

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R193-01

Effective April 1, 2002

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

AUTHORITY: §§1-33, NRS 386.540.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *“Educational management organization” means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a charter school contracts to operate, manage or oversee the educational services and programs of the charter school. The term includes a corporation, business, organization or other entity that directly employs and provides the administrator or any of the educational personnel, or both, of a charter school.*

Sec. 3. *“Fiscal year” means the 12-month period beginning on the first day of July and ending on the last day of June.*

Sec. 4. *“Operational charter school” means a charter school in which pupils are enrolled who are receiving instruction from the charter school.*

Sec. 5. 1. *The department will interpret the term “charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk” as used in subsection 2 of NRS 386.510, to mean those charter schools in which at least 51 percent of the pupils enrolled are pupils who are at risk, as that term is defined in NRS 386.500.*

2. If a written charter is issued to a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk, the charter school shall maintain documentation indicating which pupils enrolled in the charter school are pupils who are at risk, as that term is defined in NRS 386.500.

3. If the annual report of compliance submitted pursuant to section 12 of this regulation for a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk indicates that less than 51 percent of the pupils enrolled in the charter school are at risk, as that term is defined in NRS 386.500, the charter school shall:

(a) Within 1 year after the annual report of compliance, submit evidence to the sponsor of the charter school and to the department that the percentage of pupils enrolled in the charter school who are at risk, as that term is defined in NRS 386.500, has increased; and

(b) Within 2 years after the annual report of compliance, submit evidence to the sponsor of the charter school and to the department that at least 51 percent of the pupils enrolled in the charter school are at risk, as that term is defined in NRS 386.500.

Sec. 6. As used in subsection 4 of NRS 386.520 and subsection 4 of NRS 386.549, the department will interpret the term “2 years of experience as an employed teacher” to mean 2 years of experience as an employed teacher in any state in a position for which a teaching license is required.

Sec. 7. 1. The membership of the governing body of a charter school shall not include:

(a) An employee of the governing body or charter school, including, without limitation, an administrator or teacher; or

(b) A contractor of the governing body or charter school.

2. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the department:

(a) The name and address of each member;

(b) The résumé of each member;

(c) The state of residence of each member;

(d) If a member serves on the governing body as a teacher, as that term is used in subsection 4 of NRS 386.549, a photocopy of his license to teach; and

(e) An affidavit of each member indicating that he has not been convicted of a felony or any offense involving moral turpitude.

3. The governing body of a charter school governs the charter school, maintains overall control of the charter school and is responsible for the operation of the charter school, including, without limitation, critically evaluating the performance of a contractor for the charter school and selecting another contractor if the contractor is not performing his duties or services in a satisfactory manner.

4. Not later than 30 business days after each public meeting held by the governing body of a charter school pursuant to subsection 3 of NRS 386.549, the governing body shall submit to the department and to the sponsor of the charter school, a copy of the minutes of the meeting.

Sec. 8. 1. *The board of trustees of a school district or the state board of education may issue a written charter pursuant to subsection 4 of NRS 386.527 if the board of trustees or state board, as applicable, determines that the applicant is not prepared to commence operation on the date of issuance of the written charter. A written charter issued pursuant to subsection 4 of NRS 386.527 expires 1 year after the date of issuance and is nonrenewable. If a written charter is issued pursuant to subsection 4 of NRS 386.527, a governing body must be*

selected and the provisions of NRS 386.549 and section 7 of this regulation apply to the governing body.

2. A written charter issued pursuant to subsection 4 of NRS 386.527 must include:

(a) A notation indicating that it expires 1 year after the date of issuance and is nonrenewable;

(b) Each reason why the charter school is not prepared to commence operation on the date of issuance of the charter;

(c) The conditions that the governing body of the charter school must satisfy to convert the written charter issued pursuant to subsection 4 of NRS 386.527 to a written charter issued pursuant to subsection 2 of NRS 386.527;

(d) The tasks that must be accomplished by the governing body of the charter school before it may submit a supplemental application to convert the written charter issued pursuant to subsection 4 of NRS 386.527 to a written charter issued pursuant to subsection 2 of NRS 386.527, including, without limitation, the timeline by which those tasks must be accomplished; and

(e) A statement by the governing body of the charter school indicating that it understands that:

(1) To receive apportionments from the state distributive school account, the charter school must have pupils enrolled and attending school at least 1 school day before the count day for the school district in which the charter school is located; and

(2) The governing body shall not authorize the attendance of pupils at the charter school unless the charter school has obtained a written charter issued pursuant to subsection 2 of NRS 386.527.

3. Before the expiration of a written charter issued pursuant to subsection 4 of NRS 386.527, the holder of the charter may submit a supplemental application to the sponsor requesting that the sponsor determine whether the charter school is eligible for a written charter issued pursuant to subsection 2 of NRS 386.527. The supplemental application must be submitted not less than 30 days before the expiration of the written charter issued pursuant to subsection 4 of NRS 386.527.

Sec. 9. *1. If a charter school occupies a facility that is not being used as a public school by the school district in which the charter school is located, the charter school shall submit to the department and to the sponsor of the charter school a copy of the certificate of occupancy for the facility occupied by the charter school if a copy of the certificate of occupancy was not included in the application to form the charter school. A copy of the certificate of occupancy must be submitted to the sponsor of a charter school before a written charter is issued to the charter school pursuant to subsection 2 of NRS 386.527.*

2. The provisions of this section apply regardless of whether the sponsor of the charter school determines that the facility the charter school occupies is acceptable for use as a charter school.

Sec. 10. *1. A contract between the governing body of a charter school and an educational management organization, the board of trustees of a school district, the University and Community College System of Nevada or any business, corporation, organization or other entity, whether or not conducted for profit, to provide any service to the charter school must include a provision that requires the contractor to inform each person whom the contractor employs or hires and who provides a direct service to the charter school that:*

(a) The person is not employed by the governing body of the charter school; and

(b) The provisions of NRS 386.595 do not apply to an employee of the contractor or any person hired by the contractor to perform a service to the charter school, including, without limitation, the provisions governing the status of employees of a charter school and their collective bargaining rights and benefits.

2. If the governing body of a charter school enters into a contract with an educational management organization, the board of trustees of a school district, the University and Community College System of Nevada or any business, corporation, organization or other entity, whether or not conducted for profit, to provide any service to the charter school, the governing body shall, not later than 30 days after the contract is signed by both parties, submit to the sponsor of the charter school and the department:

(a) The name of the contractor;

(b) A copy of the contract;

(c) The name of a contact person for the contractor;

(d) The telephone number and mailing address of the contractor;

(e) A description of the service to be provided by the contractor; and

(f) A description of the manner in which each person who is employed or hired by the contractor to provide a direct service to the charter school has been notified of the information required by subsection 1.

FLUSH *If any of the information set forth in paragraphs (a) to (f), inclusive, was included with the application to form the charter school pursuant to subsection 6 of NAC 386.180, the governing body is not required to resubmit the information if it is still accurate after the contract has been entered into.*

Sec. 11. 1. The governing body of a charter school shall not enter into a contract with an educational management organization for a term of more than 2 years. Such a contract must allow the governing body to terminate the contract and must not prohibit the governing body from entering into a contract with another educational management organization. This subsection does not preclude a charter school from entering into another contract with the same educational management organization after the expiration of a contract if the educational management organization has performed in a satisfactory manner.

2. If the governing body of a charter school enters into a contract with an educational management organization, the governing body shall, at least annually, review the performance of the educational management organization to determine whether the educational management organization is performing in a manner that satisfies the terms and conditions of the written charter, including, without limitation, the satisfaction of the goals of the charter school. If the educational management organization is not performing in a satisfactory manner, the governing body shall require the educational management organization to prepare, in consultation with the governing body, a plan of corrective action for the educational management organization. The plan must include the steps which will be taken by the educational management organization to ensure that it performs in a manner which satisfies the terms and conditions of the written charter, including, without limitation, the satisfaction of the goals of the charter school.

3. If a panel to supervise the academic probation of a school is appointed pursuant to NRS 385.378 to supervise the academic probation of a charter school, the panel may determine, as part of its final written report required by NRS 385.381, that the charter school

terminate or not renew any contract entered into by the governing body of the charter school. The governing body shall comply with the recommendations of the panel.

4. If the governing body of a charter school enters into a contract with an educational management organization, the governing body shall require the educational management organization to provide a written report to the sponsor of the charter school not later than 15 business days after the end of each fiscal year during which the contract was in effect. The written report must include the:

(a) Amount of money received by the educational management organization from public and private sources to carry out the terms of the contract; and

(b) Expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses.

5. If an educational management organization is identified in the written charter of a charter school, the inclusion of a reference to that particular educational management organization in the written charter does not preclude the governing body of the charter school from terminating or not renewing a contract entered into with that educational management organization. If the governing body terminates or does not renew such a contract, the governing body shall amend the written charter accordingly to remove any errant references to that educational management organization.

Sec. 12. *The sponsor of a charter school shall submit to the department an annual report of compliance for the charter school. If the board of trustees of a school district is the sponsor of a charter school, the annual report of compliance must be included in the report that is required pursuant to NRS 386.610. The annual report of compliance must include:*

1. A determination whether the charter school and its governing body complies with the terms and conditions of operation set forth in the written charter.

2. A determination whether the membership of the governing body of the charter school complies with NRS 386.549 and section 7 of this regulation, including, without limitation, whether:

(a) The governing body consists of at least three teachers, as defined in subsection 4 of NRS 386.549;

(b) A majority of the members of the governing body reside in this state; and

(c) Each member of the governing body has filed an affidavit with the department indicating that he has not been convicted of a felony or offense involving moral turpitude.

3. A determination whether the governing body has held at least one regularly scheduled public meeting in the county in which the charter school is located during each calendar quarter and each meeting complied with chapter 241 of NRS.

4. Upon examination of the agenda and minutes of each meeting of the governing body and the reports submitted to the governing body during each meeting, a determination whether the governing body is fulfilling its duty to evaluate the performance of each entity with whom the governing body has entered into a contract, including, without limitation, the performance of an educational management organization.

5. If the charter school is dedicated to providing educational programs and opportunities for pupils who are at risk, a determination whether the:

(a) Percentage of pupils who are at risk complies with section 5 of this regulation; and

(b) Educational program and services provided to those pupils is appropriate and carried out in an effective manner.

6. *A determination whether the charter school has complied with generally accepted standards of accounting and fiscal management.*
7. *A determination whether all money received by the charter school from this state and from the board of trustees of a school district is deposited and maintained in a bank, credit union or other financial institution in this state.*
8. *A determination whether the charter school has adopted a final budget, as required by NRS 386.550 and NAC 386.370.*
9. *A determination whether the charter school complies with NRS 386.573 regarding orders for payment of money.*
10. *A determination whether the charter school administers achievement and proficiency examinations in accordance with chapter 389 of NRS and chapter 389 of NAC.*
11. *A summary of the manner in which the charter school ensures the health and safety of the pupils enrolled in the charter school, including, without limitation, a determination whether the charter school:*
 - (a) *Complies with the requirements for reporting the abuse or neglect of a child;*
 - (b) *Complies with Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;*
 - (c) *Provides adequate health services;*
 - (d) *Maintains records of the immunizations required of pupils in accordance with NRS 392.435;*
 - (e) *Complies with NRS 392.450 by providing drills for pupils in the appropriate procedures to be followed in the event of an emergency and by posting escape routes; and*
 - (f) *Complies with the requirements for crisis response in public schools in accordance with NRS 392.600 to 392.656, inclusive.*

12. A determination whether each facility that the charter school occupies complies with applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.

13. A determination whether the charter school complies with NRS 386.585, including, without limitation, whether the charter school:

(a) Provides a copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments to each pupil;

(b) Maintains, for public inspection at the charter school, a copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments; and

(c) Complies with the policies and procedures for the suspension and expulsion of pupils.

14. A description of the attendance policy of the charter school and a determination whether the policy is:

(a) Distributed to each pupil in accordance with NAC 386.350; and

(b) Available for public inspection during the school's regular business hours.

15. If pupils with disabilities are enrolled in the charter school, a determination whether the provision of special educational services and programs to those pupils complies with the requirements set forth in NAC 388.150 to 388.450, inclusive, and chapters 388 and 395 of NRS.

16. A determination whether the charter school provides instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school.

17. A determination whether the charter school provides at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation

from a public high school and requires the pupils who are enrolled in the charter school to take those courses of study.

18. A determination whether the charter school complies with NRS 386.590 regarding the employment of teachers and other educational personnel.

19. A determination whether the status of the employees of the charter school and the rights and benefits provided to those employees comply with NRS 386.595.

20. A description of the manner in which the charter school maintains personnel records for its employees.

21. A description of the procedure for the enrollment of pupils in the charter school, including, without limitation, whether the charter school enrolls pupils on the basis of a lottery system if more pupils who are eligible for enrollment apply for enrollment than the number of spaces that are available.

22. If the charter school provides instruction to pupils enrolled in kindergarten, first grade or second grade, a determination whether the charter school complies with NRS 392.040 regarding the ages for enrollment in those grades.

23. A determination whether the charter school refrains from charging tuition or fees, except for those fees that are authorized by specific statute or by the written charter of the charter school.

24. A determination whether the charter school provides written notice to the parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

25. A determination whether the charter school complies with NRS 386.583 regarding the adoption of rules for academic retention.

Sec. 13. NAC 386.010 is hereby amended to read as follows:

386.010 As used in NAC 386.010 to 386.390, inclusive, *and sections 2 to 12, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 386.020 to 386.050, inclusive, *and sections 2, 3 and 4 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 14. NAC 386.040 is hereby amended to read as follows:

386.040 “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.]~~ *the governing body of a charter school that is established pursuant to NRS 386.549 and section 7 of this regulation.*

Sec. 15. NAC 386.050 is hereby amended to read as follows:

386.050 “Written charter” means a written charter granted by the board of trustees of a school district *or the state board of education* pursuant to NRS 386.527. *The written charter includes both the application to form a charter school approved by the sponsor and a written agreement signed by the sponsor and the charter school.*

Sec. 16. NAC 386.100 is hereby amended to read as follows:

386.100 1. A committee to form a charter school may select a person to function as the administrative head of the proposed charter school. *The governing body of a charter school may select a person to function as the administrative head of a 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.

3. If an administrative head of a charter school was not identified in the application to form the charter school and the charter school subsequently selects an administrative head, the name, title, address and telephone number of the administrative head must be submitted to the department and to the sponsor of the charter school not later than 5 business days after the administrative head is selected. If the charter school replaces the administrative head, the name, title, address and telephone number of the new administrative head must be submitted to the department and to the sponsor of the charter school not later than 30 business days after such replacement.

4. A person who has been convicted of a felony or a crime involving moral turpitude may not serve as an administrative head of a charter school.

Sec. 17. NAC 386.125 is hereby amended to read as follows:

386.125 *1.* A committee to form a charter school must submit to the department a letter of intent to form a charter school . ~~[by 5 p.m. on August 15 of]~~ *The letter of intent must be submitted in the same fiscal year [immediately preceding the fiscal year in which the proposed charter school will begin operation.] in which the application to form the charter school is submitted and must be received by the department no fewer than 15 days before the application is submitted.*

2. The letter of intent must include:

(a) The name of the school district in which the proposed charter school will be located;

(b) Whether the proposed charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk;

(c) If the proposed charter school will operate exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, a statement indicating whether the application to form the charter school will be submitted to the board of trustees of the school district in which the proposed charter school is located or to the state board of education pursuant to NRS 386.525; and

(d) The date on which the proposed charter school will begin operation.

3. Except as otherwise provided in this subsection, if a committee to form a charter school submits a letter of intent for a charter school and an application to form that charter school is not submitted within the time period prescribed by NAC 386.130, the committee may not submit another letter of intent for a charter school within the same school district until after the completion of 2 fiscal years immediately succeeding the fiscal year in which the originally proposed charter school would have become an operational charter school. The restriction set forth in this subsection does not apply to a letter of intent submitted for a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk.

Sec. 18. 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 ~~[and]~~; *and*

(c) The state board of education, 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 ~~[and]~~; *and*

(c) The state board of education, pursuant to NRS 386.520,

FLUSH must be submitted on forms prescribed pursuant to subsection 1 and must be submitted to the department ~~[by]~~ *no later than* 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]~~ *or the state board of education no later than* 5 p.m. on January 15 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.

3. An application to form a charter school may not be submitted earlier than 2 fiscal years immediately preceding the fiscal year in which the proposed charter school will begin operation.

4. Pursuant to NRS 386.520 and 386.525, only a committee to form a charter school may submit an application to form a charter school. The department will not accept an application from a potential contractor or employee of the proposed charter school. Neither the state board of education nor the board of trustees of a school district shall accept an application from a potential contractor or employee of the proposed charter school.

5. An application may be submitted only for the kind of school, as defined in NRS 388.020, that will be operated during the first year of operation. If the applicant intends to expand the kind of school for which the charter school is authorized to operate after the first year of operation, the written charter must be amended pursuant to subsection 3 of NRS 386.527.

6. Except as otherwise provided in this subsection, if an application to form a charter school is approved and the charter school fails to become an operational charter school, the committee that submitted the application may not submit another application for a charter school within the same school district until after the completion of 2 fiscal years immediately succeeding the fiscal year in which the originally proposed charter school would have become an operational charter school. The restriction set forth in this subsection does not apply to an application submitted for a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk.

Sec. 19. NAC 386.140 is hereby amended to read as follows:

386.140 In addition to the items required pursuant to 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 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) *If available at the time that the application is submitted, a copy of the certificate of occupancy for the facility; and*
- (g) Documentation which demonstrates that the ~~{school-district in which}~~ *proposed sponsor* of 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}~~ *sponsor* against financial loss pursuant to ~~{subsection 11}~~ *paragraph (l) of subsection 1* 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 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, personnel or equipment;

(b) A plan for obtaining a suitable facility, personnel or equipment, including, 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 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, personnel and equipment;

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

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

(1) Office furniture and equipment;

(2) Computer equipment;

(3) Musical instruments;

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

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

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

Sec. 20. NAC 386.150 is hereby amended to read as follows:

386.150 In addition to the items required pursuant to 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 description of how progress towards the mission and goals of the charter school, as described in the written description pursuant to paragraph (b) of subsection 2 of NRS 386.520, will be measured.

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.

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.

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]~~ *in which* the charter school ~~is~~ *is located*; and

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

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.

9. If the charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk, a description of how the charter school will:

(a) Recruit pupils who are at risk;

(b) Serve the specific needs of pupils who are at risk; and

(c) Measure the success of the charter school in providing an education to pupils who are at risk.

10. A description of the manner in which the charter school will provide services and programs to pupils with disabilities in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive.

Sec. 21. NAC 386.160 is hereby amended to read as follows:

386.160 In addition to the items required pursuant to 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 *committee to form the charter school, and 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]~~ :

(a) *The* résumé of each member.

(b) *The state of residence of each member.*

(c) *If a member serves on the committee as a teacher, as that term is used in subsection 4 of NRS 386.520, a photocopy of his license to teach.*

2. *If a member of the committee to form the charter school has an association or affiliation, or had an association or affiliation, with any other charter school in this state or in another state:*

(a) *The name of the member;*

(b) *The name and location of the charter school with which the member has or had the association or affiliation, including, without limitation, the street address and mailing address of the charter school;*

(c) *The dates on which the member was associated or affiliated with the charter school;*

(d) *A statement indicating whether the member is presently associated or affiliated with the charter school or has ceased the association or affiliation;*

(e) *If the association or affiliation has ceased, a statement indicating the reason for the cessation; and*

(f) A written description of the nature of the association or affiliation.

3. 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.]~~ 4. The name, title, address, telephone number and qualifications of the person who is designated to draw all orders for the payment of money belonging to the charter school pursuant to NRS 386.573.

~~[4.]~~ 5. 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.]~~ 6. A description of the process that will be used to advertise for, select and employ instructional staff and other employees.

~~[6.]~~ 7. 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. 22. NAC 386.180 is hereby amended to read as follows:

386.180 In addition to the items required pursuant to 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, 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.

2. The name, address, ~~and~~ telephone number *and, if applicable, the e-mail address* of the person selected to act as liaison pursuant to NAC 386.110.

3. Information concerning records of pupils that will be maintained by the proposed charter school in accordance with NAC 386.360, including, without limitation:

(a) The name and title 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.

5. 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.

6. If known at the time of application:

(a) The name of each contractor, including, without limitation, an educational management organization, the board of trustees of a school district, the University and Community College System of Nevada and any business, corporation, organization or other entity, whether or not conducted for profit, with whom the charter school intends to contract to provide any service to the charter school;

(b) A copy of the format for the contract that will be used for each contractor identified in paragraph (a), if a particular format is anticipated at the time the application is submitted;

(c) The name of a contact person for each contractor identified in paragraph (a);

(d) The telephone number and mailing address of each contractor identified in paragraph (a); and

(e) A description of the service to be provided by the contractor.

Sec. 23. NAC 386.200 is hereby amended to read as follows:

386.200 **1.** If the board of trustees of a school district *or the state board of education* reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the *president of the* board of trustees *or the president of the state board of education, as applicable,* shall:

~~[(a)]~~ **(a)** Within 5 days after receipt of the application, designate one or more employees of the school district *or, if the state board of education reviews the application, one or more employees of the department,* to verify the contents of the application by:

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

~~[and]~~

~~[(b)]~~ **(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.]~~; and

(3) Performing any other investigation necessary or useful in verifying the contents of the application.

~~(b)~~ At the meeting described in ~~[subsection]~~ *subsections 1, 5 or 6* of NRS 386.525, *as applicable*, consider the application along with any reports generated by the employees of the school district *or department, as applicable*, pursuant to ~~[subsection 1]~~ *paragraph (a)* and determine whether the application complies with all applicable state and federal statutes and regulations.

~~[3.]~~ *(c)* Within 5 working days after the meeting described in ~~[subsection]~~ *subsections 1 or 6* of NRS 386.525, *as applicable*, provide written notice to the applicant of the determinations of the board of trustees with regard to:

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

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

~~[4.]~~ *(d)* If the board of trustees denies the application, forward a copy of the written notice of the denial, *including, without limitation, the reasons for the denial*, to the department within 5 days after the decision to deny the application is made.

2. If an application to form a charter school is approved by the sponsor, the:

(a) Written charter must include the application, as approved by the sponsor, and a written agreement signed by the sponsor and the charter school.

(b) Written notice provided to the department pursuant to NRS 386.527 indicating approval of the application must include the written charter.

Sec. 24. NAC 386.210 is hereby amended to read as follows:

386.210 Within 5 days after any change for which notice is required pursuant to this section, the governing body of a charter school shall provide written notice to the ~~[board of trustees]~~ *sponsor of the charter school* and the department of any changes in the facility ~~[or form of governance]~~ of the charter school, including, without limitation, any change in ~~[~~
~~1. The] the~~ location of the charter school . ~~[; and~~
~~2. The membership of the governing body of the charter school.]~~

Sec. 25. 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 *to the state board of education or* the board of trustees to form the charter school.

Sec. 26. NAC 386.230 is hereby amended to read as follows:

386.230 1. If a charter school fails to become *an* operational *charter school* by ~~[July 1]~~ *June 30* 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 *an* operational ~~[;]~~ *charter school*; and

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

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

or

(2) The charter school will not become *an* operational ~~[]~~ *charter school*.

2. If a charter school to which subsection 1 applies states that it intends to become *an* operational *charter school* 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]~~ *sponsor* in accordance with NRS 386.520 and 386.525 and NAC 386.130 to 386.180, inclusive.

Sec. 27. NAC 386.320 is hereby amended to read as follows:

386.320 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]~~ *sponsor* shall:

1. Within 30 days after receipt of the application, designate one or more employees of the school district *or, if the state board of education is the sponsor, one or more employees of the department*, 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 *or the employees of the department, as applicable*, pursuant to subsection 1 at a public meeting for which notice has been provided pursuant to chapter 241 of NRS.

Sec. 28. 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~~ *sponsor* shall:

1. Notify the governing body of the charter school, pursuant to subsection 2 of NRS 386.535, by certified mail.
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 the ~~board of trustees~~ *sponsor* has made a determination pursuant to subsection 1 of NRS 386.535; and
 - (b) Describe the findings of the ~~board of trustees~~ *sponsor* that authorize revocation of the written charter of the charter school pursuant to NRS 386.535.

Sec. 29. 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 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 *are or* 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. 30. NAC 386.360 is hereby amended to read as follows:

386.360 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] all~~ records pertinent to:

~~[(1)] (1)~~ The indebtedness of the charter school, if any; and

~~[(2)] (2)~~ Any property of the charter school that is encumbered.

4. If a charter school closes, the charter school shall, for each pupil enrolled in the charter school, forward the permanent record of the pupil to the office of pupil records of the school district in which the pupil resides.

5. If a pupil graduates or withdraws from a charter school, the charter school shall forward the permanent record of the pupil to the office of pupil records of the school district in which the pupil resides.

Sec. 31. NAC 386.370 is hereby amended to read as follows:

386.370 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]~~

(c) *The* sponsor of the charter school.

Sec. 32. NAC 386.380 is hereby amended to read as follows:

386.380 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,

FLUSH 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.

FLUSH 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];~~

~~—(e)~~ The legislative counsel bureau; and

~~[(d) The school district that is the]~~

(c) *The* sponsor of the charter school.

Sec. 33. NAC 386.390 is hereby amended to read as follows:

386.390 A charter school must:

1. Comply with generally accepted accounting principles.
2. Utilize the chart of accounts prescribed by the department of taxation.

3. Maintain all money received by the charter school from this state and from the board of trustees of a school district in a bank, credit union or other financial institution in this state.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R193-01**

The State Board of Education adopted regulations assigned LCB File No. R193-01 which pertain to charter schools (chapter 386 of the Nevada Administrative Code) on January 26, 2002.

Notice date: 11/9/01 and 12/18/01
Hearing date: 12/1/01 and 1/26/02

Date of adoption by agency: 1/26/2002
Filing date: 4/1/2002

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 386:

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 Workshop to Solicit Comments on proposed revisions to NAC 386, Charter Schools, was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted by the Nevada State Board of Education on December 1, 2001, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and Board adoption of proposed revisions to NAC 386, Charter Schools, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted by the Nevada State Board of Education on January 26, 2002, to provide the opportunity for comments by affected parties and the public. There were comments from the public. The Board adopted the proposed language without revision.

2. The Number of Persons Who:

a) Attended Each Hearing:	Workshop: 17	Hearing: 19
b) Testified at Each Hearing;	Workshop: 0	Hearing: 5
and,		
c) Submitted Written Statements:	Workshop: 0	Hearing: 3

Written comments submitted were: 1) Letter dated January 24, 2002, from Senator Maurice Washington with concerns for the at-risk charter school definition, proposed time limits on Section 16 charters, and the proposed timelines for a charter school to become operational; 2) letter dated January 25, 2002, from Odyssey Charter School, Las Vegas, with questions on accounting procedures to follow with a management organization; and, 3) letter dated January 26, 2002, from Joan Sando, Chief Education Officer, Explore Knowledge Academy Charter School, with concern for requiring teachers to have two years experience in Nevada..

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 the workshop notice of November 9, 2001. No comments from the public were received at the December 1, 2001, workshop.

Comment was solicited through the public hearing notice of December 18, 2001. There were comments from five individuals in the public were received at the January 26, 2002, public hearing: 1) Craig Butz, Principal, Odyssey Secondary Charter School, Las Vegas, advised that his charter school board contracts with educational management organizations in areas of administration, teaching, financial accounting, special education, clerical and janitorial services allowing for savings in personnel between the two charter schools; 2) Ricci Elkins, Executive Director, Nevada Charter Schools Alliance, expressed the following concerns and recommendations: pertaining to the fifty-one percentage requirement for an at-risk charter school, she recommended the application component show the different services the school will provided for the accountability purpose in identifying an at risk school; as there is insufficient time for a development period which is usually twelve to 18 months for a school to become operational, it is her recommendation that the date should be mid-September rather than June 30; regarding the loan process, she encouraged reconsideration of the one year submission of a loan application prior to approval which would address the possible short term needs of a charter school to meet a payroll; and, that there should be assurance that school districts are complying with the necessary building and safety codes; 3) Joan Sando, Chief Education Officer, Explore Knowledge Academy, was confused about two years of teaching in Nevada and clarification was made that the proposed language requires "two years of experience as an employed teacher in any state in a position for which a teaching license is required" and does not require two years of teaching in Nevada; 4) Leslie Fritz, Learning and Public Policy Specialist, Nevada State Education Association spoke regarding the definition of "at-risk," stating that it is firmly believed that 51% is sufficient which meets the intent of the legislation, that there is concern regarding contracts with for-profit educational management organizations (EMO's) as charter schools should be non-profit as are all public schools and urged the Board's adoption of the proposed language as presented; and, 5) Dotty Merrill, Interim Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, supported the language regarding the definition of an "at-risk" charter school, accreditation of charter schools, and identification of storage of permanent records.

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 January 26, 2002, 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:**

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.