of the other public school to
4 such a school.

5 8. Any provision of an agreement negotiated pursuant to this
6 chapter which differs from or conflicts in any way with the
7 provisions of subsection 7 or imposes consequences on the board of
8 trustees of a school district or the principal of a school for taking
9 any action authorized pursuant to subsection 7 is unenforceable and
10 void.

11 9. The board of trustees of a school district may reassign any
12 member of the staff of a school that is converted to ~~an achievement~~
13 ~~charter~~ *a transformation* school pursuant to NRS 388B.200 to
14 388B.230, inclusive, *and section 7 of this act* and any provision of
15 any agreement negotiated pursuant to this chapter which provides
16 otherwise is unenforceable and void.

17 10. The board of trustees of a school district or the governing
18 body of a charter school or university school for profoundly gifted
19 pupils may use a substantiated report of the abuse or neglect of a
20 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366
21 obtained from the Statewide Central Registry for the Collection of
22 Information Concerning the Abuse or Neglect of a Child established
23 by NRS 432.100 or an equivalent registry maintained by a
24 governmental agency in another jurisdiction for the purposes
25 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or
26 391.281, as applicable. Such purposes may include, without
27 limitation, making a determination concerning the assignment,
28 discipline or termination of an employee. Any provision of any
29 agreement negotiated pursuant to this chapter which conflicts with
30 the provisions of this subsection is unenforceable and void.

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

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

39 13. As used in this section:

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

42 (b) ~~["Achievement charter"]~~ *"Transformation* school" has the
43 meaning ascribed to it in ~~[NRS 385.007.]~~ *section 5 of this act.*



1 **Sec. 19.** 1. This section and sections 1 to 11, inclusive, and
2 13 to 18, inclusive, of this act become effective upon passage and
3 approval.
4 2. Section 12 of this act becomes effective on January 1, 2020.

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