

**ADOPTED REGULATION OF THE  
DEPARTMENT OF EDUCATION**

**LCB File No. R045-05**

Effective October 31, 2005

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

AUTHORITY: §1, NRS 386.540 and 386.549.

A REGULATION relating to charter schools; revising provisions relating to the submission of minutes of meetings by the governing bodies of charter schools; and providing other matters properly relating thereto.

**Section 1.** NAC 386.345 is hereby amended to read as follows:

386.345 1. A majority of the members of the governing body of a charter school must reside in the county in which the charter school is located.

2. The membership of the governing body of a charter school shall not include:

(a) An employee of the governing body or charter school, including, without limitation, an administrator or teacher; or

(b) A contractor of the governing body or charter school.

3. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, no other member of the governing body may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business.

4. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the Department:

(a) The name and address of each member;

- (b) The resume of each member;
- (c) The state of residence of each member;
- (d) If a member serves on the governing body as a teacher, as that term is defined in subsection 4 of NRS 386.549, a photocopy of his license to teach; and
- (e) An affidavit of each member indicating that he has not been convicted of a felony or any offense involving moral turpitude.

5. The governing body of a charter school governs the charter school, maintains overall control of the charter school and is responsible for the operation of the charter school, including, without limitation, critically evaluating the performance of a contractor for the charter school and selecting another contractor if the contractor is not performing his duties or services in a satisfactory manner.

6. Not later than 30 business days after each public meeting held by the governing body of a charter school pursuant to subsection 3 of NRS 386.549, the governing body shall submit to the Department and to the sponsor of the charter school ~~§~~ a copy of the minutes of the meeting. *The minutes of each public meeting must be approved at the next meeting of the governing body and revised as necessary.*

*7. If the minutes of a meeting have not been approved by the governing body when it submits the minutes pursuant to subsection 6, the governing body shall:*

*(a) Submit a written statement, accompanying the minutes that are submitted pursuant to subsection 6, indicating that the minutes have not been approved and are subject to revision; and*

*(b) Submit to the Department and the sponsor of the charter school a copy of the approved minutes not later than 10 days after such approval.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R045-05**

The State Board of Education adopted regulations assigned LCB File No. R045-05 which pertain to chapter 389 of the Nevada Administrative Code on October 7, 2005.

**Notice date:** 8/30/2005  
**Hearing date:** 10/7/2005

**Date of adoption by agency:** 10/7/2005  
**Filing date:** 10/31/2005

**INFORMATIONAL STATEMENT**

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. A workshop was held on October 7, 2005. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 386.345, Governing Board Minutes, were sent to approximately 150 individuals and educational organizations. A public hearing was conducted on October 7, 2005. There were no comments from the public. The State Board of Education adopted amendments to NAC 386.

- 2. The Number of Persons Who:**

**a) Attended Each Hearing:**      Workshop: 7      Hearing: 7  
**b) Testified at Each Hearing:**      Workshop: 0      Hearing: 0  
**c) Submitted Written Statements:** Workshop: 0      Hearing: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comments were solicited through the workshop notice of August 30, 2005, and the public hearing notice of August 30, 2005. At the October 7, 2005 Workshop to Solicit Comments there were no public comments to the proposed language. At the October 7, 2005 Public Hearing there were no public comments to the proposed language.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

**4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.**

The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the regulation language from temporary to permanent at the public hearing held October 7, 2005. The reason for adopting the changes to regulation NAC 386.345 are to bring the dates for submission of governing board minutes of charter schools in line with the required quarterly meetings of governing boards.

**5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:**

There is no anticipated economic effect of the regulation on the business that the agency regulates and there are no known adverse effects. There are no beneficial, immediate and long term effects on the state, school district, and schools.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for endorsement of this regulation.

**7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

**8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

There are none.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.