

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R050-18

April 25, 2018

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

AUTHORITY: §§1, 2 and 6-9, NRS 388A.105 and 388A.110, §§3-5, NRS 388A.105, 388A.110 and 388A.276.

A REGULATION relating to charter schools; clarifying that kindergarten and prekindergarten are considered grade levels for the purposes of provisions governing charter schools; prohibiting a charter school from providing instruction and other educational services to pupils who are enrolled in grades for which the charter school is not authorized by its written charter or charter contract, as applicable, to provide such services; providing an exception that expires after the 2019-2020 school year for certain charter schools; prescribing the minimum amount of instruction that a charter school is required to provide to pupils enrolled in prekindergarten; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires the Department of Education to adopt regulations for certain purposes relating to charter schools; and (2) authorizes the Department to adopt regulations to enforce provisions of law governing charter schools. (NRS 388A.105, 388A.110) **Section 1** of this regulation clarifies that as used in those regulations, the term “grade level” includes kindergarten and prekindergarten. **Section 2** of this regulation makes a conforming change.

Existing law requires the governing body of a charter school to enter into a written charter or charter contract with the sponsor of the charter school. (NRS 388A.270) **Section 6** of this regulation states that a charter school may only provide instruction and other educational services to pupils who are enrolled in grade levels for which the charter school is authorized by its written charter or charter contract, as applicable, to provide such services. **Section 6** allows a charter school that holds a license as a private school and is currently providing instruction and other educational services to pupils enrolled in prekindergarten to continue to do so without authorization in a written charter or charter contract until the completion of the 2019-2020 school year. Additionally, **section 6** prescribes the minimum amount of instruction that a charter school must provide to pupils enrolled in prekindergarten.

Existing regulations require a charter school that wishes to amend its written charter or charter contract, as applicable, to expand the instruction and other educational services provided to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved

for enrollment in the charter school to submit to the sponsor of the charter school a written request for such an amendment. Existing regulations authorize a sponsor to deny such a request if the charter school was not 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. (NAC 386.326) **Section 3** of this regulation provides that, until the completion of the 2019-2020 school year, a sponsor may not reject for that reason the request of a charter school that holds a license as a private school and is currently providing instruction and other educational services to pupils enrolled in prekindergarten to expand its written charter or charter contract, as applicable, to include such instruction and services.

Sections 4 and 7 of this regulation delete references to written charters after the date on which all written charters will have expired. **Sections 5 and 8** of this regulation delete language relating to the provision of instruction and other educational services to pupils enrolled in prekindergarten without authorization in a charter contract and the amendment of a charter contract to include such instruction and services after the language becomes obsolete.

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

“Grade level” includes, without limitation, kindergarten and prekindergarten.

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

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

Sec. 3. NAC 386.326 is hereby amended to read as follows:

386.326 1. ~~HH~~ ***Except as otherwise provided in subsection 6 of NAC 386.350, if*** the governing body of a charter school wishes to amend its written charter or charter contract, as applicable, pursuant to NRS ~~386.527~~ ***388A.276*** to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school, the governing body of the charter school must submit to the sponsor of the charter school a written request for

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such an amendment not later than 90 days before the date on which the governing body proposes to operate the expanded grade levels.

2. The written request must include, without limitation:

(a) Each grade level for which the charter school is requesting the amendment and the anticipated enrollment in each grade level for:

(1) The first year during which the grade level is to be operated; and

(2) Each additional year remaining in the term of the existing written charter or charter contract, as applicable.

(b) The proposed curriculum for each grade level for which the charter school is requesting the amendment.

(c) A list of the courses that will be offered at the charter school, including, without limitation:

(1) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(2) A designation of the courses that a pupil must complete for promotion to each grade level and, if applicable, graduation.

(d) A schedule of classes to be offered which must meet the requirements for prescribed courses and required courses of study as set forth in chapter 389 of NRS and chapter 389 of NAC.

(e) A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(1) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(2) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

(f) The qualifications of each person who will provide instruction in each grade level.

(g) A list of textbooks that will be used for the courses described in paragraph (c).

(h) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first year in which the charter school enrolls pupils in the expanded grade levels.

3. The sponsor of the charter school shall review the written request to determine if the written request:

(a) Complies with *chapter 388A of* NRS ~~386.490 to 386.649, inclusive,~~ and the regulations applicable to charter schools; and

(b) Is complete in accordance with regulations of the Department.

4. Within 30 days after receipt of the written request, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings, including any items that are incomplete or noncompliant. Written notice informing the governing body that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5. If the sponsor of the charter school denies a written request, the governing body of the charter school may correct any deficiencies and resubmit the written request within 30 days after receipt of the written notice of denial for review.

6. The sponsor of the charter school may deny the written request if:

(a) The sponsor finds that the written request is not compliant or complete; or

(b) ~~The~~ *Except as otherwise provided in this paragraph, the* charter school was not 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. *The sponsor of a charter school described in subsection 6 of NAC 386.350 shall not deny for that reason a written request of the charter school to amend its written charter or charter contract, as applicable, to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in prekindergarten.*

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Sec. 4. NAC 386.326 is hereby amended to read as follows:

386.326 1. Except as otherwise provided in subsection 6 of NAC 386.350, if the governing body of a charter school wishes to amend its charter contract pursuant to NRS 388A.276 to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment not later than 90 days before the date on which the governing body proposes to operate the expanded grade levels.

2. The written request must include, without limitation:

(a) Each grade level for which the charter school is requesting the amendment and the anticipated enrollment in each grade level for:

(1) The first year during which the grade level is to be operated; and

(2) Each additional year remaining in the term of the existing charter contract.

(b) The proposed curriculum for each grade level for which the charter school is requesting the amendment.

(c) A list of the courses that will be offered at the charter school, including, without limitation:

(1) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(2) A designation of the courses that a pupil must complete for promotion to each grade level and, if applicable, graduation.

(d) A schedule of classes to be offered which must meet the requirements for prescribed courses and required courses of study as set forth in chapter 389 of NRS and chapter 389 of NAC.

(e) A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(1) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(2) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

(f) The qualifications of each person who will provide instruction in each grade level.

(g) A list of textbooks that will be used for the courses described in paragraph (c).

(h) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first year in which the charter school enrolls pupils in the expanded grade levels.

3. The sponsor of the charter school shall review the written request to determine if the written request:

(a) Complies with chapter 388A of NRS and the regulations applicable to charter schools;
and

(b) Is complete in accordance with regulations of the Department.

4. Within 30 days after receipt of the written request, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings, including any items that are incomplete or noncompliant. Written notice informing the governing body that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5. If the sponsor of the charter school denies a written request, the governing body of the charter school may correct any deficiencies and resubmit the written request within 30 days after receipt of the written notice of denial for review.

6. The sponsor of the charter school may deny the written request if:

(a) The sponsor finds that the written request is not compliant and complete; or

(b) Except as otherwise provided in this paragraph, the charter school was not 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. The sponsor of a charter school described in subsection 6 of NAC 386.350 shall not deny for that reason a written request of the charter school to amend its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in prekindergarten.

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Sec. 5. NAC 386.326 is hereby amended to read as follows:

386.326 1. ~~{Except as otherwise provided in subsection 6 of NAC 386.350, if}~~ **If** the governing body of a charter school wishes to amend its charter contract pursuant to NRS 388A.276 to expand the instruction and other educational services provided by the charter school

to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment not later than 90 days before the date on which the governing body proposes to operate the expanded grade levels.

2. The written request must include, without limitation:

(a) Each grade level for which the charter school is requesting the amendment and the anticipated enrollment in each grade level for:

(1) The first year during which the grade level is to be operated; and

(2) Each additional year remaining in the term of the existing charter contract.

(b) The proposed curriculum for each grade level for which the charter school is requesting the amendment.

(c) A list of the courses that will be offered at the charter school, including, without limitation:

(1) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(2) A designation of the courses that a pupil must complete for promotion to each grade level and, if applicable, graduation.

(d) A schedule of classes to be offered which must meet the requirements for prescribed courses and required courses of study as set forth in chapter 389 of NRS and chapter 389 of NAC.

(e) A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(1) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(2) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

(f) The qualifications of each person who will provide instruction in each grade level.

(g) A list of textbooks that will be used for the courses described in paragraph (c).

(h) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first year in which the charter school enrolls pupils in the expanded grade levels.

3. The sponsor of the charter school shall review the written request to determine if the written request:

(a) Complies with chapter 388A of NRS and the regulations applicable to charter schools; and

(b) Is complete in accordance with regulations of the Department.

4. Within 30 days after receipt of the written request, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings, including any items that are incomplete or noncompliant. Written notice informing the governing body that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5. If the sponsor of the charter school denies a written request, the governing body of the charter school may correct any deficiencies and resubmit the written request within 30 days after receipt of the written notice of denial for review.

6. The sponsor of the charter school may deny the written request if:

(a) The sponsor finds that the written request is not compliant and complete; or

(b) ~~{Except as otherwise provided in this paragraph, the}~~ *The* charter school was not 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. ~~{The sponsor of a charter school described in subsection 6 of NAC 386.350 shall not deny for that reason a written request of the charter school to amend its charter contract to expand the instruction and other educational services}~~ provided by the charter school to pupils who are enrolled in prekindergarten.

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Sec. 6. NAC 386.350 is hereby amended to read as follows:

386.350 The governing body of a charter school shall ensure that:

1. Pupils who earn academic credit at the school can readily transfer that credit to a comparable school without penalty.
2. The educational services provided by the school to pupils with a disability comply with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.
3. The Department and the sponsor of the charter school receive, within 30 days after the first day of school, a list of the names and qualifications of all persons who are or will be employed by the charter school.
4. Copies of the policies of the charter school concerning the attendance of pupils are:
 - (a) Distributed to each new pupil at the beginning of the school year and to each new pupil who enters school during the school year; and
 - (b) Available for public inspection at the school during the school's business hours.
5. If the charter school intends to offer automobile driver education classes, the governing body procures insurance as required pursuant to subsection 4 of NRS 389.090.

6. *Except as otherwise provided in this section, the charter school only provides instruction and other educational services to pupils who are enrolled in grade levels for which the charter school is authorized by its written charter or charter contract, as applicable, to provide such services. Until the completion of the 2019-2020 school year, a charter school may provide instruction and other educational services to pupils who are enrolled in prekindergarten without authorization in its written charter or charter contract, as applicable, if the charter school:*

(a) Holds a license issued pursuant to NRS 394.251 which authorizes the charter school to provide instruction and other educational services to pupils who are enrolled in prekindergarten; and

(b) Provided instruction and other educational services to pupils who are enrolled in prekindergarten during the 2017-2018 school year.

7. Pupils enrolled in the charter school receive the following minimum numbers of minutes of instruction , ~~per day,~~ including recess but excluding lunch:

(a) For pupils enrolled in prekindergarten, 1,500 minutes per week.

*(b) For pupils enrolled in kindergarten, 120 minutes ~~†~~
~~(b)†~~ per day.*

*(c) For pupils enrolled in grades 1 and 2, 240 minutes ~~†~~
~~(c)†~~ per day.*

*(d) For pupils enrolled in grades 3 to 6, inclusive, 300 minutes ~~†~~
~~(d)†~~ per day.*

*(e) For pupils enrolled in grades 7 to 12, inclusive, 330 minutes ~~†~~
~~7.†~~ per day.*

8. If the governing body requests that a pupil be transferred pursuant to subsection ~~4~~ 8 of NRS ~~386.580~~ 388A.453, the governing body submits the request to the school district in which the pupil resides:

(a) Within 10 days after the governing body determines that the charter school is unable to provide an appropriate special education program and related services for the pupil; and

(b) Accompanied by an explanation of the facts and circumstances which led the governing body to determine that the charter school is unable to provide the appropriate special education program and related services for the pupil.

~~8~~ 9. A person employed by the governing body is designated to verify to the school district in which the charter school is located that the information submitted to the school district pursuant to NRS ~~386.605~~ 388A.348 has been gathered in a format required by the school district.

~~9~~ 10. The notification required pursuant to paragraph (m) of subsection 1 of NRS ~~386.550~~ 388A.366 indicating whether the charter school is accredited by the Northwest Accreditation Commission is provided to parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, not later than 10 days after the first day of school of each school year.

NEW
SECOND
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SECTION

Sec. 7. NAC 386.350 is hereby amended to read as follows:

386.350 The governing body of a charter school shall ensure that:

1. Pupils who earn academic credit at the school can readily transfer that credit to a comparable school without penalty.

2. The educational services provided by the school to pupils with a disability comply with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.

3. The Department and the sponsor of the charter school receive, within 30 days after the first day of school, a list of the names and qualifications of all persons who are or will be employed by the charter school.

4. Copies of the policies of the charter school concerning the attendance of pupils are:

(a) Distributed to each new pupil at the beginning of the school year and to each new pupil who enters school during the school year; and

(b) Available for public inspection at the school during the school's business hours.

5. If the charter school intends to offer automobile driver education classes, the governing body procures insurance as required pursuant to subsection 4 of NRS 389.090.

6. Except as otherwise provided in this section, the charter school only provides instruction and other educational services to pupils who are enrolled in grade levels for which the charter school is authorized by its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ to provide such services. Until the completion of the 2019-2020 school year, a charter school may provide instruction and other educational services to pupils who are enrolled in prekindergarten without authorization in its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ if the charter school:

(a) Holds a license issued pursuant to NRS 394.251 which authorizes the charter school to provide instruction and other educational services to pupils who are enrolled in prekindergarten; and

(b) Provided instruction and other educational services to pupils who are enrolled in prekindergarten during the 2017-2018 school year.

7. Pupils enrolled in the charter school receive the following minimum numbers of minutes of instruction, including recess but excluding lunch:

(a) For pupils enrolled in prekindergarten, 1,500 minutes per week.

- (b) For pupils enrolled in kindergarten, 120 minutes per day.
- (c) For pupils enrolled in grades 1 and 2, 240 minutes per day.
- (d) For pupils enrolled in grades 3 to 6, inclusive, 300 minutes per day.
- (e) For pupils enrolled in grades 7 to 12, inclusive, 330 minutes per day.

8. If the governing body requests that a pupil be transferred pursuant to subsection 8 of NRS 388A.453, the governing body submits the request to the school district in which the pupil resides:

- (a) Within 10 days after the governing body determines that the charter school is unable to provide an appropriate special education program and related services for the pupil; and
- (b) Accompanied by an explanation of the facts and circumstances which led the governing body to determine that the charter school is unable to provide the appropriate special education program and related services for the pupil.

9. A person employed by the governing body is designated to verify to the school district in which the charter school is located that the information submitted to the school district pursuant to NRS 388A.348 has been gathered in a format required by the school district.

10. The notification required pursuant to paragraph (m) of subsection 1 of NRS 388A.366 indicating whether the charter school is accredited by the Northwest Accreditation Commission is provided to parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, not later than 10 days after the first day of school of each school year.

NEW THIRD
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SECTION

Sec. 8. NAC 386.350 is hereby amended to read as follows:

386.350 The governing body of a charter school shall ensure that:

- 1. Pupils who earn academic credit at the school can readily transfer that credit to a comparable school without penalty.

2. The educational services provided by the school to pupils with a disability comply with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.

3. The Department and the sponsor of the charter school receive, within 30 days after the first day of school, a list of the names and qualifications of all persons who are or will be employed by the charter school.

4. Copies of the policies of the charter school concerning the attendance of pupils are:

(a) Distributed to each new pupil at the beginning of the school year and to each new pupil who enters school during the school year; and

(b) Available for public inspection at the school during the school's business hours.

5. If the charter school intends to offer automobile driver education classes, the governing body procures insurance as required pursuant to subsection 4 of NRS 389.090.

6. ~~{Except as otherwise provided in this section, the}~~ *The* charter school only provides instruction and other educational services to pupils who are enrolled in grade levels for which the charter school is authorized by its charter contract to provide such services. ~~{Until the completion of the 2019-2020 school year, a charter school may provide instruction and other educational services to pupils who are enrolled in prekindergarten without authorization in its charter contract if the charter school:~~

~~—(a) Holds a license issued pursuant to NRS 394.251 which authorizes the charter school to provide instruction and other educational services to pupils who are enrolled in prekindergarten; and~~

~~—(b) Provided instruction and other educational services to pupils who are enrolled in prekindergarten during the 2017-2018 school year.}~~

7. Pupils enrolled in the charter school receive the following minimum numbers of minutes of instruction, including recess but excluding lunch:

- (a) For pupils enrolled in prekindergarten, 1,500 minutes per week.
- (b) For pupils enrolled in kindergarten, 120 minutes per day.
- (c) For pupils enrolled in grades 1 and 2, 240 minutes per day.
- (d) For pupils enrolled in grades 3 to 6, inclusive, 300 minutes per day.
- (e) For pupils enrolled in grades 7 to 12, inclusive, 330 minutes per day.

8. If the governing body requests that a pupil be transferred pursuant to subsection 8 of NRS 388A.453, the governing body submits the request to the school district in which the pupil resides:

- (a) Within 10 days after the governing body determines that the charter school is unable to provide an appropriate special education program and related services for the pupil; and
- (b) Accompanied by an explanation of the facts and circumstances which led the governing body to determine that the charter school is unable to provide the appropriate special education program and related services for the pupil.

9. A person employed by the governing body is designated to verify to the school district in which the charter school is located that the information submitted to the school district pursuant to NRS 388A.348 has been gathered in a format required by the school district.

10. The notification required pursuant to paragraph (m) of subsection 1 of NRS 388A.366 indicating whether the charter school is accredited by the Northwest Accreditation Commission is provided to parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, not later than 10 days after the first day of school of each school year.

Sec. 9. 1. This section and sections 1, 2, 3 and 6 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Sections 4 and 7 of this regulation become effective on January 1, 2020.

3. Sections 5 and 8 of this regulation become effective on January 1, 2021.