

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

LCB File No. R163-99

October 26, 1999

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

AUTHORITY: §§1-13, NRS 385.080 and 386.540.

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

A committee to form a charter school must submit to the department a letter of intent to form a charter school by February 15 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

Sec. 2. NAC 386.050 is hereby amended to read as follows:

386.050 “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.]~~ *a written charter granted by the board of trustees of a school district pursuant to NRS 386.527.*

Sec. 3. NAC 386.130 is hereby amended to read as follows:

386.130 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~~ 2 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,

FLUSH to form a charter school.

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

(a) The department, pursuant to subsection ~~3~~ 2 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,

FLUSH must be submitted on forms prescribed pursuant to subsection 1 and must be submitted to the department by ~~February 15~~ *March 1* 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. 4. NAC 386.140 is hereby amended to read as follows:

386.140 In addition to the items required pursuant to ~~paragraphs (a) to (r), inclusive, of subsection 3~~ *subsection 2* 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~~ *facility, personnel* and equipment of the proposed charter school, including ~~[-]~~ *, without limitation:*

1. The name of the proposed charter school.

2. If the facility that the charter school will occupy exists at the time of application and is suitable for use by the charter school, but is not owned by the school district in which the charter school will be located:

(a) The address of the charter school;

(b) The type of facility that the charter school will occupy;

(c) 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;

(d) The name and address of the owner of the facility that the charter school will occupy;

(e) If the facility that the charter school will occupy will be leased or rented, a copy of the proposed lease or rental agreement; and

(f) 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 ~~[]~~ *pursuant to subsection 11 of NRS 386.550.*

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

4. If the *proposed* charter school ~~[will primarily serve pupils who meet the criteria of being “at risk” as set forth in NRS 386.500, and at the time of application a suitable facility for the proposed charter school is not available because no structure exists, or existing structures are not available or must be remodeled for use as a charter school:]~~ *has not obtained a suitable facility, personnel or equipment:*

(a) A statement *in writing* describing why *the proposed charter school has not obtained* a suitable facility ~~[is not available:]~~, *personnel or equipment;*

(b) A plan for obtaining a suitable facility, *personnel or equipment*, including ~~[an explanation of whether:~~

~~—(1) An existing structure will be remodeled ; or~~

~~—(2) A new structure will be built;~~

~~—(e)] , without limitation, as applicable:~~

(1) A statement in writing that explains whether an existing facility will be remodeled or a new facility will be built; and

(2) A schedule for completing or obtaining ~~the~~ *a suitable* facility, *personnel and equipment*, including, *without limitation*, if applicable, a description *of* and *time* schedule for any plan to raise funds for completing or obtaining the facility ~~;~~ *and*

~~(d)~~, *personnel and equipment*;

(c) The date on which it is anticipated that the charter school will open ~~;~~
~~5.~~;

(d) A description of the equipment that will be used at the charter school, including, without limitation:

~~(a)~~ (1) Office furniture and equipment;

~~(b)~~ (2) Computer equipment;

~~(c)~~ (3) Musical instruments;

~~(d)~~ (4) Equipment to be used in a machinery shop; and

~~(e)~~ (5) Supplies and other items necessary for the use of equipment described in this

~~subsection.~~ *paragraph; and*

(e) *If applicable, evidence in writing that the acceptance of the application by the board of trustees is necessary to obtain a facility, equipment or personnel.*

Sec. 5. NAC 386.150 is hereby amended to read as follows:

386.150 In addition to the items required pursuant to ~~paragraphs (a) to (r), inclusive, of subsection 3]~~ *subsection 2* 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 ~~;~~, *without limitation*:

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 *how progress towards* the ~~[instructional goals and objectives]~~ *mission and goals* of the charter school ~~[, including, without limitation:~~

~~—(a) An explanation of the manner in which progress toward those goals and objectives], as described in the written description pursuant to paragraph (b) of subsection 2 of NRS 386.520, will be measured . ~~[; and~~~~

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

~~—6.]~~ 5. A list of courses that will be offered at the charter school, including ~~[;],~~ *without limitation:*

(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.]~~ 6. 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.]~~ 7. 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.]~~ 8. 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. 6. NAC 386.160 is hereby amended to read as follows:

386.160 In addition to the items required pursuant to ~~paragraphs (a) to (r), inclusive, of subsection 3]~~ **subsection 2** 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 ~~[-]~~, ***without limitation:***

1. The names, addresses and qualifications of the members of the committee to form the charter school, including ***, without limitation,*** the résumé 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 NAC 386.100.

3. ~~[-]~~ ***The*** name, title, address, telephone number and qualifications of the person ~~selected to function as the financial officer of the charter school. If the committee to form the charter school has received:~~

~~—(a) An interim certificate of completion from the department pursuant to NAC 386.190; and~~

~~—(b) A pre-charter certificate from the board of trustees of the school district in which the proposed charter school will be located pursuant to NAC 386.200,~~

~~the committee is not required to submit the information described in this subsection with the application. Such information must be submitted to the board of trustees before the board of trustees may approve the application pursuant to subsection 1 of NRS 386.525.]~~ ***who is designated to draw all orders for the payment of money belonging to the charter school pursuant to NRS 386.573.***

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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. 7. NAC 386.170 is hereby amended to read as follows:

386.170 In addition to the items required pursuant to ~~paragraphs (a) to (r), inclusive, of subsection 3~~ *subsection 2* 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 ~~{};~~, *without limitation:*

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 ~~{};~~ *and the details of any plan developed in consultation with the parents and guardians of pupils 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; *and*

(b) ~~Comply with subsection 10 of NRS 386.550; and~~
~~(e)~~ 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~~ *Unless the facility that the proposed charter school will occupy is a public school, documents* which indicate to the satisfaction of the department that the facility ~~that~~ *which* 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. 8. NAC 386.180 is hereby amended to read as follows:

386.180 ~~(1)~~ In addition to the items required pursuant to ~~paragraphs (a) to (r), inclusive, of subsection 3~~ *subsection 2* 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 ~~(a)~~ *, without limitation:*

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.

~~[(b)]~~ 2. The name, address and telephone number of the person selected to act as liaison pursuant to NAC 386.110.

~~[(e)]~~ 3. Information concerning records of pupils that will be maintained by the proposed charter school in accordance with NAC 386.360 ~~[-Such information must include:]~~

~~[(1) Except as otherwise provided in subsection 2, the]~~, *including, without limitation:*

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

~~[(1)]~~ (1) Maintaining records of pupils; and

~~[(2)]~~ (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.

~~[(2)]~~ (b) An example of the manner in which the cumulative record of a pupil is proposed to be stored.

~~[(3)]~~ (c) The proposed location within the charter school in which records of pupils will be stored.

~~[(4)]~~ (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.

~~[(5)]~~ (e) The policy of the charter school regarding the retention of the records of pupils.

~~[(d)]~~ 4. A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first 2 years of operation.

~~[(2) If the committee to form the charter school has received:]~~

~~—(a) An interim certificate of completion from the department pursuant to NAC 386.190; and~~

~~—(b) A pre-charter certificate from the board of trustees of the school district in which the proposed charter school will be located pursuant to NAC 386.200,~~

FLUSH ~~the committee is not required to submit the information described in subparagraph (1) of paragraph (c) of subsection 1 with the application. Such information must be submitted to the board of trustees before the board of trustees may approve the application pursuant to subsection 1 of NRS 386.525.]~~

Sec. 9. NAC 386.190 is hereby amended to read as follows:

386.190 If the department reviews an application to form a charter school to determine whether it is complete pursuant to subsection ~~[4]~~ 3 of NRS 386.520, the department will ~~[-~~

~~—1.— Provide]~~ *provide* written notice to the applicant of its determination as to whether the application is complete within ~~[15]~~ 10 days after receipt of the application . ~~[-or~~

~~—2.— Grant the committee to form the charter school an interim certificate of completion if:~~

~~—(a) The charter school will primarily serve pupils who meet the criteria of being “at risk” as set forth in NRS 386.500; and~~

~~—(b) Pursuant to subsection 4 of NAC 386.140, the committee to form the charter school has submitted to the department information stating that:~~

~~—(1) No suitable facility for the charter school was available at the time of application; and~~

~~—(2) The schedule for completing or obtaining a suitable facility does not exceed 1 year.]~~

Sec. 10. NAC 386.200 is hereby amended to read as follows:

386.200 1. ~~[Except as otherwise provided in subsection 2, if]~~ *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:

(a) Within ~~[30]~~ 5 days after receipt of the application ~~[-~~

~~—(1) Designate], designate~~ one or more employees of the school district to verify the contents of the application by:

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

~~[(1)] (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.

~~[(2)] (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 ~~[subparagraph (1):~~

~~—(b) Within 20] paragraph (a).~~

(c) *Within 5* 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.~~

~~—(c)] the decision of the board of trustees with regard to the application.~~

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

~~[2.—If the board of trustees receives an application that is accompanied by an interim certificate of completion issued by the department pursuant to NAC 386.190, the board of trustees is not required to comply with subparagraph (1) of paragraph (a) of subsection 1. The board of trustees shall designate one or more employees of the school district to interview the members of the committee to form the charter school regarding:~~

~~—(a) The information the committee provided to the department pursuant to subsection 4 of NAC 386.140; and~~

~~—(b) Any other factors related to completing or obtaining a suitable facility for the charter school that the board of trustees deems appropriate.~~

~~—3. The board of trustees will grant the committee to form the charter school a pre-charter certificate if:~~

~~—(a) The board is satisfied with the schedule for completing or obtaining a suitable facility for the charter school that the committee to form the charter school submitted to the department pursuant to subsection 4 of NAC 386.140; and~~

~~—(b) The committee to form the charter school provides the board with a list of dates on which the committee will submit to the board periodic reports regarding the progress of the committee in completing or obtaining a suitable facility for the charter school.~~

FLUSH ~~Except as otherwise provided in this subsection, a pre-charter certificate granted pursuant to this section expires 12 months after the date on which the board approves the schedule for completing or obtaining a suitable facility for the charter school. Upon request from the committee to form the charter school, the board of trustees may extend the duration of the pre-charter certificate for an additional 12 months.~~

~~—4. If a suitable facility for a charter school is completed or obtained before the expiration of the pre-charter certificate, the board of trustees shall complete its review of the application to form the charter school by complying with subparagraph (1) of paragraph (a) of subsection 1.]~~

2. The board of trustees may not grant a conditional charter to an applicant pursuant to subsection 3 of NRS 386.527 after May 1 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

Sec. 11. NAC 386.210 is hereby amended to read as follows:

386.210 ~~[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]~~ *Within 5 days after any change for which notice is required pursuant to this section, the* governing body of ~~[the]~~ *a* charter school ~~[to notify]~~ *shall provide written notice to* the board of trustees and the department of any changes in the ~~[facilities]~~ *facility* 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. 12. NAC 386.330 is hereby amended to read as follows:

386.330 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,]~~ *pursuant to subsection 2 of NRS 386.535*, 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 board of trustees has made a determination pursuant to subsection 1 of NRS 386.535; and*

(b) Describe the findings of the board of trustees that authorize the revocation of the written charter of the charter school pursuant to NRS 386.535.

Sec. 13. 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 ~~[described in subsection 4 of NAC 386.150]~~ *who are disabled* 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.

~~18.1~~ 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 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.

~~19.1~~ 8. If the governing body requests that a pupil be transferred pursuant to subsection ~~4~~ 3 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.