

**LCB File No. R060-02**

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

**Explanation:** Matter in *italics* is new; matter in brackets **H** is material to be omitted.

**AUTHORITY:** NRS 385.080 & 386.540

**Section 1.** NAC 386 is hereby amended as follows:

**Section 2.** *The licensed teacher percentage requirements cited in NRS 386.590 shall be calculated based on the total number of staff providing instruction at the charter school, not on a full time equivalent calculation.*

**Section 3.** *"Parent" as used in NRS 386.549(1) means a parent of a child enrolled in and attending the school. It includes the parent of a child enrolled in and attending the school within the previous two years.*

**Section 4.** *Pursuant to NRS 386.650, a charter school shall begin reporting data to the school district in which it is located no later than at the start of the charter school's second year of operation.*

**Section 5.** *"Representatives of non-profit organizations and businesses" as used in NRS 386.549(1) means any number of such organizations and businesses may be represented on the charter school's governing body, but there may be no more than one person on the governing body representing any particular organization or business.*

**Section 6.** *An advisory committee appointed by a charter school's governing body to make recommendations to the governing body must abide by the open meeting law.*

**Section 7.** *Neither a charter school nor the school's governing body may be incorporated.*

**Section 8.** *NRS 332.155, the Local Government Purchasing Act, applies to charter school governing bodies, and no member of the governing body may be interested directly or indirectly in any contracts with the governing body or the charter school.*

**Section 9.** *(a) A charter school that is sponsored by a school district board of trustees may provide instruction only in facilities located in the county whose school district board of trustees is the sponsor of the school.*

*(b) A charter school that is sponsored by a school district board of trustees and provides a course or program of distance education that uses facilities other than a pupil's home in which to provide instruction may provide instruction only in facilities located in the county whose school district board of trustees is the sponsor of the charter school.*

*(c) A charter school that is sponsored by the state board of education may provide instruction only in facilities located in one county. No committee to form a charter school may submit more than one application to the state board of education for sponsorship. No application submitted to either the state board of education or a school district board of trustees may be for a charter school located in more than one county.*

*(d) A charter school that is sponsored by the state board of education and provides a course or program of distance education that uses facilities other than a pupil's home in which to provide instruction may provide instruction only in facilities located in one county.*

**Section 10.** *A majority of the members of the governing body of a charter school must reside in the county in which the charter school is located.*

**Section 11.** *Except as authorized by NRS 386.560, the governing body of a charter school may not enter into a contract with any business, organization or other entity under the terms of which the entity agrees:*

*(a) To employ or provide the administrator or any other of the instructional or educational support personnel of the charter school;*

*(b) To operate, manage or oversee any educational service or program of the charter school unless the entity is an educational management organization.*

**Section 12.** *With respect to any contract entered into for a purpose described in Section 11 and existing on the effective date of this regulation, no money apportioned to a charter school on or after that date, pursuant to NRS 387.124, may be expended in connection with a contract that violated the provisions of Section 11.*

**Section 13.** Section 2 of LCB File R193-01 as filed with the Secretary of State on April 1, 2002, is hereby amended to read as follows:

**Section 14.** "Educational management organization" means a corporation, business, organization or other entity ~~[, whether or not conducted for profit,]~~ with whom the charter school contracts to operate, manage or oversee the educational services and programs of the charter school. The term ~~[includes]~~ does not include a corporation, business, organization or other entity that ~~[directly employs or provides]:~~

*(a) is conducted for profit; or*

*(b) purports to employ or provide* the administrator or any of the ~~[educational personnel, or both]~~ *instructional or educational support personnel* of a charter school