

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R202-03

Effective March 19, 2004

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

AUTHORITY: §§1 and 2, NRS 386.540.

A REGULATION relating to education; clarifying the meaning of a vocational charter school; providing that vocational charter schools shall comply with certain provisions governing occupational education; and providing other matters properly relating thereto.

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

1. For the purposes of subsection 1 of NRS 386.590, the Department will consider a charter school to be a “vocational school” if the charter school provides:

(a) Instruction in at least grades 9 through 12, inclusive; and

(b) A progression of courses within one or more of the occupational areas identified in NAC 389.516 that prepares a pupil for entry level employment in an occupational area.

2. A charter school that is a vocational school shall comply with subsection 3 of NAC 389.800 and the courses in occupational education offered by such a school must comply with subsection 1 of that section.

Sec. 2. NAC 386.409 is hereby amended to read as follows:

386.409 ~~{To}~~

1. Except as otherwise provided in subsection 2, to comply with subsection 1 of NRS 386.590, the total number of licensed teachers employed by a charter school ~~{other than a vocational school}~~ to provide instruction must be equal to or more than the product of 70 percent multiplied by the total number of persons employed full time and part time by the charter school to provide instruction.

2. The provisions of this section do not apply to a charter school that is a vocational school as described in section 1 of this regulation.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R202-03**

The Department of Education adopted regulations assigned LCB File No. R202-03 which pertain to chapter 386 of the Nevada Administrative Code on January 31, 2004.

Notice date: 11/6/2003 & 12/30/2003
Hearing date: 12/13/2003 & 1/31/2004

Date of adoption by agency: 1/31/2004
Filing date: 3/19/2004

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 revisions to NAC 386, Charter Schools - Definition of Vocational Charter School (LCB File R202-03) was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted on December 12, 2003, by the Subcommittee on Charter Schools - NRS 386.507, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for the public hearing for Board Adoption of regulation language, NAC 386, Charter Schools - Definition of Vocational Charter School (LCB File R202-03) was sent to approximately one-hundred twenty-five individuals and educational organizations. Two public hearings were conducted on December 13, 2003, and January 31, 2004, to provide the opportunity for comments by affected parties and the public. There were comments from the public at the first public hearing. No written comments from the public were received. The Board adopted the language without revision.

2. The Number of Persons Who:

a) **Attended Each Hearing:** Workshop: 5 1st Hearing: 14 2nd Hearing: 16
b) **Testified at Each Hearing;** Workshop: 0 1st Hearing: 1 2nd Hearing: 0
and,
c) **Submitted Written Statements:** Workshop: 0 1st Hearing: 0 2nd Hearing: 0

No written comments were received.

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 November 6, 2003, and public hearing notices of November 6, 2003, and December 30, 2003.

A comment was received from the public at the December 13, 2003, first public hearing from former Board member Peggy Lear Bowen regarding the definition; no changes were recommended.

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 regulation language in LCB File R202-03 was adopted by the Nevada State Board of Education at the public hearing held January 31, 2004, 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 school districts. There is no estimated economic effect on the public.

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.