

LCB File No. R078-03

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**Explanation:** Matter *italicized* is new; matter ~~stricken~~ is material to be omitted.

**AUTHORITY:** NRS 385.080 & 386.540

**Section 1.** NAC 386 is hereby amended as follows:

**Section 2.** *Review of application to form a charter school by state board; approval of application by sponsor.*

*1. If the state board of education reviews an application to form a charter school pursuant to subsections 5 and 6 of NRS 386.525, department staff acting on behalf of the state board shall verify the contents of the application by:*

*(a) Performing a physical inspection of the location of the proposed charter school;*

*(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. The application must be submitted to the subcommittee on charter schools pursuant to NRS 386.525(4) and the department, and must be the application that was denied by a school district board of trustees for the second time pursuant to NRS 386.525(4). The application may be revised between the second denial by the board of trustees and submission to the subcommittee on charter schools:*

*(a) Only in response to concerns stated in the board of trustees' second denial; and*

*(b) Only in a manner that does not significantly alter the application.*

*Other than material required for conversion of a subsection 4 charter that has been granted to the applicant to a subsection 2 charter, no additional application material will be accepted from the applicant after this submission by either the department, the subcommittee, or the state board.*

*3. The 30 days between receipt by the subcommittee on charter schools of a written request for sponsorship, including the charter school application, and the meeting of the subcommittee pursuant to NRS 386.525(5) shall be scheduled in the following manner:*

*(a) Within 10 days of the receipt of the application that was denied by the local school district board of trustees, the department shall review the application and determine findings of completeness or incompleteness and compliance or noncompliance for each of the items required in the application;*

*(b) Within 20 days of the receipt of the application that was denied by the local school district board of trustees, the department shall provide to the:*

*(1) applicant the findings of the department, including all the items that are incomplete or noncompliant, in a meeting between the applicant and the department, or by other means agreeable to the applicant; and to*

*(2) the state board:*

*(a) The findings of the department; and*

*(b) The reasons for the first and second denial by the school district of the application pursuant to NRS 386.525(3); and*

*(c) The charter school agreement that would be signed upon approval of a charter pursuant to NRS 386.527(2), and, if applicable, the charter school agreement that would be signed upon approval of a charter pursuant to NRS 386.527(4); and*

*(d) Any other information the department determines necessary.*

*4. At the meetings pursuant to NRS 386.525(5) and (6), the subcommittee on charter schools and the state board shall consider the application along with any reports generated by the employees of the school district that denied the application and the department pursuant to subsection 1 and determine whether the application complies with all applicable state and federal statutes and regulations.*

*5. The subcommittee on charter schools, as a result of the meeting pursuant to NRS 386.525(5), shall not defer to a later date transmitting a recommendation to the state board for approval or denial of the application.*

*6. The state board shall not approve an application for a charter issued pursuant to NRS 386.527(2) if it does not satisfy the requirements of paragraphs a and b of subsection 1 of NRS 386.525. The state board may approve an application for a charter issued pursuant to NRS 386.527(4) if the application does not satisfy the requirements of paragraphs a and b of subsection 1 of NRS 386.525. Additional material may be provided by the applicant as part of the supplemental application submitted to the state board to address the conditions that the governing body of the charter school must satisfy to convert the subsection 4 charter to a charter issued pursuant to NRS 386.527(2).*

*7. If the state board denies the application, the board shall forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the department within five days after the decision to deny the application is made.*

*8. If an application to form a charter school is approved by the state board, the:*

*(a) Written charter must include the application, as approved by the sponsor, and a written agreement signed by the president of the state board and the charter school; and*

*(b) The written notice provided to the department pursuant to NRS 386.527 indicating approval of the application must include the written charter.*

**Section 3. NAC 386.180, Application to form charter school: Inclusion of certain miscellaneous information (NRS 386.540)** 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 statewide automated system of information concerning pupils 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. A cash flow statement and pre-opening budget must accompany the budget.

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 education 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 an individual who is not a member of the committee to form the school, or if the application was prepared by an educational management organization, or if the committee to form the school was assisted in the preparation of the application by an individual or an entity that is not a member of the committee to form the school, the following information regarding the individual, the entity, or the educational management organization:*

*(a) Name;*

*(b) The name and location, including street and mailing address, of any school, public, private or charter, with which the individual, the entity or the educational management organization has been affiliated or associated;*

*(c) The inclusive dates of the occurrence of the association or affiliation;*

*(d) Whether the association or affiliation has ceased, or is ongoing, and if it has ceased, for what reason; and*

*(e) A detailed resume listing the qualifications of the individual, the entity or the educational management organization.*

**Section 4. NAC 386.200 Review of application to form charter school by board of trustees ~~for state board~~; approval of application by sponsor.**

1. If the board of trustees of a school district ~~for 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 ~~for 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 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 ~~for department, as applicable,]~~ pursuant to paragraph (1) and determine whether the application complies with all applicable state and federal statutes and regulations.

(c) Within 5 working days after the meeting described 1 ~~for 6]~~ of NRS 386.525, ~~as applicable,]~~ provide written notice to the application 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 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.