

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R078-03

Effective January 23, 2004

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

AUTHORITY: §§1-3, NRS 386.540.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If the Subcommittee on Charter Schools receives an application to form a charter school pursuant to subsection 4 of NRS 386.525, the staff of the Department, acting on behalf of the State Board of Education, will 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, where 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. If the Subcommittee on Charter Schools receives an application pursuant to subsection 4 of NRS 386.525 after the application has been denied twice by the board of trustees of a school district, the application that is submitted to the State Board of Education must be the same application that was denied by the board of trustees except that it may be revised in

response to concerns stated by the board of trustees in its second denial of the application if such a revision does not significantly alter the application.

3. Within 10 days after an application is received by the Subcommittee on Charter Schools, the Department will review the application and determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

4. Within 20 days after an application is received by the Subcommittee on Charter Schools, the Department shall provide to the applicant its findings pursuant to subsection 3, including the items that are incomplete or noncompliant. The Department may hold a meeting with the applicant or provide the information required by this subsection in another format suitable to the applicant.

5. Within 20 days after an application is received by the Subcommittee on Charter Schools, the Department shall provide to the State Board of Education:

(a) The findings of the Department pursuant to subsection 3;

(b) If applicable, the reasons for the first and second denial of the application by the board of trustees of a school district;

(c) A copy of the proposed written agreement if the State Board approves the application pursuant to subsection 2 of NRS 386.527 or a copy of the proposed written agreement if the State Board approves the application pursuant to subsection 4 of NRS 386.527; and

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

6. Other than material required to convert a written charter issued by the State Board of Education pursuant to subsection 4 of NRS 386.527 to a written charter issued pursuant to subsection 2 of NRS 386.527, no additional application material will be accepted from the applicant after the submission referred to in subsections 1 and 2 unless specifically requested by the State Board, the Subcommittee on Charter Schools or the Department to assist in the review of the application.

7. 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, if the application was previously denied by the board of trustees of a school district, any reports generated by the employees of that school district pursuant to NAC 386.200; and

(b) Determine whether the application complies with all applicable state and federal statutes and regulations.

8. 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.

9. The State Board of Education shall not approve an application for a written charter pursuant to subsection 2 of NRS 386.527 if the application does not satisfy the requirements of paragraphs (a) and (b) of subsection 1 of NRS 386.525. A written charter may be granted pursuant to subsection 4 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.

10. 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.

11. 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 charter school.

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

Sec. 2. NAC 386.180 is hereby amended to read as follows:

386.180 In addition to the items required pursuant to subsection 2 of NRS 386.520, an application submitted to the Department pursuant to that subsection by a committee to form a charter school must also include certain miscellaneous information concerning the proposed charter school, including, without limitation:

1. A description of the lottery system that the proposed charter school will use pursuant to NRS 386.580 if more eligible pupils apply for enrollment in the charter school than the number of spaces for pupils which are available.

2. The name, address, telephone number and, if applicable, the e-mail address of the person selected to act as liaison pursuant to NAC 386.110.

3. Information concerning records of pupils that will be maintained by the proposed charter school in accordance with NAC 386.360, including, without limitation:

(a) The name and title of the person who will be responsible for:

(1) Maintaining records of pupils; and

(2) Providing records of pupils to the school district in which the charter school is located for inclusion in the automated system of accountability information for Nevada that is established and maintained by the Department pursuant to NRS 386.650.

(b) An example of the manner in which the cumulative record of a pupil is proposed to be stored.

(c) The proposed location within the charter school in which records of pupils will be stored.

(d) The name of the person who will be responsible for the records of pupils if the charter school is dissolved or the written charter of the charter school is not renewed.

(e) The policy of the charter school regarding the retention of the records of pupils.

4. A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first 2 years of operation. In addition, the proposed budget must be accompanied by a statement of cash flow and a budget for the period before the charter school commences operation.

5. A list of rules setting forth the policies of the charter school regarding truancy and other situations in which a pupil is absent from school.

6. If known at the time of application:

(a) The name of each contractor, including, without limitation, an educational management organization, the board of trustees of a school district, the University and Community College System of Nevada and any business, corporation, organization or other entity, whether or not conducted for profit, with whom the charter school intends to contract to provide any service to the charter school;

(b) A copy of the format for the contract that will be used for each contractor identified in paragraph (a), if a particular format is anticipated at the time the application is submitted;

(c) The name of a contact person for each contractor identified in paragraph (a);

(d) The telephone number and mailing address of each contractor identified in paragraph (a);

and

(e) A description of the service to be provided by the contractor.

7. If the application was prepared by a person who is not a member of the committee to form the charter school or by another entity, including, without limitation, an educational management organization, or if such a person or entity assisted the committee in preparing the application:

(a) The name of the person or entity;

(b) The name and location of any public school, private school or charter school with which the person or entity has been or is presently affiliated, including, without limitation, the street address and mailing address of that school;

(c) The dates on which the person or entity was affiliated with a school described in paragraph (b), if any such affiliation occurred;

(d) A statement indicating whether the person or entity is presently affiliated with a school described in paragraph (b) or has ceased the affiliation;

(e) If the affiliation has ceased, a statement indicating the reason for the cessation; and

(f) A detailed resume listing the qualifications of the person or entity.

Sec. 3. NAC 386.200 is hereby amended to read as follows:

386.200 1. If the board of trustees of a school district ~~[or the State Board of Education]~~ reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the president of the board of trustees ~~[or the president of the State Board of Education, as applicable,]~~ shall:

(a) Within 5 days after receipt of the application, designate one or more employees of the school district ~~for, if the State Board of Education reviews the application, one or more employees of the Department,]~~ to verify the contents of the application by:

- (1) Performing a physical inspection of the location of the proposed charter school;
- (2) Interviewing the members of the committee to form the charter school and, where appropriate, the proposed administrators and staff members of the proposed charter school; and
- (3) Performing any other investigation necessary or useful in verifying the contents of the application.

(b) At the meeting described in *subsection 1* ~~[, 5 or 6]~~ of NRS 386.525, ~~[as applicable,]~~ consider the application along with any reports generated by the employees of the school district ~~[or Department, as applicable,]~~ pursuant to paragraph (a) and determine whether the application complies with all applicable state and federal statutes and regulations.

(c) Within 5 working days after the meeting described in *subsection 1* ~~[or 6]~~ of NRS 386.525, ~~[as applicable,]~~ provide written notice to the applicant of the determinations of the board of trustees with regard to:

- (1) The completeness of the application; and
- (2) The application's compliance with applicable state and federal statutes and regulations.

(d) If the board of trustees denies the application, 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.

2. If an application to form a charter school is approved by the sponsor, the:

(a) Written charter must include the application, as approved by the sponsor, and a written agreement signed by the sponsor 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R078-03**

The Department of Education adopted regulations assigned LCB File No. R078-03 which pertain to chapter 386 of the Nevada Administrative Code on December 13, 2003.

Notice date: 10/8/2003 & 11/6/2003
Hearing date: 10/24/2003 & 12/13/2003

Date of adoption by agency: 12/13/2003
Filing date: 1/23/2004

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 - Process for State Board Sponsorship, was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted by the Subcommittee on Charter Schools - NRS 386.507, on October 24, 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 R078-03, NAC 386, Charter Schools - Process for State Board Sponsorship, was sent to approximately one hundred fifty individuals and education organizations. One public hearing was conducted by the Nevada State Board of Education on December 13, 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: 2	Hearing: 20
(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 their response and an explanation how other interested persons may obtain a copy of the summary.

Comment was solicited through the workshop notice of October 8, 2003. no comments were received at the workshop held October 24, 2003.

Comment was solicited through a public hearing notice of November 6, 2003. No comments were received at the public hearing held December 13, 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, NV 89701-5096.

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

The permanent regulation language was adopted by the Nevada State Board of Education at the public hearing held December 13, 2003, with revision: To Section 1.1 (a) insert, “if applicable.”

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. Does the regulation include provisions which are more stringent than a federal regulation which regulates the same activity?

There are none.

9. Does the regulation provide a new fee or increase an existing fee?

This regulation does not provide or involve a new fee.