

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R196-97

Effective March 13, 1998

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

AUTHORITY: §§2-30, NRS 386.540.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 29, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Charter school” means a public school that is formed pursuant to NRS 386.500 to 386.610, inclusive, and sections 2 to 29, inclusive, of this regulation.*

Sec. 4. *“Department” means the department of education.*

Sec. 5. *“Governing body” means a committee to form a charter school, after an application to form a charter school that is submitted by the committee is approved by the board of trustees of the school district in which the charter school will be located.*

Sec. 6. *“Written charter” means the contents of the application set forth in NRS 386.520 and the written agreement entered into pursuant to NRS 386.525.*

Sec. 7. *1. A committee to form a charter school may select a person to function as the administrative head of the proposed charter school.*

2. A person selected to function as the administrative head of a charter school pursuant to subsection 1:

(a) Must meet the qualifications set forth in subsection 4 of NRS 386.590; and

(b) Shall manage the programs and operations of the charter school in accordance with:

(1) The written charter of the school; and

(2) All other applicable federal, state and local laws and regulations.

Sec. 8. *A committee to form a charter school shall, to enable the department to deal with a single person as the committee applies to form a charter school, appoint from among its members a person to act as liaison between the committee and the department.*

Sec. 9. *1. The department will prescribe forms for the use of the board of trustees of a school district in applying for authorization to sponsor charter schools pursuant to NRS 386.515. The following information must be provided on the application:*

(a) The date on which the board of trustees voted to apply for authorization to sponsor charter schools, as reflected in the minutes of the board.

(b) The signature of the superintendent of the school district that the board of trustees serves.

2. Upon completion of the forms prescribed pursuant to subsection 1, the board of trustees of a school district that applies for authorization to sponsor charter schools pursuant to NRS 386.515 shall forward the application to the department for approval.

Sec. 10. *1. The department will prescribe forms for the use of a committee to form a charter school in applying to:*

(a) The department, pursuant to subsection 3 of NRS 386.520; and

(b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525, to form a charter school.

2. An application to form a charter school that is submitted to:

(a) The department, pursuant to subsection 3 of NRS 386.520; and

(b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525, must be submitted on forms prescribed pursuant to subsection 1 and must be submitted to the department by February 15 and to the board of trustees by April 1 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

Sec. 11. *In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain information regarding the facilities and equipment of the proposed charter school, including:*

1. The name and location of the charter school.

2. The type of facility that the charter school will occupy.

3. When available, a floor plan of the facility that the charter school will occupy, including a notation of the size of the facility which is set forth in square feet.

4. *If the facility that the charter school will occupy will be leased or rented from an owner other than the school district in which the charter school is located:*

(a) A copy of the proposed lease or rental agreement;

(b) The name and address of the owner of the facility; and

(c) Documentation which demonstrates that the school district in which the charter school is located is satisfied with the type and amount of insurance or other means that will be used to indemnify the school district against financial loss.

5. *If the facility that the charter school will occupy is, at the time of application, being used as a public school, documentation which sets forth the specific days and times during which the charter school is authorized to use the facility.*

6. *A description of the equipment that will be used at the charter school, including, without limitation:*

(a) Office furniture and equipment;

(b) Computer equipment;

(c) Musical instruments;

(d) Equipment to be used in a machinery shop; and

(e) Supplies and other items necessary for the use of equipment described in this subsection.

Sec. 12. *In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain information regarding the educational program of the proposed charter school, including:*

1. *The grade level or levels proposed to be taught at the charter school and the anticipated enrollment in each such grade level for the first year of operation.*

2. *A calendar delineating the school year of the charter school. The calendar must set forth:*

(a) *The number of days of instruction in each school year, which must be in accordance with the requirements set forth in NRS 388.090;*

(b) *The number of legal holidays that will be observed by the charter school and the dates on which those holidays fall;*

(c) *The beginning and ending date of each term; and*

(d) *Other important dates in the school year of the charter school, including, without limitation, school days in which less than a full day of instruction will be administered.*

3. *A list of any fees, charges and deposits, including, without limitation, fees, charges and deposits for course materials or equipment, that:*

(a) *Are typically imposed upon pupils or the parents or guardians of pupils attending public schools which are not charter schools; and*

(b) *Are anticipated by the committee to be imposed upon the pupils or the parents or guardians of the pupils of the charter school.*

4. *A detailed description of the charter school's policies regarding educational services that will be provided to pupils who:*

(a) *Are disabled;*

(b) Pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Meet the criteria of being “at risk” as set forth in NRS 386.500.

5. A description of the instructional goals and objectives of the charter school, including, without limitation:

(a) An explanation of the manner in which progress toward those goals and objectives will be measured; and

(b) A copy of the school’s mission statement.

6. A list of courses that will be offered at the charter school, including:

(a) 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

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

7. A schedule of classes which must meet the requirements for prescribed courses and required courses of study that are set forth in chapter 389 of NRS and chapter 389 of NAC.

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

(a) Be aligned with any schedules of examinations of achievement and proficiency which are published by the department and the school district that is the sponsor of the charter school; and

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

9. Information regarding credit for courses completed successfully, including:

(a) Copies of transcripts and diplomas that the charter school will use to indicate that a pupil has completed course work successfully; and

(b) The written policy of the charter school concerning the transfer of credit to another comparable school.

Sec. 13. *In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain information regarding the governance and staffing of the proposed charter school, including:*

1. The names, addresses and qualifications of the members of the committee to form the charter school, including the resume of each member.

2. If applicable, the name, title, address and telephone number of the person selected to function as the administrative head of the charter school pursuant to section 7 of this regulation.

3. The name, title, address, telephone number and qualifications of the person selected to function as the financial officer of the charter school.

4. A description of the process that will be used to:

(a) Advertise for, select and employ administrators for the charter school; and

(b) Select new administrators for the charter school in the event of a vacancy in one or more of those positions.

5. *A description of the process that will be used to advertise for, select and employ instructional staff and other employees.*

6. *If known at the time of application:*

(a) *The name, license number and proposed assignment of each licensed staff member; and*

(b) *The name, qualifications and proposed assignment of each nonlicensed staff member.*

7. *A list of rules setting forth the policies of the charter school regarding truancy and other situations in which a pupil is absent from school.*

Sec. 14. *In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain information regarding issues of health and safety that affect the proposed charter school, including:*

1. *A description of the manner in which pupils will be transported to the proposed charter school, including, without limitation, the details of any contract that the charter school has entered into pursuant to subsection 1 of NRS 386.560 for the transportation of pupils.*

2. *Descriptions of the manner in which the proposed charter school will:*

(a) *Provide health services to pupils, including, without limitation, the details of any contract that the charter school has entered into pursuant to subsection 1 of NRS 386.560 for the provision of health services to pupils;*

(b) *Comply with subsection 10 of NRS 386.550; and*

(c) *Maintain records related to the immunization of pupils that is required pursuant to NRS 392.435 to ensure that pupils are immunized in a timely manner.*

3. *Documents which indicate to the satisfaction of the department that the facility that the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.*

4. *Evidence which demonstrates to the satisfaction of the department that the committee has communicated with the division of industrial relations of the department of business and industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.*

5. *A description of the procedures that will be used to provide drills for the pupils in the charter school to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency.*

Sec. 15. *In addition to the items required pursuant to paragraphs (a) to (r), inclusive, of subsection 3 of NRS 386.520, an application submitted to the department pursuant to that subsection by a committee to form a charter school must also include certain miscellaneous information concerning the proposed charter school, including:*

1. *A description of the lottery system that the proposed charter school will use pursuant to NRS 386.580 if more eligible pupils apply for enrollment in the charter school than the number of spaces for pupils which are available.*

2. *The name, address and telephone number of the person selected to act as liaison pursuant to section 8 of this regulation.*

3. *Information concerning records of pupils that will be maintained by the proposed charter school in accordance with section 16 of this regulation. Such information must include:*

(a) The name of the person who will be responsible for:

(1) Maintaining records of pupils; and

(2) Providing records of pupils to the school district in which the charter school is located for inclusion in the statewide automated system of information concerning pupils that is established and maintained by the department pursuant to NRS 386.650.

(b) An example of the manner in which the cumulative record of a pupil is proposed to be stored.

(c) The proposed location within the charter school in which records of pupils will be stored.

(d) The name of the person who will be responsible for the records of pupils if the charter school is dissolved or the written charter of the charter school is not renewed.

(e) The policy of the charter school regarding the retention of the records of pupils.

4. A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first 2 years of operation.

Sec. 16. *1. A charter school shall maintain a permanent record for each pupil in a separate file. The permanent record must contain:*

(a) The record of attendance of the pupil;

(b) The grades received by the pupil;

(c) The certificate of immunization of the pupil; and

(d) Any other records related directly to the academic progress of the pupil.

2. Records maintained pursuant to subsection 1 must be kept in a location that is safe, secure and affords reasonable protection from:

(a) Fire;

(b) Misuse; and

(c) Access by unauthorized persons.

3. If the governing body of a charter school plans to close the school or otherwise terminate the operation of the school, the governing body shall, not less than 30 days before the date of closure or termination:

(a) Notify the department and the board of trustees of the school district that is the sponsor of the charter school of that fact; and

(b) Submit to the board of trustees of the school district that is the sponsor of the charter school:

(1) The permanent record of each pupil; and

(2) All records pertinent to:

(I) The indebtedness of the charter school, if any; and

(II) Any property of the charter school that is encumbered.

Sec. 17. *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 described in subsection 4 of section 12 of this regulation comply with the requirements set forth in NAC 388.150 to 388.450, inclusive, and chapters 388 and 395 of NRS.

3. The department receives, within 30 days after the first day of school, a list of the names and qualifications of all persons who 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. *The reports of progress described in paragraph (q) of subsection 3 of NRS 386.520 are distributed to the parents or legal guardian of each pupil not less than twice each semester.*
7. *The written report required pursuant to subsection 2 of NRS 386.610 is received by the board of trustees of the school district that is the sponsor of the charter school not later than 60 days after the last day of instruction in the third year of operation of the charter school under its initial written charter.*
8. *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 kindergarten, 120 minutes.*
 - (b) *For pupils enrolled in grades 1 and 2, 240 minutes.*
 - (c) *For pupils enrolled in grades 3 to 6, inclusive, 300 minutes.*
 - (d) *For pupils enrolled in grades 7 to 12, inclusive, 330 minutes.*
9. *If the governing body requests that a pupil be transferred pursuant to subsection 4 of NRS 386.580, the governing body submits the request to the school district in which the charter school is located:*

(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.

Sec. 18. *If the department reviews an application to form a charter school to determine whether it is complete pursuant to subsection 4 of NRS 386.520, the department will provide written notice to the applicant of its determination as to whether the application is complete within 15 days after receipt of the application.*

Sec. 19. *If the board of trustees of a school district reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the board of trustees shall:*

1. Within 30 days after receipt of the application:

(a) Designate one or more employees of the school district to verify the contents of the application by:

(1) Performing a physical inspection of the location of the proposed charter school; and

(2) Interviewing the members of the committee to form the charter school and, where appropriate, the proposed administrators and staff members of the proposed charter school.

(b) At the public meeting described in subsection 1 of NRS 386.525, consider the application along with any reports generated by the employees of the school district pursuant to paragraph (a).

2. Within 20 days after the public meeting described in subsection 1 of NRS 386.525, provide written notice to the applicant of its approval or denial of the application.

3. *If the board of trustees denies the application, forward a copy of the of the written notice of the denial to the department within 5 days after the decision to deny the application is made.*

Sec. 20. *If the board of trustees of a school district approves an application to form a charter school, the written agreement required pursuant to NRS 386.525 must, in addition to the requirements set forth in NRS 386.525, require the governing body of the charter school to notify the board of trustees and the department of any changes in the facilities or form of governance of the charter school, including, without limitation, any change in:*

1. *The location of the charter school; and*
2. *The membership of the governing body of the charter school.*

Sec. 21. *The 6-year term for which the written charter of a charter school is valid, unless the initial written charter of the charter school was renewed after 3 years of operation pursuant to subsection 2 of NRS 386.530, begins on July 1 of the fiscal year immediately following the fiscal year in which the committee to form the charter school applied to the department and the board of trustees to form the charter school.*

Sec. 22. 1. *If a charter school fails to become operational by July 1 of the year immediately following the year in which the term of the written charter of the charter school begins, the charter school shall provide to the school district that is the sponsor of the charter school:*

(a) *Notice of the failure to become operational; and*

(b) *A statement of intent that sets forth whether:*

(1) *The charter school will become operational and, if so, on what date; or*

(2) The charter school will not become operational.

2. If a charter school to which subsection 1 applies states that it intends to become operational on a future date, the committee to form the charter school must reapply to the department and the board of trustees of the school district in which the charter school will be located in accordance with NRS 386.520 and 386.525 and sections 10 to 15, inclusive, of this regulation.

Sec. 23. *1. Not later than May 1 of each year, the governing body of a charter school shall, at a public meeting, adopt its final budget for the charter school for the ensuing fiscal year.*

2. The final budget must be prepared on forms prescribed by the department.

3. The governing body shall submit copies of the final budget to:

(a) The department;

(b) The department of taxation;

(c) The legislative counsel bureau; and

(d) The school district that is the sponsor of the charter school.

Sec. 24. *1. The governing body of a charter school shall cause the charter school to be audited on an annual basis. The annual audit of the charter school must be completed and submitted to the governing body for review at a public meeting not later than 120 days after the close of the fiscal year for which the audit is conducted.*

2. All audits must be performed by:

(a) A public accountant certified or registered; or

(b) A partnership or professional corporation registered,

pursuant to the provisions of chapter 628 of NRS.

3. Each annual audit must:

(a) Cover the business of the charter school during the full fiscal year;

(b) Be a financial audit conducted in accordance with generally accepted auditing standards; and

(c) Include:

(1) An analysis of the charter school's compliance with applicable laws and regulations;

(2) Any recommendations for improvement by the charter school; and

(3) Any other comments deemed pertinent by the auditor, including the auditor's opinion regarding the financial statements.

The form of the financial statements must be prescribed by the department of taxation and the chart of accounts must be, insofar as practicable, the same as that used in the preparation and publication of the annual budget.

4. The governing body shall submit copies of the annual audit to:

(a) The department;

(b) The department of taxation;

(c) The legislative counsel bureau; and

(d) The school district that is the sponsor of the charter school.

Sec. 25. *A charter school must:*

1. Comply with generally accepted accounting principles.

2. Utilize the chart of accounts prescribed by the department of taxation.

Sec. 26. *If a charter school submits an application for renewal of its written charter pursuant to subsection 1 of NRS 386.530, the application must include:*

- 1. Any changes in any of the items listed in the initial application to form the charter school;*
- 2. A profile of the achievement of the pupils enrolled in the charter school during the preceding 6 years, as reflected in proficiency examinations and other means of assessment and evaluation;*
- 3. A report on the progress of the charter school toward meeting its mission, goals and objectives;*
- 4. A report on the effectiveness of the collaboration between licensed and nonlicensed staff members in the instructional program of the charter school;*
- 5. If applicable, a report on the number of pupils who have graduated from grade 12 at the charter school and the plans of those pupils for careers or continuing education;*
- 6. A report on the effectiveness of the educational program of the charter school, including, without limitation, the effectiveness of any programs designed to assist pupils who meet the criteria of being "at risk" as set forth in NRS 386.500;*
- 7. A summary that outlines the plans of the charter school for the next 3 years;*
- 8. A report on the charter school's standards of accounting and financial management, including, without limitation, whether those standards comply with generally accepted accounting principles; and*
- 9. Any other information the charter school wishes to submit in support of its application for renewal.*

Sec. 27. If a charter school submits an application for renewal of its written charter pursuant to subsection 2 of NRS 386.530, the application must include:

- 1. Any changes in any of the items listed in the initial application to form the charter school;*
- 2. A profile of the achievement of the pupils enrolled in the charter school during the preceding 3 years, as reflected in proficiency examinations and other means of assessment and evaluation;*
- 3. A report on the progress of the charter school toward meeting its mission, goals and objectives;*
- 4. A report on the effectiveness of the collaboration between licensed and nonlicensed staff members in the instructional program of the charter school;*
- 5. If applicable, a report on the number of pupils who have graduated from grade 12 at the charter school and the plans of those pupils for careers or continuing education;*
- 6. A report on the effectiveness of the educational program of the charter school, including, without limitation, the effectiveness of any programs designed to assist pupils who meet the criteria of being "at risk" as set forth in NRS 386.500;*
- 7. A summary that outlines the plans of the charter school for the next 3 years;*
- 8. A report on the amount of money that the charter school has, on average, expended on each pupil during the preceding 3 years; and*
- 9. Any other information the charter school wishes to submit in support of its application for renewal.*

Sec. 28. *If the board of trustees of a school district that is the sponsor of a charter school receives an application pursuant to subsection 2 of NRS 386.530 for renewal of the initial written charter of the charter school, the board of trustees shall:*

1. Within 30 days after receipt of the application, designate one or more employees of the school district to verify the contents of the application by:

(a) Performing a physical inspection of the location of the charter school; and

(b) Interviewing the members of the governing body of the charter school and, where appropriate, the administrators and staff members of the charter school.

2. Within 60 days after receipt of the application, consider the application along with any reports generated by the employees of the school district pursuant to subsection 1 at a public meeting for which notice has been provided pursuant to chapter 241 of NRS.

Sec. 29. *If the board of trustees of a school district that is the sponsor of a charter school intends to revoke the written charter of a charter school pursuant to NRS 386.535, the board of trustees shall:*

1. Notify the governing body of the charter school of that intent in writing, by certified mail, at least 30 days before the expiration of the written charter of the charter school.

2. Submit to the department a copy of the notice described in subsection 1 within 5 days after providing notice to the governing body of the charter school.

3. Ensure that the notices required pursuant to subsections 1 and 2:

(a) Set forth evidence that a majority of the members of the board of trustees have voted to revoke the written charter of the charter school; and

(b) Describe the failure that authorizes the revocation of the written charter of the charter school pursuant to NRS 386.535.

Sec. 30. 1. Notwithstanding the provisions of subsection 2 of section 10 of this regulation, the department has, for charter schools that will begin operation during the 1998-99 school year:

(a) Allowed a committee to form a charter school to submit to the department a letter of intent to form a charter school in lieu of an application; and

(b) Required each committee to form a charter school to submit to the department an application to form a charter school within 30 days after submitting the letter of intent to form a charter school.

2. As used in this section:

(a) "Charter school" has the meaning ascribed to it in section 3 of this regulation.

(b) "Department" has the meaning ascribed to it in section 4 of this regulation.