

LCB File No. R196-97

PROPOSED REGULATION OF THE

DEPARTMENT OF EDUCATION

CHAPTER 385, 1997 NEVADA STATUTES

CHARTER SCHOOLS

385.010 Definitions. As used in NAC 385.010 to 385.____, inclusive, unless the context otherwise requires, the words and terms defined in NAC 385.012 to 385.____, inclusive, have the meanings ascribed to them in those sections.

385.012 “Administrator” defined. “Administrator” means any individual duly authorized by a charter school’s governing body to manage the programs and operations of the charter school in accordance with its charter and applicable federal and state laws and regulations.

385.013 “Applicant” defined. “Applicant” means the person submitting the application to form a charter school on behalf of the members of the committee to form a charter school.

385.014 “At risk student” defined. An “at risk student” is a student with an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, students who are members of economically disadvantaged families, students with limited proficiency in the English language, students who are at risk of dropping out of high school and students who do not meet minimum standards of academic proficiency. The term does not include a student with a disability.

385.015 “Board” defined. “Board” means the state board of education.

385.016 “Board of Trustees” defined. “Board of Trustees” means the publicly elected persons who administer each of the state’s school districts.

385.017 “Charter” defined. “Charter” means the contents of the application submitted by the committee to form a charter school plus the written agreement entered into by the governing body and the board of trustees concerning the methods and procedures for the board of trustees to monitor the charter school.

385.018 “Charter School” defined. “Charter school” means a public school that is formed pursuant to NRS 385 and NAC 385.

385.019 “Committee” defined. “Committee” means the group of persons intending to form a charter school, i.e., three or more licensed teachers alone or in combination with ten or more members of the general public, representative of an organization devoted to service to the general public, representatives of a private business, or representatives of a college or university within the University and Community College System of Nevada.

385.020 “Complete application” defined. A “complete application” means a document that contains all of the items required by these regulations to form a charter school.

385.021 “Department” defined. “Department” means the department of education.

385.022 “Governing body” defined. “Governing body” is the name given to the committee to form a charter school once approval has been granted by the board of trustees.

385.023 “Legislative bureau of educational accountability and program evaluation” defined. The “legislative bureau of accountability and program evaluation” is the name given to the bureau created by Senate Bill 482 within the Legislative Counsel Bureau’s Fiscal Analysis Division.

385.024 “Legislative committee on education” defined. The “legislative committee on education” is the name given to the committee created by Senate Bill 482 comprised of members of the Nevada Legislature.

385.025 “Profile” defined. “Profile” signifies data collected from each charter school pursuant to A.B. 469 and S.B. 482 (Section 18(5)).

385.026 “School day” defined. A “school day” means the minimum number of minutes pupils must receive instruction, including recess but excluding lunch.

Kindergarten: 120 minutes; 1st-2nd grade: 240 minutes; 3rd-6th grade: 300 minutes; 7th-12th: 330 minutes. In addition, a school year must include at least 180 school days of instruction.

385.027 “Sponsor defined. “Sponsor” means the local board of trustees receiving the application to form a charter school in its district.

385.028 “Teacher” defined. As used in these regulations, a “teacher” means a full-time equivalent instructor.

APPLICATION PROCESS

385.040 School district request to sponsor charter schools; forms and procedures required.

1. The board of trustees of a school district may apply to the department for authorization to sponsor charter schools within the school district, utilizing forms prescribed by the department, and which contain:

- (a) The date of such action in the minutes of the board of trustees; and
- (b) The signature of the superintendent of the school district.

2. The school district request to sponsor charter schools is forwarded to the department for approval.

3. Not more than 180 days after receiving department approval, the school district shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

385.041 Content of applications to form charter schools; required forms; dates of submittal.

1. Application for approval of charter schools must be completed on forms authorized by the department and submitted to the department and the local board of trustees in accordance with the procedures set forth in NAC 385.____ to 385.____.

2. All applications must be submitted to the department by February 15 and to the board of trustees by April 1 for operation during the ensuing fiscal year.

385.042 Required information concerning location of school; applicant; administrative head; grade levels; enrollment; school year; costs.

The applicant shall submit to the department:

1. Proposed name and address of charter school.
2. Name, title address, and telephone number of applicant.
3. Name, title, address, and telephone number of proposed administrative head of charter school.
4. Grade level(s).
5. Anticipated enrollment in each grade for the first year.

6. Calendar showing legal holidays, beginning and ending dates of terms, and other important dates. The school year must include at least 180 days.

7. A list of anticipated costs, including charges or deposits for course materials or equipment that are typically assessed in public schools that are not charter schools, and are charged to the pupil or his parent or guardian.

385.043 Pupil admission; policy; criteria; justification. The applicant shall:

1. Describe the school's policy and criteria for admission, with the justification for each. Any policies pertaining to at risk pupils must be described in detail.

2. Ensure that its policies for admission and its educational programs remain nonsectarian.

3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

4. Ensure that its policies for admission are consistent with the provisions of the charter of the school and are directly related to the goals and missions of the school.

5. Describe the lottery procedure to be used if more pupils apply for enrollment in the school than the number of spaces which are available.

385.044 Maintenance of records; participation in statewide automated system of information concerning pupils.

1. The applicant shall submit to the department:

(a) The name of the person who will be responsible for maintenance of pupil records and providing pupil data to the district for inclusion in the statewide automated system of information concerning pupils;

(b) An example of a proposed folder for the cumulative record of a pupil;

(c) The proposed location of all records of the school;

(d) The name of the person who will be responsible for the records in case of the termination of operations by the school; and

(e) The school's policy on retention of records.

2. The school shall maintain permanent records in a separate file on each pupil.

Such records must show the pupil's attendance, grades, and other documentation directly related to his progress, and contain his certificate of immunization.

3. Records must be maintained in a safe, secure place reasonable protected from fire and misuse and from access by unauthorized persons.

4. If a school plans to close or otherwise terminate its operation, the governing body shall notify the department and the sponsor and submit to the sponsor all permanent records of pupils as well as all records pertinent to the financial resolution of encumbrances and indebtedness.

5. The applicant shall maintain records in accordance with A.B. 469 and S.B. 168.

385.045 Instructional program goals; standards; assessment. The applicant shall submit to the department:

1. Description of measurable instructional goals and objectives, including school mission statement.

2. List of the names, descriptions, and levels of proposed courses, with designations as to those courses required for promotion to the next grade or for graduation from high school.

3. Description of the school's standards of achievement, including without limitation, the:

(a) academic and other educational results that will be expected of pupils;

- (b) time by which such results will be achieved;
- (c) procedure by which the results will be measured and assessed; and
- (d) specified levels of performance appropriate for each pupil's grade level required for promotion to the next grade level.

4. Schedule of classes, which must meet the minimum time requirements contained in the Nevada Administrative Code, Chapter 389 (Elementary and Secondary Course of Study), the Nevada High School Graduation Requirements, and Chapter 389 of NRS, as amended by SB 482.

5. Achievement and proficiency examination schedule aligned with any schedule(s) published by the department and the local board of trustees, which must meet the requirements of Chapter 389 of NRS, as amended by SB 482, and other applicable statutes and regulations.

385.046 Evaluation of pupil; transfer of credits.

1. The applicant shall:
 - (a) Describe or provide a sample of the educational credentials to be used to indicate that the student has satisfactorily completed the course of instruction or study;
 - (b) State the school's policy relative to transfer to a comparable school without loss of credit;
 - (c) Provide an example of a proposed student transcript of credit;
 - (d) Provide a copy of the diploma or certificate of completion which the school plans to issue to students.
2. Credits earned at the school shall be such that an enrolled student may transfer to a comparable institution without loss of credit.

385.047 Pupils with special needs; educational services.

1. The applicant shall provide a description of the level and type of educational services that will be provided to pupils:

(a) Who are disabled;

(b) Who 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) Who are at risk.

2. The applicant shall ensure that its educational services for pupils with special needs comply with NAC 388.150 through 388.450 and Chapters 388 and 395 of Nevada Revised Statutes.

385.048 Committee and governing body; qualifications; vacancies. The applicant shall submit to the department:

1. A list containing the names, addresses, and qualifications of the committee and governing body members, with resume s attached;

2. A list containing the position titles of proposed administrators of the school, including, without limitation,

(a) the administrative head of the school; and

(b) the school's financial officer.

3. A description of the selection process to be utilized for filling vacancies.

385.049 School operation; financial stability; liability. The applicant shall submit to the department:

1. Description of the system of governance, including administrative positions and authority.
2. Description of the system of organization and operation of the school, with specific details as to financial and auditing procedures and responsibilities.
3. Proposed budget showing estimated revenues and expenditures for the first two years of the charter.
4. A designation of the person(s) deemed liable for any and all expenses incurred if the charter school is dissolved or its application for renewal is not approved.

385.050 Involvement of parents and legal guardians. The applicant shall describe the policies, practices, and programs at the school that will ensure participation and involvement in the activities by parents and legal guardians of pupils who are enrolled in the school.

385.051 Qualifications and employment of staff; evaluation. The applicant shall submit to the department:

1. Description of the methods to be utilized for the advertising, selection, and employment of all staff, including, without limitation, instructional staff, administrators, and other employees.
2. Description of evaluation policies and procedures for teachers and other employees, if different from the procedure described in NRS 391.3125.
3. Name and teaching license number of each licensed staff member, if practicable at the time of application, and proposed teaching assignment.
4. Name and qualifications of each non-licensed staff member, if practicable at the time of application, and proposed teaching assignment.

5. Description of how the ratio of licensed teachers to unlicensed teachers is determined, using full-time equivalency as the basis.

6. Within 30 days of the first day of school, a list of the names and qualifications of all school staff.

385.052 Pupil behavior; rules; discipline; attendance. The applicant shall:

1. Submit a list of the rules of behavior and attendance for pupils including, without limitation, the:

- (a) Required behavior and conduct;
- (b) Prohibited behavior and conduct;
- (c) Appropriate punishments for violations of the rules;
- (d) Disciplinary policies and procedures to be followed; and
- (e) Policies regarding pupil absences and truancy.

2. Describe how the copy of the rules of behavior and attendance referred to in Section 1 will:

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

(b) Be available for public inspection at the school.

3. Describe how the school will ensure the following:

(a) That if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, before the suspension or expulsion, the pupil has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing.

Such a hearing must be closed to the public. The provisions of NRS 241 do not apply to

any hearing conducted pursuant to this section. Disciplinary procedures must comply with requirements of due process of law.

(b) The immediate removal upon being given the explanation of the reasons for his removal, of a pupil who:

- (1) Poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process; or
- (2) Who is selling or distributing any controlled substance; or
- (3) Who is found to be in possession of a dangerous weapon as provided in NRS 392.466.

(c) That proceedings for suspension or expulsion against any pupil removed from school pursuant to Section 3 in this paragraph will be conducted as soon as practicable after his removal.

(d) That a pupil participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body for such matters, be:

(1) Suspended from the school pursuant to this section for not more than 10 days; or

(2) Suspended from the school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals and Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

385.053 Pupil transportation. The applicant shall describe how pupils will be transported to the charter school, including, without limitation, a description of any contractual agreement with the local school district regarding transportation.

385.054 Health services; instruction on acquired immune deficiency syndrome (AIDS) and human reproductive system; pupil immunization.

1. The applicant shall describe how pupils will be provided health services, including, without limitation, a description of any contractual agreement with the local school district regarding the provision of health services.

2. The applicant shall describe how instruction on acquired immune deficiency syndrome (AIDS) and the human reproductive system will be provided, per NRS 389.065.

3. The applicant shall describe how records regarding required immunization of pupils pursuant to NRS 392.435 and Section 58 of S.B. 220 will be maintained in a timely manner to ensure proper immunization of pupils at all times.

4. The applicant shall ensure that the report due on December 31st of each year regarding pupil immunization is submitted to the health division of the department of human resources.

385.055 Facilities; equipment; disposition.

1. The applicant shall submit a written description of the location of the charter school, indicating the type of facility.

2. The applicant shall submit a floor plan of the facility, indicating thereon that the size of the institution.

3. The applicant shall submit a description of all equipment to be utilized at the facility, including office furniture and equipment, computer laboratory equipment, supplies, musical instruments, machinery shop equipment, and other such items.

4. The applicant shall submit a procedure to be followed for the disposition of these facilities and equipment that will be followed in the event the school charter is dissolved or non-renewed.

385.056 Compliance with health, fire, safety, sanitation, and vehicular requirements; driver education.

1. The applicant shall submit documents certifying that the school facilities have been inspected and meet the requirements of building codes, codes for the prevention of fire, and codes for safety, health, and sanitation.

2. The applicant shall submit evidence that he 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.

3. The applicant shall submit documents certifying that any vehicle for the transportation of pupils has been inspected by the department of motor vehicles and public safety as to its condition, equipment, and identification.

4. The applicant shall provide a description of procedures for fire drills and shall ensure that escape routes are posted in all rooms.

5. The applicant shall provide evidence of insurance against any liability arising out of the use of motor vehicles in connection with automobile driver education courses established and maintained by the governing body of the school.

385.057 Ownership of facilities; indemnification; authorization for use.

1. If the facilities to be utilized for the school are to be leased or rented from an owner other than the sponsoring school district, the applicant shall submit a copy of the rental agreement or lease, with the name and address of the owner of the facility.
2. If the facilities to be utilized for the school are to be leased or rented from an owner other than the sponsoring school district, the sponsor must be satisfied with the kind and amount of insurance on the facilities, or with other means of indemnification of the sponsor.
3. If the facilities to be utilized for the school are currently in use as public school buildings, the applicant shall submit a written authorization for their use, and during what times of the day or week.

385.058 Reporting requirements regarding academic progress; dates of submittal. The applicant shall sign and have notarized a statement of assurances that the reports required by the indicated statutes and regulations shall be received by the designated persons and/or agencies on the indicated dates:

1. Reports of progress of each pupil, due no less than 2 times each semester, per Section 12(3)(q) of S.B. 220.
2. Report regarding the school's progress in meeting the standards of achievement, due no later than February 1st and June 1st of each school year, per Section 12(3)(f) of S.B. 220.
3. Report regarding the school's first three years of operation, due no later than the August 1st following the last day of school in June of the third year of operation of the school, per Section 14(2) of S.B. 220.

385.059 Reporting requirements regarding accounting, budgeting and annual audits; dates of submittal. The applicant shall sign and have notarized a statement of assurances that the reports required by statutes and regulations shall be received by the designated persons and/or agencies on the indicated dates.

385.060 Discrimination, civil rights, desegregation. The applicant shall: submit a notarized statement assuring the following:

1. That he shall comply with all laws and regulations relating to discrimination and civil rights.

2. That he shall comply with any plan for desegregation ordered by a court that is in effect in the school district in which the school is located.

3. That he shall comply with Section 22(2) of S.B. 220 regarding the racial composition of pupils.

4. Except as otherwise provided in Section 22(5) of S.B. 220, that the school shall not refuse an application for enrollment or otherwise discriminate based on the pupil's:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability.

SUBMITTAL OF APPLICATION TO DEPARTMENT

385.061 Review of application, approval; denial; correction of deficiencies.

1. An application to form a charter school must be received by the department by no later than February 15 of the fiscal year of initial operation.

2. The department shall review an application to form a charter school to determine whether it is complete and shall provide written notice of its approval or denial to the applicant within 15 days of receipt of the application.

3. If the application is denied, the reason(s) for denial and the deficiencies shall be included in the written notice to the applicant.

4. The applicant shall be granted 30 days after receipt of the written notice from the department of its denial to correct any deficiencies identified in the notice and to resubmit the application.

SUBMITTAL TO BOARD OF TRUSTEES

385.062 Submittal of complete application to board of trustees; approval; denial; correction of deficiencies.

1. The applicant may submit an application approved by the department to the board of trustees in which the proposed charter school will be located, no later than April 1 preceding the fiscal year of initial operation.

2. Within 30 days of the receipt of the application, the board of trustees shall designate one or more district employees to:

(a) Perform a physical inspection of the location of the proposed school;

(b) Conduct personal interviews with the applicant and other committee members, proposed administrators, proposed staff members, other potential employees, or members of the community who have an interest in the establishment of the school; and

(c) Consider the application at a public meeting for which notice has been proved pursuant to the open meeting laws in Chapter 241 of NRS.

3. The board of trustees shall provide written notice to the applicant of its approval or denial of the application within 20 days of the public hearing.

4. If the board of trustees denies an application, it shall include in the written notice the reasons for the denial and any deficiencies in the application.

5. The applicant is granted 30 days after receipt of the written notice from the board of trustees of its denial to correct any deficiencies identified in the notice and to resubmit the application.

385.063 Written agreement between board of trustees and applicant; charter; term of charter.

1. If an application is approved by the board of trustees, the applicant and the board of trustees shall enter into a written agreement concerning the:

(a) Methods and procedures for the board of trustees to monitor the progress of the school;

(b) Authorization of the board of trustees and the department to physically inspect the school at any time; and

(c) Notification of the board of trustees and the department of any change in the following, without limitation:

(1) location of school;

(2) members of governing body.

2. The written charter is for a term of 6 years, beginning on July 1 of the year of application, unless the governing body of the charter school renews or revises its initial charter after 3 years of operation pursuant to NAC 385.____.

3. If the school fails to become operational within one year of the approval date of its charter, the school must notify the sponsor in writing of its failure to operate and set for either of the following:

- (a) The date of anticipated operation; or
- (b) Intention to not become operational.

4. In the event that a school that has failed to become operational within one year of the approval date of its charter and intends to become operational at a future date, the applicant must complete another application to form a charter school for submittal to the department and sponsoring school district.

385.064 Final Budget.

- 1. Not later than May 1 of each year, the governing body shall adopt its final budget for the ensuing fiscal year at a public meeting.
- 2. The budget must be submitted on forms prescribed by the department.
- 3. Copies of the budget must be submitted to the departments of education and taxation, the legislative counsel bureau, and the school district in which the charter school is located.

385.065 Annual Audit.

- 1. The annual audit of the charter school must be completed and submitted to the governing body for review in a public meeting not later than four months after the close of the fiscal year for which the audit is conducted.
- 2. All audits must be performed by a public accountant certified or registered or by a partnership or professional corporation registered under the provisions of Chapter 628 of NRS.

3. Each annual audit must cover the business of the charter school during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards, including comment on compliance with statutes and regulations, recommendations for improvements, and any other comments deemed pertinent by the auditor, including his expression of opinion on the financial statements. The form of the financial statements must be prescribed by the department of taxation, and the chart of accounts must be as nearly as possible the same as that used in the preparation and publication of the annual budget.

4. The audit must be filed with the departments of taxation and education, the legislative counsel bureau, and the school district in which the charter school is located.

385.066 Accounting.

1. The charter school must comply with generally accepted accounting principles.
2. The chart of accounts prescribed by the department of education must be utilized.

RENEWAL OF CHARTER

385.067 Content of application for renewal of charter after 6 years; submission to sponsor; evaluation; approval; deficiencies.

1. Not less than 90 days before the expiration of the charter in the 6th year of operation, an application for renewal of the charter may be submitted to the sponsor of the charter school.

2. The application for renewal must include:

(a) Any and all changes in any of the items listed in the school's initial application to form a charter school;

(b) A profile of the achievement of the students enrolled during the past 6 years, as reflected in proficiency examinations and other means of assessment and evaluation;

(c) A report on the progress of the school in meeting its mission, goals, and objectives;

(d) A report on the effectiveness of the collaboration between licensed and non-licensed staff members in the instructional program;

(e) A report on the number of graduates from the 12th grade, if applicable, and those graduates' career plans;

(f) A report on the effectiveness of the educational program and services for at risk students, if applicable;

(g) A summary of the school's plans for the next three years;

(h) A report on the school's standards of accounting and fiscal management that adhere to generally accepted standards of accountability; and

(i) Any other information the school wishes to submit in support of its application for renewal.

3. The sponsor shall renew the charter unless it finds that the school has not complied with the provisions of Sections 8 to 31, inclusive, of S.B. 220.

4. The sponsor shall provide written notice to the school of its approval or denial of the application to renew the charter.

5. In case of denial of the application to renew the charter, the sponsor must include the following in its written determination:

(a) A statement of the deficiencies or reasons upon which the decision to not renew is based; and

(b) The dates of the 30-day period during which the school may correct any such deficiencies.

6. Upon satisfactory correction of the deficiencies within the specified time period, the sponsor shall renew the charter.

385.068 Content of application for renewal of charter after 3 years; submission to sponsor; evaluation.

1. Not less than 90 days before the expiration of the charter in the 3 year of operation, an application for renewal of the charter may be submitted to the sponsor of the charter school.

2. The application for renewal must include:

(a) Any and all changes in any of the items listed in 385.062(1)(c), above;

(b) A profile of the achievement of the students enrolled during the past 3 years, as reflected in proficiency examinations and other means of assessment and evaluation;

(c) A report on the progress of the school in meeting its mission, goals, and objectives;

(d) A report on the effectiveness of the collaboration between licensed and non-licensed staff members in the instructional program;

(e) A report on the number of graduates from 12th grade, if applicable, and those graduates' career plans;

(f) A report on the effectiveness of the educational program and services for at risk students, if applicable;

(g) A summary of the school's plans for the next three years;

(h) A compilation of the school's per pupil expenditures for each of the last 3 years;
and

(i) Any other information the school wishes to submit in support of its application for renewal.

3. The sponsor of the charter school shall conduct an intensive review and evaluation of the school, to include the following, without limitation:

(a) Perform a physical inspection of the location of the proposed school;

(b) Conduct personal interviews with the applicant and other committee members, administrators, staff members, other employees, or members of the community; and

(c) Consider the application at a public meeting for which notice has been proved pursuant to the open meeting laws of Chapter 241 of NRS.

385.069 Amendments to charter.

1. The governing body of the school may request approval from the board of trustees permission to amend its charter by submitting a description of how the school will have a greater ability to achieve its educational goals and objectives.

2. The amendment must not authorize an extension of the term of the charter.

385.070 Revocation of charter by school district.

1. The board of trustees must notify the governing body in writing, by certified mail, of its intention to revoke the school's charter at least 30 days prior to the expiration of the charter.

2. The notification of intention to revoke the charter must include the following without limitation:

(a) Evidence of a vote by the majority of the members of the board of trustees to take said action;

(b) Evidence of the school's failure to comply with the terms and conditions of the school's charter, including, without limitation, the times by which certain academic or educational results would be achieved;

(c) Evidence of failure to comply with generally accepted standards of accounting and fiscal management; or

(d) Evidence of failure to comply with sections 8 through 31, inclusive, of S.B. 220.