

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R045-98

April 9, 1998

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

AUTHORITY: §§1-5, NRS 386.540.

Section 1. Section 11 of LCB File No. R196-97, which was adopted by the department of education and was filed with the secretary of state on March 13, 1998, is hereby amended to read as follows:

Sec. 11. In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain information regarding the facilities and equipment of the proposed charter school, including:

1. The name [**and location**] of the *proposed* charter school.
2. *If the facility that the charter school will occupy exists at the time of application and is suitable for use by the charter school, but is not owned by the school district in which the charter school will be located:*
 - (a) *The address of the charter school;*
 - (b) The type of facility that the charter school will occupy [.
3. **When available, a] ;**

(c) A floor plan of the facility that the charter school will occupy, including a notation of the size of the facility which is set forth in square feet [.

4.];

(d) *The name and address of the owner of the facility that the charter school will occupy;*

(e) If the facility that the charter school will occupy will be leased or rented [from an owner other than the school district in which the charter school is located:

(a) A], a copy of the proposed lease or rental agreement;

[(b) The name and address of the owner of the facility; and

(c)] and

(f) Documentation which demonstrates that the school district in which the charter school is located is satisfied with the type and amount of insurance or other means that will be used to indemnify the school district against financial loss.

[5.] 3. If the facility that the charter school will occupy is, at the time of application, being used as a public school, *the name and location of that school and* documentation which sets forth the specific days and times during which the charter school is authorized to use the facility.

[6.] 4. *If the charter school will primarily serve pupils who meet the criteria of being “at risk” as set forth in NRS 386.500, and at the time of application a suitable facility for the proposed charter school is not available because no structure exists, or existing structures are not available or must be remodeled for use as a charter school:*

(a) *A statement describing why a suitable facility is not available;*

(b) A plan for obtaining a suitable facility, including an explanation of whether:

(1) An existing structure will be remodeled; or

(2) A new structure will be built;

(c) A schedule for completing or obtaining the facility, including, if applicable, a description and schedule for any plan to raise funds for completing or obtaining the facility; and

(d) The date on which it is anticipated that the charter school will open.

5. A description of the equipment that will be used at the charter school, including, without limitation:

(a) Office furniture and equipment;

(b) Computer equipment;

(c) Musical instruments;

(d) Equipment to be used in a machinery shop; and

(e) Supplies and other items necessary for the use of equipment described in this subsection.

Sec. 2. Section 13 of LCB File No. R196-97, which was adopted by the department of education and was filed with the secretary of state on March 13, 1998, is hereby amended to read as follows:

Sec. 13. In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include

certain information regarding the governance and staffing of the proposed charter school, including:

1. The names, addresses and qualifications of the members of the committee to form the charter school, including the resume of each member.

2. If applicable, the name, title, address and telephone number of the person selected to function as the administrative head of the charter school pursuant to section 7 of this regulation.

3. [The] *Except as otherwise provided in this subsection, the* name, title, address, telephone number and qualifications of the person selected to function as the financial officer of the charter school. *If the committee to form the charter school has received:*

(a) An interim certificate of completion from the department pursuant to section 18 of this regulation; and

(b) A pre-charter certificate from the board of trustees of the school district in which the proposed charter school will be located pursuant to section 19 of this regulation, the committee is not required to submit the information described in this subsection with the application. Such information must be submitted to the board of trustees before the board of trustees may approve the application pursuant to subsection 1 of NRS 386.525.

4. A description of the process that will be used to:

(a) Advertise for, select and employ administrators for the charter school; and

(b) Select new administrators for the charter school in the event of a vacancy in one or more of those positions.

5. A description of the process that will be used to advertise for, select and employ instructional staff and other employees.

6. If known at the time of application:

(a) The name, license number and proposed assignment of each licensed staff member; and

(b) The name, qualifications and proposed assignment of each nonlicensed staff member.

7. A list of rules setting forth the policies of the charter school regarding truancy and other situations in which a pupil is absent from school.

Sec. 3. Section 15 of LCB File No. R196-97, which was adopted by the department of education and was filed with the secretary of state on March 13, 1998, is hereby amended to read as follows:

Sec. 15. *1.* In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain miscellaneous information concerning the proposed charter school, including:

[1.] *(a)* A description of the lottery system that the proposed charter school will use pursuant to NRS 386.580 if more eligible pupils apply for enrollment in the charter school than the number of spaces for pupils which are available.

[2.] *(b)* The name, address and telephone number of the person selected to act as liaison pursuant to section 8 of this regulation.

[3.] (c) Information concerning records of pupils that will be maintained by the proposed charter school in accordance with section 16 of this regulation. Such information must include:

[(a) The]

(1) *Except as otherwise provided in subsection 2, the name and title* of the person who will be responsible for:

[(1)] (I) Maintaining records of pupils; and

[(2)] (II) Providing records of pupils to the school district in which the charter school is located for inclusion in the statewide automated system of information concerning pupils that is established and maintained by the department pursuant to NRS 386.650.

[(b)] (2) An example of the manner in which the cumulative record of a pupil is proposed to be stored.

[(c)] (3) The proposed location within the charter school in which records of pupils will be stored.

[(d)] (4) The name of the person who will be responsible for the records of pupils if the charter school is dissolved or the written charter of the charter school is not renewed.

[(e)] (5) The policy of the charter school regarding the retention of the records of pupils.

[4.] (d) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first 2 years of operation.

2. *If the committee to form the charter school has received:*

(a) *An interim certificate of completion from the department pursuant to section 18 of this regulation; and*

(b) *A pre-charter certificate from the board of trustees of the school district in which the proposed charter school will be located pursuant to section 19 of this regulation, the committee is not required to submit the information described in subparagraph (1) of paragraph (c) of subsection 1 with the application. Such information must be submitted to the board of trustees before the board of trustees may approve the application pursuant to subsection 1 of NRS 386.525.*

Sec. 4. Section 18 of LCB File No. R196-97, which was adopted by the department of education and was filed with the secretary of state on March 13, 1998, is hereby amended to read as follows:

Sec. 18. If the department reviews an application to form a charter school to determine whether it is complete pursuant to subsection 4 of NRS 386.520, the department will **[provide]** :

1. *Provide* written notice to the applicant of its determination as to whether the application is complete within 15 days after receipt of the application **[.]** ; *or*

2. *Grant the committee to form the charter school an interim certificate of completion if:*

(a) *The charter school will primarily serve pupils who meet the criteria of being “at risk” as set forth in NRS 386.500; and*

(b) Pursuant to subsection 4 of section 11 of this regulation, the committee to form the charter school has submitted to the department information stating that:

(1) No suitable facility for the charter school was available at the time of application; and

(2) The schedule for completing or obtaining a suitable facility does not exceed 1 year.

Sec. 5. Section 19 of LCB File No. R196-97, which was adopted by the department of education and was filed with the secretary of state on March 13, 1998, is hereby amended to read as follows:

Sec. 19. **[If]**

1. Except as otherwise provided in subsection 2, if the board of trustees of a school district reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the board of trustees shall:

[1.] (a) Within 30 days after receipt of the application:

[(a)] (I) Designate one or more employees of the school district to verify the contents of the application by:

[(1)] (I) Performing a physical inspection of the location of the proposed charter school; and

[(2)] (II) Interviewing the members of the committee to form the charter school and, where appropriate, the proposed administrators and staff members of the proposed charter school.

~~[(b)]~~ (2) At the public meeting described in subsection 1 of NRS 386.525, consider the application along with any reports generated by the employees of the school district pursuant to ~~[paragraph (a)]~~.

~~2.]~~ *subparagraph (1)*.

(b) Within 20 days after the public meeting described in subsection 1 of NRS 386.525, provide written notice to the applicant of its approval or denial of the application.

~~[3.]~~ (c) If the board of trustees denies the application, forward a copy of the written notice of the denial to the department within 5 days after the decision to deny the application is made.

2. If the board of trustees receives an application that is accompanied by an interim certificate of completion issued by the department pursuant to section 18 of this regulation, the board of trustees is not required to comply with subparagraph (1) of paragraph (a) of subsection 1. The board of trustees shall designate one or more employees of the school district to interview the members of the committee to form the charter school regarding:

(a) The information the committee provided to the department pursuant to subsection 4 of section 11 of this regulation; and

(b) Any other factors related to completing or obtaining a suitable facility for the charter school that the board of trustees deems appropriate.

3. The board of trustees will grant the committee to form the charter school a pre-charter certificate if:

(a) The board is satisfied with the schedule for completing or obtaining a suitable facility for the charter school that the committee to form the charter school submitted to the department pursuant to subsection 4 of section 11 of this regulation; and

(b) The committee to form the charter school provides the board with a list of dates on which the committee will submit to the board periodic reports regarding the progress of the committee in completing or obtaining a suitable facility for the charter school.

Except as otherwise provided in this subsection, a pre-charter certificate granted pursuant to this section expires 12 months after the date on which the board approves the schedule for completing or obtaining a suitable facility for the charter school. Upon request from the committee to form the charter school, the board of trustees may extend the duration of the pre-charter certificate for an additional 12 months.

4. If a suitable facility for a charter school is completed or obtained before the expiration of the pre-charter certificate, the board of trustees shall complete its review of the application to form the charter school by complying with subparagraph (1) of paragraph (a) of subsection 1.