

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R207-07

Effective June 17, 2008

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

AUTHORITY: §1, NRS 386.525 and 386.540; §2, NRS 386.540.

A REGULATION relating to education; prescribing the requirements for the review of applications to form charter schools proposed for sponsorship by a college or university within the Nevada System of Higher 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. If a college or university within the Nevada System of Higher Education reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the president of the college or university shall:

(a) Within 5 days after receipt of the application, designate one or more employees of the college or university 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, when 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 of NRS 386.525, consider the application along with any reports generated by the employees of the college or university 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 of NRS 386.525, provide written notice to the applicant of the determinations of the college or university 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 college or university 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 college or university 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.

Sec. 2. NAC 386.010 is hereby amended to read as follows:

386.010 As used in NAC 386.010 to 386.445, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 386.015 to 386.050, inclusive, have the meanings ascribed to them in those sections.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R207-07

The Department of Education adopted regulations assigned LCB File No. R207-07 which pertain to chapter 386 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

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 200 individuals and educational organizations. A workshop was held on January 25, 2008. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 386 – Applications to Form Charter Schools Proposed for Sponsorship by a College or University with the Nevada System of Higher Education was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on March 7, 2008 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments to the regulations as submitted.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 8; First Hearing: 8; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comments were 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 December 18, 2007; and the public hearing notice of February 1, 2008. At the January 25, 2008 Workshop to Solicit Comments, there was no public comment to the proposed amendments to the regulation language. At the March 7, 2008 public hearing there was no public comment to the proposed amendments to the regulation language.

Summary of Comments:
Workshop/Public Hearing Comments:

Workshop comments:

(a) There were no public comments during the workshop.

Public Hearing comments:

(b) There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, 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 amendments to the regulation language at the public hearing held March 7, 2008. The reason for adopting the regulation is to comply with changes by the 2007 Nevada State Legislature approving the Nevada System of Higher Education as an additional sponsor of charter schools. The proposed regulations follow similar processes used by local boards of trustees of school districts. These regulations will clearly define for applicants and the University System the process and procedures to be followed when the University is desired as a sponsor of a charter school

5. The estimated economic effect of the adopted regulation on the business that 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 Department of Education. There is no economic effect on the public or the business it regulates and the changes are beneficial to charter 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 governmental 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 regulation. 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 for a new fee or increase an existing fee.