

LCB File No. T025-00

**ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION**

(Effective November 2, 2000)

EXPLANATION – Matter in *italics* is new, matter with ~~strike-through~~ is material to be omitted

AUTHORITY: NRS 385.080 & 386.540

SECTION 1. NAC 386 is hereby amended to read as follows:

SECTION 2. NAC 386.125 Letter of intent to form charter school. A committee to form a charter school must submit to the department a letter of intent to form a charter school by ~~February 15 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.~~

- 1. by 5:00 PM, December 22, 2000, for a September, 2001, beginning of operation;*
- 2. for charter schools beginning operation in September, 2002, and later, by 5:00 PM, August 15, of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.*

SECTION 3. NAC 386.130 Application to form charter school: Required forms; dates for submission.

1. The department will prescribe forms for the use of a committee to form a charter school in applying to:

- (a) The department, pursuant to subsection 2 of NRS 386.520; and
- (b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525, to form a charter school

2. An application to form a charter school that is submitted to:

- (a) The department, pursuant to subsection 2 of NRS 386.520; and
- (b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525, must be submitted on forms prescribed pursuant to subsection 1 and must be submitted to the department:

(1) by 5:00 PM, January 8, 2001, for a September 2001, beginning of operation. After the application has been approved for completeness by the department, the application must be submitted to the board of trustees by 5:00 PM, March 1, 2001, for a September 2001, beginning of operation;

(2) for charter schools beginning operation in September 2002 and later, by 5:00 PM, September 1, by ~~March 1~~ and to the board of trustees by 5:00 PM, January 15 by ~~April 1~~ of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education/Nevada State Board for Occupational Education

The Nevada State Board of Education/Nevada State Board for Occupational Education will hold a public hearing on **Saturday, October 21, 2000** at the **Department of Education, Board Room 101, 700 East Fifth Street, Carson City, Nevada.**

The time for the public hearing has been scheduled as follows:

10:45 a.m. **Public Hearing and Possible Board Adoption of Proposed Revision to Regulation, NAC 386, Charter Schools (One-Time Only Public Hearing)**

The purpose of the hearing is to receive comments from all interested persons regarding regulations that pertain to Chapter 386 of the Nevada Administrative Code.

The purpose of the regulations is to revise regulation language pertaining to Charter Schools. The substance of the proposed language is to clarify school districts' and charter schools' responsibility regarding inclusion of charter schools in the Statewide Automated System of Information, to address sponsorship or administration of supplemental services and programs in charter schools, and to improve the charter school application process.

The anticipated economic effect of the regulation on the business that the agency regulates will be in terms of possible administrative costs. There are no known adverse effects. The beneficial, immediate and long term effects will be in terms improving the charter school application process.

There is no anticipated economic effect on the public. There is no estimated cost for enforcement to the regulating agency.

There is no duplication or overlap of federal, state or local government agencies. The proposed regulations do not establish any new fees nor increase an existing fee of the regulating agency.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Occupational Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written submissions must be received by Department of Education **on or before Monday, October 21, 2000**. The following statement applies for hearings noticed above for possible Board adoption: If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Education/Nevada State Board for Occupational Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed new regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, 89701-5096, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendents' Offices, the 17 county main public libraries, and at the Nevada State Library and Archives. PN4 9/19/00

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

RULES FOR PUBLIC TESTIMONY

1. In accordance with NRS 233B.060, the Board, before adopting, amending or repealing any permanent or temporary regulations shall give at least 30 days of notice.
2. The Board will endeavor to hold public hearings on its intended action in two separate locations. The Board does reserve the right to hold only one hearing. A public hearing held by video telecommunication, allowing access at two separate locations, will be considered as two hearings. Also, under NRS 233B.060, the Board has the authority to promulgate emergency regulations which expire and then must go through the regular public hearing process.
3. All persons wishing to submit written testimony for a public hearing of the Board should do so at least five (5) working days before the scheduled public hearing.
4. Written submissions should be sent to the Board Secretary, State Board of Education, Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. All materials will be duplicated for distribution to the Board members.
5. Persons wishing to give oral testimony at the public hearing should sign in at the meeting on the cards provided and submit the card to the Board secretary.
6. Each person giving oral testimony is asked to provide a single page abstract of comments, if possible.
7. The Board President, at the time of the public hearing, may ask a person to condense their testimony so that all persons wishing to speak will have the opportunity. Time limits on testimony may be placed at the discretion of the Board President.

Adopted 3/21/93

INFORMATIONAL STATEMENT

NEVADA DEPARTMENT OF EDUCATION

NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 386, Charter Schools
(Temporary Regulation)

IMPACT STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 386:

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.**

A Workshop to Solicit Comments on Proposed Regulations was held on September 16, 2000. The notice was sent to approximately one-hundred fifty individuals and educational organizations. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and Board permanent adoption of the proposed revisions to NAC 386, Charter Schools, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted by the Nevada State Board of Education on October 21, 2000, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

2. **The Number of Persons Who:**

a) **Attended Each Hearing:** Workshop: 7 Hearing: 14

b) **Testified at Each Hearing;** Workshop: 0 Hearing: 3

and,

c) **Submitted Written Statements:** Workshop: 0 Hearing: 7

Written comments received at the October 21, 2000, public hearing were as follows: 1) 10/13/00 letter from James Welsh, Deputy Superintendent, Washoe County School District; 2) 10/13/00 letter from Craig Kadlub, Director, Accountability and Compliance, Clark County School District; 3) 10/16/00 E-Mail from Craig Kadlub to Dr. Keith Rheault; 4) 1/17/00 memorandum from Ed Heywood, Chief Administrative Officer for the Bailey School Organizing Committee; 5) 10/18/00 letter from Julie Rossetti, Executive Director, The Andre Agassi Charitable Foundation; 6) 10/13/00 memorandum from Beverly J. Cheney, Senior Director, Educational Assessment & Accountability, Washoe County School District; 7) 10/19/00 memorandum from Mike Movius, Director, Information Technology, Washoe County School District

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the 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.**

Comment was solicited through the Workshop Notice of August 18, 2000, and public hearing notice of September 19, 2000.

At the September 16, 2000, workshop, no individuals came forward to speak to the proposed revisions.

At the October 21, 2000, public hearing, the following individuals addressed the proposed revisions: 1) Dr. Robert McCord, Consultant, Clark County School District, referred to the written comments of Craig Kadlub and noted that school districts are precluded from interfering with the operation of charter schools by statute; 2) Dotty Merrill, Testing Director, Washoe County School District, suggested delaying the language for the SMART program and expressed support for the changes offered by Craig Kadlub; and, 3) Joyce Haldeman, Government Relations, Clark County School District, agreed with the timeframes submitted which would give charter schools the opportunity to succeed, but felt the SMART implementation would be difficult for school districts.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the 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 temporary regulation language was adopted by the Nevada State Board of Education at the public hearing held October 21, 2000, with revision to adopt the timeframes as outlined in Sections 3 & 4, and to hold a second hearing on the language changes in Sections 2 and 5.

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

There is no economic effect on the business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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

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

7. A description of any regulations of other state or government 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 government 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.

10/30/00