

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

LCB File No. R063-03

Effective October 30, 2003

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

AUTHORITY: §1, NRS 386.527.

Section 1. NAC 386.240 is hereby amended to read as follows:

386.240 1. The board of trustees of a school district or the State Board of Education may issue a written charter pursuant to subsection 4 of NRS 386.527 if the board of trustees or State Board, as applicable, determines that the applicant is not prepared to commence operation on the date of issuance of the written charter. ~~[A]~~ *Except as otherwise provided in this subsection, a written charter issued pursuant to subsection 4 of NRS 386.527 expires 1 year after the date of issuance and is nonrenewable. A written charter issued pursuant to subsection 4 of NRS 386.527 to a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk expires 2 years after the date of issuance and is nonrenewable.* If a written charter is issued pursuant to subsection 4 of NRS 386.527, a governing body must be selected and the provisions of NRS 386.549 and NAC 386.345 apply to the governing body.

2. A written charter issued pursuant to subsection 4 of NRS 386.527 must include:

(a) A notation indicating ~~[that it expires 1 year after the date of issuance]~~ *the date on which the charter expires* and *indicating that the charter* is nonrenewable;

(b) Each reason why the charter school is not prepared to commence operation on the date of issuance of the charter;

(c) The conditions that the governing body of the charter school must satisfy to convert the written charter issued pursuant to subsection 4 of NRS 386.527 to a written charter issued pursuant to subsection 2 of NRS 386.527;

(d) The tasks that must be accomplished by the governing body of the charter school before it may submit a supplemental application to convert the written charter issued pursuant to subsection 4 of NRS 386.527 to a written charter issued pursuant to subsection 2 of NRS 386.527, including, without limitation, the timeline by which those tasks must be accomplished; and

(e) A statement by the governing body of the charter school indicating that it understands that:

(1) To receive apportionments from the State Distributive School Account, the charter school must have pupils enrolled and attending school at least 1 school day before the count day for the school district in which the charter school is located; and

(2) The governing body shall not authorize the attendance of pupils at the charter school unless the charter school has obtained a written charter issued pursuant to subsection 2 of NRS 386.527.

3. Before the expiration of a written charter issued pursuant to subsection 4 of NRS 386.527, the holder of the charter may submit a supplemental application to the sponsor requesting that the sponsor determine whether the charter school is eligible for a written charter issued pursuant to subsection 2 of NRS 386.527. The supplemental application must be

submitted not less than 30 days before the expiration of the written charter issued pursuant to subsection 4 of NRS 386.527.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R063-03**

The State Board of Education adopted regulations assigned LCB File No. R063-03 which pertain to chapter 386 of the Nevada Administrative Code on September 27, 2003.

Notice date: 8/22/2003
Hearing date: 8/22/2003

Date of adoption by agency: 9/27/2003
Filing date: 10/30/2003

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.

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 386, Charter Schools, was sent to approximately one-hundred fifty individuals and educational organizations. One workshop was conducted by the Nevada State Board of Education on September 27, 2003 to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and Board permanent adoption of LCB File R011-03 & R063-03, 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 September 27, 2003, to provide the opportunity for comments by affected parties and the public. There was no comment from the public. The Board adopted the permanent regulation language.

2. The Number of Persons Who:

- a) **Attended Each Hearing:** Workshop: 5 Hearing: 5
 - b) **Testified at Each Hearing:** Workshop: 0 Hearing: 0
- and,**
- c) **Submitted Written Statements:** Workshop: 0 Hearing: 0

A copy of written comments can be requested by calling LaDonna Byrd, Assistant to the State Board at 775-687-9225 or in writing to the Department of Education, State Board Office, Suite 100, 700 East Fifth Street, Carson City, NV 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 22, 2003. No comments were received at the workshop held September 27, 2003.

Comment was solicited through a public hearing notice of August 22, 2003. No comments were received at the public hearing held September 27, 2003

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Assistant to the Board, 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 permanent regulation language was adopted by the Nevada State Board of Education at the public hearing held September 27, 2003, without revision.

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.