

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

Addition to Proposed regulation of the NAC Chapter 386:

1. If the Subcommittee on Charter Schools receives an application pursuant to NRS 386.525 to form a charter school for sponsorship by the State Board of Education and the application has not previously been denied by the board of trustees of a school district or a college or university within the Nevada System of Higher Education, the staff of the Department, acting on behalf of the State Board of Education, shall verify the contents of the application by:

(a) Performing a physical inspection of the location of the proposed charter school, if applicable;

(b) Consulting with the members of the committee to form the charter school and, when appropriate, the proposed administrators and staff members of the proposed charter school; and

(c) Performing any other investigation necessary or useful in verifying the contents of the application.

2. Other than material required to convert a written charter issued by the State Board of Education pursuant to subsection 7 of NRS 386.527 to a written charter issued pursuant to subsection 5 of NRS 386.527, no additional application material will be accepted from the applicant after the submission of the application unless specifically requested by the State Board, the Subcommittee on Charter Schools or the Department to assist in the review of the application.

3. Within 30 days after an application is received by the Subcommittee on Charter Schools, the Department will provide to the State Board of Education:

(a) A copy of the proposed written agreement if the State Board approves the application pursuant to subsection 5 of NRS 386.527 or a copy of the proposed written agreement if the State Board approves the application pursuant to subsection 7 of NRS 386.527; and

(b) Any other information the Department determines is necessary for the State Board in its review of the application.

4. At the meeting described in subsection 5 or 6 of NRS 386.525, as applicable, the Subcommittee on Charter Schools or the State Board of Education, as applicable, shall:

(a) Consider the application along with any reports generated by the employees of the Department; and

(b) Determine whether the application complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools.

5. After the Subcommittee on Charter Schools holds a meeting pursuant to subsection 5 of NRS 386.525, the Subcommittee shall immediately transmit to the State Board of Education a recommendation for approval or denial of the application by the State Board. The Subcommittee shall not delay in the transmission of its recommendation.

6. The State Board of Education:

(a) Shall not approve an application for a written charter pursuant to subsection 5 of NRS 386.527 or if the application does not satisfy the requirements of paragraphs (a) and (b) of subsection 1 of NRS 386.525 or if the schools financial and administrative operations do not meet or exceed the same standards, procedures and requirements of school district within the state.

(b) May deny an application if the State Board pursuant to NAC 386.150 (5) determines that an insufficiency exists in:

(1) the curriculum or instructional methodology, to include distance education proposed to be used at the school, which:

1.1 does not have the potential to improve student performance;

1.2 is not aligned with the Nevada Content Standards and state program requirements;

1.3 or has no sound, scientific research which would support such an instructional model as effective;

1.4 does not demonstrate alignment with the mission and goals of that school as required by subsection 2 (b) of NRS 386.520.

(2) is not of a designation that the Nevada State Board of Education has offered to sponsor. According to the Charter Schools Request for Proposal (CSRFP)

(3) the finances of the proposed charter school to include:

3.1 the explanation of expenditures or flat fees to be paid to an EMO or contractor for services that reflect true costs of these services available to any public school or individual;

3.2 fees to be paid to an EMO or contractor devoted to adequately supporting the school's proposed educational program;

3.3. an unbalanced budget or a budget that relies unduly on donations, or an unrealistic enrollment projection or pursuant to NAC 386.180 (4) or

3.4 a budget that does not adequately address special education requirements and expenses

(4) the intention of the governing body to enter into a contract with a service provider or educational management company who has been found to be uncooperative or has previously failed to comply with requirements for operating a school in Nevada or in other jurisdictions or any governing body that operates a Nevada Charter school which fails to meet the NRS 386.5515 (1) (a-e) criteria for a well operating Nevada Charter School.

(5) the intention to use or replicate an instruction model that has failed in past performance in the State of Nevada or any other jurisdiction.

(6) the ability to disclose the details of any contract entered into by the committee to form the school or the governing body of such school and a provider of instructional or education services or other outside entities if such a contract violates any of the policies of Non-regulatory Guidance 401 (NRG) , relating to allowable activities and fee determination.

(7) in the location of the proposed charter school to be operated in the same approximate geographical location as one or more currently operating charter school providing the same or similar educational opportunities to the same grade level of students.

(8) Any other area of the maintenance or operation of the proposed charter school

A previously approved charter school may continue to operate in compliance with the terms of its current approved charter but the charter shall not be renewed unless the school submits their application for renewal in full compliance with the additional requirements of this subsection.

7. A written charter may be granted pursuant to subsection 7 of NRS 386.527 if the applicant is not prepared to commence operation. If such a charter is granted, the provisions of NAC 386.240 apply.

8. If the State Board of Education denies an application, it shall forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the Department within 5 days after the decision to deny the application is made.

9. If the State Board of Education approves an application, the:

(a) Written charter must include the application, as approved, and a written agreement signed by the President of the State Board and the charter school.

(b) Written notice provided to the Department pursuant to NRS 386.527 indicating approval of the application must include the written charter.