

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R055-23

October 9, 2023

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

AUTHORITY: § 1, NRS 388A.105, 388A.110 and 388A.320.

A REGULATION relating to charter schools; requiring the submission of the agenda for a public meeting of the governing body of a charter school to the sponsor of the charter school; revising provisions governing the submission of the approved minutes of such a public meeting; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education, in consultation with the State Public Charter School Authority and certain other entities, to adopt regulations that prescribe the ethics requirements for the governing bodies of charter schools. (NRS 388A.105) Existing law also authorizes the Department to adopt regulations necessary to carry out provisions of law governing charter schools. (NRS 388A.110) Existing law additionally requires the governing body of a charter school to hold at least one regularly scheduled public meeting each calendar quarter. (NRS 388A.320)

Existing regulations require: (1) the governing body of a charter school to submit a copy of the minutes of a public meeting to the Department and the sponsor of the charter school not later than 30 days after holding a public meeting; and (2) the minutes of each public meeting to be approved at the next meeting of the governing body and revised as necessary. Existing regulations additionally require that, if the minutes have not been approved when submitted, the governing body of a charter school must: (1) submit a statement accompanying the minutes indicating that the minutes have not been approved and may be revised; and (2) not later than 10 days after approval, submit a copy of the minutes to the Department and sponsor of the charter school. (NAC 388A.525) This regulation requires the governing body of a charter school to, upon posting the agenda for a public meeting, submit a copy of the agenda to the sponsor of the charter school. This regulation additionally requires the governing body of a charter school to, not later than 10 business days after the minutes of a public meeting have been approved, submit a copy of the minutes to the sponsor of the charter school.

Section 1. NAC 388A.525 is hereby amended to read as follows:

388A.525 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.

(b) Except as otherwise provided in subsection 3:

(1) A person who is related by blood or marriage to an employee of the governing body or charter school.

(2) A person who is related by blood or marriage to another member of the governing body.

(c) Except as otherwise provided in this paragraph, any person who:

(1) Owns, operates, is employed by or receives compensation from a corporation, business, organization or other entity that enters into a contract with the governing body or charter school; or

(2) Is related by blood or marriage to a person described in subparagraph (1).

↪ Pursuant to the requirements of NRS 332.800, a person described in this paragraph may serve on the governing body if the person has entered into a contract with the governing body to provide goods or services to the charter school without profit or at no cost to the charter school. The governing body shall maintain documentation of the terms of such a contract.

3. The governing body of a charter school may apply to the State Public Charter School Authority for approval to have one or more members of the governing body be related by blood or marriage to:

(a) An employee of the governing body or charter school; or

(b) Another member of the governing body.

↳ The State Public Charter School Authority may grant such approval for good cause shown and may make its approval contingent upon the governing body agreeing to additional oversight or conditions.

4. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, not more than one 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. In no event may representatives of the same organization or business serving on the governing body constitute a majority of the members of the governing body.

5. The sponsor of a charter school shall prescribe an application for potential members of the governing body of the charter school to submit as part of the process to become a member of the governing body.

6. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the sponsor of the charter school and 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 ~~6~~ 7 of NRS 388A.320, a photocopy of his or her license to teach;

(e) The application of each member; and

(f) An affidavit of each member indicating that the member:

(1) Has not been convicted of a felony or any offense involving moral turpitude; and

(2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the member by the sponsor of the charter school,

↳ as required pursuant to NRS 388A.320.

7. For the purposes of chapter 281A of NRS, the members of the governing body of a charter school are public officers.

8. 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 or her duties or services in a satisfactory manner.

9. ~~{Not later than 30 business days after each}~~ *Upon posting the agenda for a* public meeting held by the governing body of a charter school pursuant to ~~{subsection 5 of}~~ *chapter 241 of* NRS , ~~{388A.320,}~~ the governing body shall submit to the ~~{Department and to the}~~ sponsor of the charter school a copy of the ~~{minutes of}~~ *agenda for* the meeting. ~~{The minutes of each public meeting must be approved at the next meeting of the governing body and revised as necessary.}~~

10. ~~{If}~~ *After* the minutes of a *public* meeting have ~~{not}~~ been approved by the governing body of a charter school , ~~{when it submits the minutes pursuant to subsection 9,}~~ the governing body shall ~~{~~

~~—(a) Submit a written statement, accompanying the minutes that are submitted pursuant to subsection 9, indicating that the minutes have not been approved and are subject to revision; and~~

~~—(b) Submit~~ *submit* to the ~~{Department and the}~~ sponsor of the charter school a copy of the approved minutes not later than 10 *business* days after such approval.

11. The governing body of a charter school shall notify the sponsor of any change in the membership of the governing body not later than 5 business days after the change occurs.

12. As used in this section, “public officer” has the meaning ascribed to it in NRS 281A.160.