

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement

LCB File No. R089-16

1. A clear and concise explanation of the need for the adopted regulation.

SB509, codified in NRS 388A, requires the State Public Charter School Authority to adopt regulations prescribing the contents and process for submission to the State Public Charter School Authority of applications to form a charter school, to amend a written charter or charter contract, or to renew a charter contract; and the procedure for the investigation of and criteria to evaluate such applications. The adoption of this regulation is necessary to comply with the statute codify the Authority's previously adopted practices related to applications, amendments, and renewals; provide transparency to schools and prospective applicants regarding agency business processes, and streamline and schedule the Authority's business processes and submission calendar to allow for efficient allocation of resources throughout the calendar year. Additionally, SB509 also authorizes the State Public Charter School Authority to establish different timelines and review procedures for different types of applicants and to establish an abbreviated application. Put simply, applicants with different levels of experience and past performance require different types of scrutiny. In previous legislative testimony, the Agency identified several business cases which necessitate this differentiated approach, most notably negative feedback from some novice charter school applicants--citizens who expended significant time and resources in the effort to develop a comprehensive, coherent, and consistent academic, financial, and organizational plans and were ultimately unsuccessful due to serious, uncorrectable deficiencies in one of those plans or who did not demonstrate the capacity and commitment to effectively execute on those plans. The adoption of an abbreviated pre-application (a prospectus), followed by an initial review by external experts and a decision to either invite the applicant to submit a full application or to take additional time to develop their ideas is intended to ensure that the Authority maintains a high bar for approval while not unnecessarily discouraging inexperienced, community-based applicants which may have promising strengths in some areas despite significant weaknesses in others. Our intent is to provide a process where locally based initiatives are able to develop their plans in a thoughtful, deliberate way with feedback at appropriate intervals.

Other elements of the regulation are intended to support the development of charter school models and development approaches with demonstrated track records of success, including but not limited to those with exemplary performance in serving students in poverty, students with disabilities, and English Language Learners, by creating a proven provider designation based on a rigorous initial screening of a prospective applicant's track record followed by a rolling, invitational application for the strongest performers identified through that process. While SPCSA sponsored charter schools have significantly increased their services to a number of high need student populations, the Authority's strategic goal of a 4 and 5 star portfolio of schools that reflect the diversity of our state necessitates that we take all appropriate steps to attract high quality, best in class models to our state.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The SPCSA held a regulation workshop on January 8, 2016 to solicit public comment on the proposed regulation. The SPCSA sent the proposed regulation to interested stakeholders and published to the SPCSA website on October 5, 2016 for further comment from the public. The SPCSA held public comment at the November 4, 2016 Regulation hearing where interested parties were welcome to submit testimony regarding the proposed regulations.

3. The number of persons who:

- (a) Attended each hearing:** Carson City – 2 / Las Vegas - 10
- (b) Testified at each hearing:** Carson City – 1 / Las Vegas - 1
- (c) Submitted written comments:** See attached

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
Victoria Neer
Kara Hendricks
- (b) Telephone number;**
Neer: 775-826-4200
Hendricks: 702-792-3773
- (c) Business address;**
Neer: 555 Double R Blvd Reno NV 89508
Hendricks: 3773 Howard Hughes Parkway #400 North, Las Vegas, NV 89169
- (d) Business telephone number;**
SEE B
- (e) Electronic mail address;**
Neer: N/A
Hendricks: hendricksk@gtlaw.com
- (f) Name of entity or organization represented.**
Neer: Nevada Connections Academy
Hendricks: Nevada Virtual Academy

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The SPCSA posted the proposed regulation, notice of intent to act and small business impact statement on its website. It called for interested parties including small businesses for explanation of how the proposed regulations may impact their business.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

R089-16P was modified at the regulation hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**
 (1) Both adverse and beneficial effects;
 NONE
 (2) Both immediate and long-term effects.
 NONE
8. **The estimated cost to the agency for enforcement of the proposed regulation:**
There is no cost to the agency for the enforcement of the proposed regulation.
9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
There is no duplication or overlap of regulations of state or local government agencies
10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
The proposed regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.
11. **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.**
The proposed regulation does not establish a new fee or increases an existing fee of the State Public Charter School Authority.