

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

LCB File No. R076-14

July 30, 2014

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 25th percentile or higher during the last rating of the charter school pursuant to the statewide system of accountability. **Section 1** becomes effective upon the filing of this regulation with the Secretary of State.

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 the later of the date on which: (1) this regulation is filed with the Secretary of State; or (2) LCB File No. R035-14 is filed with the Secretary of State.

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, 2 and 3** of this regulation. **Section 4** of this regulation becomes effective on the later of: (1) the date on which LCB File No. R035-14 is filed with the Secretary of State; or (2) January 1, 2020.

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 25th percentile or higher 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:

NEW
SECOND
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 25th percentile or higher 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:

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 25th percentile or higher 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:

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:

NEW
FOURTH
PARALLEL
SECTION

(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 25th percentile or higher 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 upon filing with the Secretary of State.

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) The date on which this regulation is filed with the Secretary of State; 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.