

LCB File No. T050-01

**ADOPTED TEMPORARY REGULATION OF THE
NEVADA STATE BOARD OF EDUCATION**

(Effective May 10, 2001)

EXPLANATION – Matter in *italics* is new, matter with ~~strike through~~ is material to be omitted.

AUTHORITY: NRS 385.080 & 386.540

Section 1. NAC 386 is hereby amended as follows:

Section 2. NAC 386.120 Sponsorship of charter schools by board of trustees: Application for authorization. (NRS 386.540)

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

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

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

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

3. By applying for authorization to sponsor charter schools pursuant to NRS 386.515, a school district board of trustees agrees to include all charter schools it sponsors in the following reporting processes:

(a) Accountability and fiscal reporting;

(b) Other reporting as directed by the superintendent of public instruction.

4. If students whose district of residence differs from the sponsoring district are enrolled in the charter school, the sponsoring district agrees to provide information to the districts of residence concerning the pupils who are included in the reporting requirements, and the district of residence will not include this information on these pupils in their reports.

5. School districts authorized to sponsor charter schools shall ensure that charter documents are drafted, or amended, to reflect contractual agreements, if any, established between a district and a charter school.

Section 3. NAC 386.190 Review of application to form charter school by department:

Written notice of determination. (NRS 386.540) 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.

Section 4. NAC 386.200 Procedure for review of application to form charter school by board of trustees; limitation on grant of conditional charter. (NRS 386.540)

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) 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) Performing a physical inspection of the location of the proposed charter school; and
- (2) Interviewing the members of the committee to form the charter school and, where appropriate, the proposed administrators and staff members of the proposed charter school.

(b) At the 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) and determine whether the application complies with all applicable state and federal statutes and regulations.

(c) 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) The completeness of the application; and
- (2) The application's compliance with applicable state and federal statutes and regulations.

(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. 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.

3. If pursuant to NRS 386.527(4) a school district board of trustees determines the holder of a conditional charter is eligible for the issuance of a charter, the board of trustees must inform the department that the board of trustees is satisfied that the facility that the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Such determination must be made at least 30 days prior to the school district's traditional, non year-round calendar first day of classes or 30 days prior to the charter school's first day of classes, whichever is earlier.

OPERATION AND FINANCES

Section 5. NAC 386.350 Responsibilities of governing body. (NRS 386.540) 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, 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. The charter school designates a responsible employee who shall verify to the sponsoring school district that charter school data has been gathered in accordance with established district compliance procedures.

10. Reports required by NAC 387.120, NAC 387.280, NAC 386.350(3), NAC 386.380, NAC 387.345, NRS 386.600(1), NAC 387.281, NRS 386.605(1) and (2), NAC 386.370, NRS 386.605(3) and NRS 386.610(2) are submitted to the sponsoring school district and the school districts of residence for charter school-enrolled students as well as to all other entities required by statute and regulation.

Section 6. NAC 387 is hereby amended as follows;

Section 7. NAC 387.345 Calculating basic support. (NRS 385.080, 387.123)

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.

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.

5. If a charter school ceases operation for any reason, the charter school's remaining quarterly basic support funds shall be redirected, on a per-pupil basis, to any Nevada school district in which the former charter school's students enroll.

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NOTICE OF ADOPTION OF TEMPORARY REGULATION T051-01

The Nevada State Board for Occupational Education adopted the amendments to chapters 386 and 387 of NAC on May 10, 2001.

INFORMATIONAL STATEMENT

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

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS
REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 386 & 387, Related to Charter Schools**

The following statement is submitted for adopted amendments 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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one hundred twenty-five individuals and educational organizations. One Workshop was held on January 22, 2001. There was comment from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and permanent adoption of the proposed revisions to NAC 386 & 387, related to Charter Schools, was sent to approximately one hundred fifty individuals and educational organizations. Two public hearings were conducted on March 3, 2001 and April 7, 2001, to provide the opportunity for comments by affected parties and the public. There were comments from the public at the March 3, 2001, public hearing. No comments were received at the April 7, 2001, public hearing.

2. The Number of Persons Who:

- a) **Attended Each Hearing:** Workshop: 20 First Hearing: 18 Second Hearing: 11
b) **Testified at Each Hearing;** Workshop: 3 First Hearing: 3 Second Hearing : 0
and,

- c) **Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second 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 the workshop notice of January 5, 2001, and the public hearing notices of January 31, 2001, and March 7, 2001.

At the January 22, 2001, Workshop to Solicit Comments, two individuals from the public spoke to the proposed language revisions: 1) Joyce Haldeman, Director, Community and Government Relations, Clark County School District, was concerned for making school districts responsible for charter school student reporting; and, 2) Leslie Fritz, Learning and Public Policy Specialist, Nevada State Education Association, supported holding charter schools accountable for reporting through the SMART system to be consistent with public school student reporting, and stated that the fiscal responsibility should lie with the charter schools.

At the March 3, 2001, first public hearing, three individuals spoke to the proposed language: 1) Lucretia Glidewell, Chief Business & Finance Officer, Odyssey Charter School, Las Vegas, spoke about the appeal process that requires the applicant to re-submit a denied application to the sponsoring school district and wondered why the charter school would be required to pay the site-license fee for the SMART system if the school district provides a site for input; 2) Kathy Erickson, Explore Knowledge Academy, identified that federal funds could possibly cover the costs assumed by the charter schools, and expressed concern about the proposed language that requires the facility to be inspected and ready for occupational thirty days prior to opening of classes; and, 3) Joyce Haldeman, Director, Community and Government Relations, Clark County School District, stated that the agreement between the school district and charter school could include language to identify that the charter school is also responsible for student reporting, including the understanding that the site license cost should be borne by the charter school at a possible cost of between \$10,000.00 to \$20,000.00. At the April 7, 2001, second 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 temporary draft regulation language was adopted by the Nevada State Board of Education at the public hearing held April 7, 2001, with revision to the proposed language to remove language regarding student reporting requirements.

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.