

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R024-01

Effective November 1, 2001

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

AUTHORITY: §§1-12, NRS 386.540.

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

1. Except as otherwise provided in subsection 2, before the board of trustees of a school district grants a written charter to the holder of a conditional charter that was issued before July 1, 2001, the board of trustees shall inform the department that the board of trustees has determined that each facility 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. Such a determination must be made at least 30 days before the first day of school for the:

(a) Public schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

whichever is earlier.

2. The board of trustees of a school district may grant a written charter to the holder of a conditional charter that was issued before July 1, 2001, without submitting the information required by subsection 1 if the board of trustees determines that the charter school cannot

FLUSH

demonstrate compliance with the requirements of subsection 1 as a result of circumstances which are not within the control of the charter school, including, without limitation, the unavailability of qualified persons who can inspect the facility that the charter school will occupy. If the board of trustees grants a written charter pursuant to this subsection, the board of trustees shall submit the information required by subsection 1 to the department as soon as practicable after the board of trustees has determined that the charter school has demonstrated compliance.

Sec. 2. NAC 386.125 is hereby amended to read as follows:

386.125 A committee to form a charter school must submit to the department a letter of intent to form a charter school by ~~February 15~~ *5 p.m. on August 15* of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

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 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 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 ~~March 1~~ *5 p.m. on September 1 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation* and to the board of trustees by ~~April 1~~ *5 p.m. on January 15* of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

Sec. 4. 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 3 of NRS 386.520, the department will provide written notice to the applicant of its determination as to whether the application is complete within ~~10~~ *15* working days after receipt of the application.

Sec. 5. NAC 386.200 is hereby amended to read as follows:

386.200 ~~1.~~ 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)~~ *1.* Within 5 days after receipt of the application, designate one or more employees of the school district to verify the contents of the application by:

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

~~(2)~~ *(b)* 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)~~ *2.* At the 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)~~ *subsection 1* and determine whether the application complies with all applicable state and federal statutes and regulations.

~~(e)~~ **3.** Within 5 working days after the meeting described in subsection 1 of NRS 386.525, provide written notice to the applicant of the determinations of the board of trustees with regard to:

~~(1)~~ **(a)** The completeness of the application; and

~~(2)~~ **(b)** The application's compliance with applicable state and federal statutes and regulations.

~~(d)~~ **4.** 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.—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. 6. NAC 386.220 is hereby amended to read as follows:

386.220 **1.** *In addition to the information required pursuant to NRS 386.527, a written charter must include a description of any other agreements entered into between the sponsor of the charter school and the charter school. The sponsor of a charter school shall amend the written charter, if necessary, to reflect any such agreements entered into after the written charter is issued.*

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

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

1. Pupils who earn academic credit at the school can readily transfer that credit to a comparable school without penalty.
2. The educational services provided by the school to pupils 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,~~ *and the sponsor of the charter school receive,* within 30 days after the first day of school, a list of the names and qualifications of all persons who 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 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.

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.

8. If the governing body requests that a pupil be transferred pursuant to subsection 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.

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

Sec. 8. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before August 15 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the department. If one calendar does not apply to all its schools, the district shall submit as many calendars as are necessary for application to all its schools. *If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district*

in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.

2. A school calendar must contain at least 180 school days in session. This period must be divided into 10 school months which contain not more than 20 potential school days per month.

3. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district as contingent days to be used as school days in session if:

(a) At least 75 percent of the schools in the district are rendered inaccessible or unusable by inclement weather, uncontrollable circumstances or an accident; or

(b) The governor declares a legal holiday not anticipated in the original school calendar.

FLUSH If a substantial majority of the schools within a school district are closed because of any of these conditions, all of the contingent days must be used before the school district applies for an emergency closing.

4. Any day for an organized teachers' conference for professional development convened by the board of trustees of a school district may be included in the number of school days in session required in subsection 2 with the prior approval of the superintendent of public instruction. A day for an organized teachers' conference may also be declared by the superintendent of public instruction. Not more than 5 days for teachers' conferences may be convened by a school district in any school year.

Sec. 9. NAC 387.280 is hereby amended to read as follows:

387.280 1. Information about enrollment and attendance which is recorded in the master register of enrollment and attendance must be accumulated at the end of each month for each grade within each school and submitted, in the manner prescribed by the superintendent of public

instruction, to the department within 10 days after the last day of each school month. All reports from a school district must be submitted together and sorted so that all reports from similar kinds of schools are together. Before submission of the reports, each school district shall review the reports to ensure the accuracy and completeness of the reports. *If a charter school submits a report pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the report to the requester.*

2. If a school district operates under more than one school calendar, the district shall submit, in addition to the reports required in subsection 1, the weighted and unweighted count of enrollment on the last day of the first school month of the school year for that district.

3. A pupil must be in attendance at least 1 day of the school month to be counted as enrolled at a school.

Sec. 10. NAC 387.281 is hereby amended to read as follows:

387.281 Each school district shall report to the department on December 1 of each year, in the manner prescribed by the superintendent of public instruction, the number of pupils in that district in grades 7 to 12, inclusive, who are dropouts. No pupil may be counted more than once.

If a charter school submits a report pursuant to this section, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the report to the requester.

Sec. 11. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsection 4, the count of pupils for calculating the basic support for each school district for any school year is the weighted count of enrollment of pupils in the school district on the last day of the first school month of the school

year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year. The last day of the first school month for that district is the last day of the first school month of the school calendar in which the greatest number of pupils attend.

2. If a school district operates any of its schools under a school calendar which does not provide for enrollment and attendance of pupils on the last day of the first school month as prescribed in subsection 1, the school district may, upon the written approval of the superintendent of public instruction, include in the count of enrollment as prescribed in subsection 1, the count of pupils attending under such a calendar on the school day of that calendar which is within 5 school days of the school day closest to the count day prescribed in subsection 1.

3. On a form prescribed by the superintendent of public instruction, the superintendent of schools of each school district shall certify to the department by November 1 of each school year the weighted count of enrollment as of the day prescribed in subsection 1. *If a charter school submits a form pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the form to the requester.*

4. A school district shall not count a pupil who enrolls in the ninth grade during or after the 2000-2001 school year as a full-time pupil for the purpose of calculating the basic support for the school district for a school year unless the pupil is in a minimum of:

- (a) Six courses or the equivalent of six periods per day if he is in grade 9, 10 or 11; or
- (b) Five courses or the equivalent of five periods per day if he is in grade 12.

Sec. 12. Section 1 of this regulation expires by limitation on June 14, 2002.

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R024-01

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 386 & 387, Related to Charter Schools (LCB File R024-01)**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted language to Nevada Administrative Code 386 & 387:

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

The Notice of Intent to Act Upon a Regulation for public hearing and permanent adoption of the revisions to NAC 386 & 387, related to Charter Schools, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing for Board permanent adoption of Temporary Regulation Language were conducted on October 6, 2001, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Board adopted the permanent language without revision.

- 2. The Number of Persons Who:**

a) **Attended Each Hearing:** Hearing: 11

b) **Testified at Each Hearing;** Hearing : 0

and,

c) **Submitted Written Statements:** Hearing: 0

No written comments were submitted.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through a public hearing notice August 29, 2001.

At the public hearing, no individuals from the audience spoke to the proposed language.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The permanent regulation language was adopted by the Nevada State Board of Education at the public hearing held October 6, 2001, without revision.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

With the revisions, there is no economic effect on the business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee.