

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

LCB File No. R076-14

§§1 and 5 become effective on December 22, 2014;

§2 becomes effective: (1) on December 22, 2014, or the date on which LCB File No. R035-14 is filed with the Secretary of State, whichever occurs later; and (2) only if §48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is adopted by the Department of Education and LCB File No. R035-14 is filed with the Secretary of State;

§3 becomes effective on January 1, 2020, only if §48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is not adopted by the Department of Education or LCB File No. R035-14 is not filed with the Secretary of State; and

§4 becomes effective: (1) on the date on which LCB File No. R035-14 is filed with the Secretary of State or January 1, 2020, whichever occurs later; and (2) only if §48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is adopted by the Department of Education and LCB File No. R035-14 is filed with the Secretary of State

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

AUTHORITY: §§1-5, NRS 385.080 and 386.527.

A REGULATION relating to charter schools; revising the process and criteria for approving a change in the sponsorship of a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a charter school to request a change in sponsorship and requires the State Board of Education to adopt: (1) a process for a charter school to request such a change; and (2) objective criteria under which a request may be granted. (NRS 386.527) This regulation makes various changes to the process and criteria.

Section 1 of this regulation provides that a proposed sponsor may approve a request for a change in sponsorship if the charter school was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability. **Section 1** becomes effective on December 22, 2014.

Existing regulations provide that a request for a change in sponsorship may not be made if the proposed sponsor is the State Board and the charter school will use facilities in more than one county. (NAC 386.323) **Section 2** of this regulation removes this limitation. **Section 2** becomes effective only if section 48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is adopted by the Department of Education and LCB File No. R035-14 is filed with the Secretary of State. Section 48 of LCB File No. R035-14, in relevant part,

authorizes certain charter schools to provide instruction in more than one county. If this condition occurs, **section 2** becomes effective on: (1) December 22, 2014; or (2) the date on which LCB File No. R035-14 is filed with the Secretary of State, whichever occurs later.

Before 2013, a charter school operated pursuant to a written charter that was issued by the sponsor of the charter school. In 2013, the Legislature required instead that a charter school operate pursuant to a charter contract executed between the sponsor and the governing body of the charter school. (Chapter 484, Statutes of Nevada 2013, p. 2905) The Legislature authorized existing charter schools to continue operating pursuant to their written charters until the expiration of those charters. (Section 20 of chapter 484, Statutes of Nevada 2013, p. 2938) **Section 1** adds references to charter contracts, where appropriate.

Written charters include a written agreement between the sponsor and the charter school. (NAC 386.050) **Section 3** of this regulation removes references to written agreements that will become obsolete once all existing written charters have expired. **Section 3** of this regulation becomes effective only if section 48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is not adopted by the Department of Education or LCB File No. R035-14 is not filed with the Secretary of State. **Section 3** becomes effective on January 1, 2020.

Section 4 of this regulation creates a version of NAC 386.323 that combines the changes to that section set forth in **sections 1- 3** of this regulation. **Section 4** becomes effective on: (1) the date on which LCB File No. R035-14 is filed with the Secretary of State; or (2) January 1, 2020, whichever occurs later.

Section 1. NAC 386.323 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

386.323 1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527.

2. A request for a change in sponsorship may not be made if:

(a) The proposed sponsor is a school district other than the school district in which the charter school is located.

(b) The proposed sponsor is the State Board and the charter school will use facilities in more than one county.

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

(a) A copy of the most recently approved application to form a charter school; and

(b) A copy of the written agreement *or charter contract, as applicable*, with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The *charter* school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The *charter* school ~~is on the list of schools that are designated as demonstrating exemplary achievement, demonstrating high achievement or demonstrating adequate achievement, which is maintained by the Department, on~~ *was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability for public schools immediately preceding* the date on which the request is submitted ~~through the period when the request is considered by the proposed sponsor at a public meeting;~~ *;* and

(c) ~~The school's most recent report of compliance required by NAC 386.410 does not indicate a noncompliant item; and~~

~~—(d)~~ The *charter* school agrees to ~~sign a new written agreement~~ *enter into a charter contract* with the new sponsor. The ~~written agreement~~ *charter contract* may differ from the written agreement *or charter contract, as applicable*, which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.

Sec. 2. NAC 386.323 is hereby amended to read as follows:

386.323 1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527.

2. A request for a change in sponsorship may not be made if ~~†~~

~~—(a) The~~ *the* proposed sponsor is a school district other than the school district in which the charter school is located.

~~†(b) The proposed sponsor is the State Board and the charter school will use facilities in more than one county.†~~

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

(a) A copy of the most recently approved application to form a charter school; and

(b) A copy of the written agreement or charter contract, as applicable, with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The charter school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The charter school was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability for public schools immediately preceding the date on which the request is submitted; and

(c) The charter school agrees to enter into a charter contract with the new sponsor. The charter contract may differ from the written agreement or charter contract, as applicable, which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.

Sec. 3. NAC 386.323 is hereby amended to read as follows:

NEW THIRD
PARALLEL
SECTION

386.323 1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527.

2. A request for a change in sponsorship may not be made if:

(a) The proposed sponsor is a school district other than the school district in which the charter school is located.

(b) The proposed sponsor is the State Board and the charter school will use facilities in more than one county.

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

(a) A copy of the most recently approved application to form a charter school; and

(b) A copy of the ~~written agreement or~~ charter contract ~~[, as applicable,]~~ with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The charter school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The charter school was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability for public schools immediately preceding the date on which the request is submitted; and

(c) The charter school agrees to enter into a charter contract with the new sponsor. The charter contract may differ from the ~~{written agreement or}~~ charter contract ~~{, as applicable,}~~ which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.

Sec. 4. NAC 386.323 is hereby amended to read as follows:

NEW
FOURTH
PARALLEL
SECTION

386.323 1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527.

2. A request for a change in sponsorship may not be made if ~~{~~
~~—(a) The}~~ *the* proposed sponsor is a school district other than the school district in which the charter school is located.

~~{(b) The proposed sponsor is the State Board and the charter school will use facilities in more than one county.}~~

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

(a) A copy of the most recently approved application to form a charter school; and

(b) A copy of the ~~written agreement or~~ charter contract ~~[- as applicable,]~~ with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The charter school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The charter school was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability for public schools immediately preceding the date on which the request is submitted; and

(c) The charter school agrees to enter into a charter contract with the new sponsor. The charter contract may differ from the ~~written agreement or~~ charter contract ~~[- as applicable,]~~ which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.

Sec. 5. 1. This section and section 1 of this regulation become effective on December 22, 2014.

2. Section 2 of this regulation becomes effective only if section 48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is adopted by the Department of Education and LCB File No. R035-14 is filed with the Secretary of State. Section 2 of this regulation becomes effective on:

(a) December 22, 2014; or

(b) The date on which LCB File No. R035-14 is filed with the Secretary of State,

↳ whichever occurs later.

3. Section 3 of this regulation becomes effective only if section 48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is not adopted by the Department of Education or LCB File No. R035-14 is not filed with the Secretary of State. Section 3 of this regulation becomes effective on January 1, 2020.

4. Section 4 of this regulation becomes effective only if section 48 of LCB File No. R035-14 or a substantively equivalent provision of that regulation is adopted by the Department of Education and LCB File No. R035-14 is filed with the Secretary of State. Section 4 of this regulation becomes effective on:

(a) The date on which LCB File No. R035-14 is filed with the Secretary of State; or

(b) January 1, 2020,

↳ whichever occurs later.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS-NRS 233B.066
Informational Statement
LCB File No. R076-14

1. A clear and concise explanation of the need for the adopted regulation:

To revise the process and criteria for approving a change in the sponsorship of a charter school.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on September 30, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225 or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. The number of persons who:

(a) Attended each hearing: 13 in Carson City

(b) Testified at each hearing: 0

(c) Submitted written comments:

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the Hearing: None

(a) Name:

(b) Telephone number;

(c) Business Address;

(d) Business telephone number;

(e) Electronic mail address;

(f) Name of entity or organization represented

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on November 30, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225 or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

6. 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 proposed regulations were adopted with a proposed change from Patrick Gavin, Director, State Public Charter School authority. Mr. Gavin read his proposed changes into the record stating Section 1, subsection 5(b) of R076-14 should be entirely deleted and replaced with the following new language: *The charter school was rated in the highest, second highest, or third highest rating possible indicating performance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.*

The reason for his proposed change is because initial language specified a school would need to be in the 25th percentile or higher. Mr. Gavin stated this is not aligned with the state system of accountability. In an attempt to align language he recommended only three, four or five star schools are able to transfer sponsorship. He suggested if a school is in the lowest performing tier or at an adequate level, it is not appropriate for those schools to change sponsors. The change would stop charter schools from sponsor shopping for an authorizer which may hold them to a lower standard.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Estimated economic effect on the businesses which they are to regulate None.

(b) Estimated economic effect on the public which they are to regulate None

8. The estimated cost to the agency for enforcement of the proposed regulation: None

9. A description of any regulations of other State of governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary.

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. None.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. None.

11. Of the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used. None.