

Chapter 386 of NAC

LCB File No. T044-05

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

Filed with the Secretary of State on May 18, 2005.

NAC 386.345 Governing body: Restrictions on membership; responsibilities; submission of certain information to Department and sponsor. (NRS 386.540, 386.549)

1. A majority of the members of the governing body of a charter school must reside in the county in which the charter school is located.

2. The membership of the governing body of a charter school shall not include:

(a) An employee of the governing body or charter school, including, without limitation, an administrator or teacher; or

(b) A contractor of the governing body or charter school.

3. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, no other member of the governing body may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business.

4. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the Department:

(a) The name and address of each member;

(b) The resume of each member;

(c) The state of residence of each member;

(d) If a member serves on the governing body as a teacher, as that term is defined in subsection 4 of NRS 386.549, a photocopy of his license to teach; and

(e) An affidavit of each member indicating that he has not been convicted of a felony or any offense involving moral turpitude.

5. The governing body of a charter school governs the charter school, maintains overall control of the charter school and is responsible for the operation of the charter school, including, without limitation, critically evaluating the performance of a contractor for the charter school and selecting another contractor if the contractor is not performing his duties or services in a satisfactory manner.

~~[6. Not later than 30 business days after each public meeting held by the governing body of a charter school pursuant to subsection 3 of NRS 386.549, the governing body shall submit to the Department and to the sponsor of the charter school, a copy of the minutes of the meeting.]~~

6. The minutes of a meeting must be included on the agenda and approved at the next meeting of the governing body of a charter school. Not later than 10 business days after the public meeting held by the governing body in which a previous meeting's minutes were approved, the governing body shall submit a copy of the approved minutes to the Department and to the sponsor of the charter school.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T044-05**

The State Board of Education adopted temporary regulations assigned LCB File No. T044-05 which pertain to chapter 386 of the Nevada Administrative Code on April 30, 2005.

Notice date: 2/11/2005
Hearing date: 4/30/2005

Date of adoption by agency: 4/30/2005
Filing date: 5/18/2005

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. One workshop was held on March 19, 2005. There were two comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions to NAC 386.345 was sent to approximately 150 individuals and educational organizations. The public hearing was conducted on April 30, 2005, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Board adopted the proposed regulation.

2. The Number of Persons Who:

- a) **Attended Each Hearing:** Workshop: 8 Regular meeting: 6
- b) **Testified at Each Hearing;** Workshop: 3 Regular meeting: 1
- c) **Submitted Written Statements:** Workshop: 0 Regular meeting: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Administrative Assistant to the Nevada State Board of Education, 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.

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.

Comments were solicited through the workshop notice of February 11, 2005, and the public hearing notice of March 23, 2005. At the March 19, 2005 Workshop to Solicit Comments there were two public comments to the proposed language revisions. At the April 30, 2005 Public Hearing there were no public comments to the proposed language.

Mr. Bill Arensdorf, Director of Fiscal Accountability, reported the needs for these Charter School revisions.

Dr. Dottie Merrill, Assistant Superintendent of Washoe County School District, commented on the need for a Charter School to hold enough insurance to indemnify the sponsor against financial loss and encouraged the Board's support for these revisions.

Ricci Rodriguez-Elkins, Executive Director for Charter School Development, testified in favor of all three insurance revisions even though it will be a financial burden for charter schools.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Administrative Assistant to the Nevada State Board of Education, Nevada Department of Education, 775-687-9225, or by writing to the Nevada 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 Nevada State Board of Education adopted the proposed regulation language at the public hearing held April 30, 2005. The reason for adopting the changes to regulation NAC 386.345 are to bring the dates for submission of governing board minutes of charter schools in line with the required quarterly meetings of governing boards.

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 anticipated economic effect of the regulation changes on the business that the agency regulates and there are no known adverse effects. There are no beneficial, immediate or long term economic effects on the state, school districts, and schools.

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 governmental 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.