

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R045-06

Effective August 31, 2007

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

AUTHORITY: §1, NRS 386.535 and 386.540.

A REGULATION relating to education; revising provisions governing the revocation of a written charter of a charter school by its sponsor; and providing other matters properly relating thereto.

Section 1. NAC 386.330 is hereby amended to read as follows:

386.330 If the sponsor of a charter school intends to revoke the written charter of a charter school pursuant to NRS 386.535, the sponsor shall:

1. Notify the governing body of the charter school, pursuant to subsection 2 of NRS 386.535, by certified mail. *If the State Board of Education is the sponsor of the charter school, the Department will transmit written notice of the Board's intent to revoke the charter to the governing body of the charter school by certified mail. The written notice must:*

(a) Be signed by the Superintendent of Public Instruction or his designee; and

(b) Comply with subsection 3.

2. ~~[Submit]~~ *If the board of trustees of a school district is the sponsor, 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 sponsor has made a determination pursuant to subsection 1 of NRS 386.535; and

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R045-06

The Department of Education adopted regulations assigned LCB File No. R045-06 which pertain to chapter 389 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

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 200 individuals and educational organizations. A workshop was held on March 24, 2006. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 386.330 – Procedure for Revocation of Written Charter was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on April 29, 2006 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 5; First Hearing: 5; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: 0

A copy of any written comments may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

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.

Comments were solicited through the workshop notice of March 24, 2006; and the public hearing notice of March 24, 2006. At the April 29, 2006 Workshop to Solicit Comments, there was public comments to the proposed amendments to the regulation language. At the April 29, 2006 public hearings there was no public comment to the proposed amendments to the regulation language.

Summary of Comments:
Workshop/Public Hearing Comments:

Workshop comments:

- (a) Craig Kadlub, Clark County School District, indicated that Clark County is in support of the proposed changes as they would foster compliance in a more timely manner.

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held April 29, 2006. The reason for adopting the regulation would facilitate corrective action on the part of a charter school that needed to come into compliance with statute or regulation. The State Board would retain full authority to revoke a charter. The State Board would be provided information on noncompliance on an ongoing basis prior to the Superintendent of Public Instruction or designee issuing the written notice.

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

There is no anticipated economic effect of the regulation on the business that the agency regulates and there are no known adverse effects. The amendments are beneficial to the State Board in that it would allow its agent, the Department of Education, to act more responsively in cases where there is serious charter school noncompliance. There are no adverse, immediate, or long term affects on the State Board of Education or the Department of Education. There are no beneficial, immediate and long term affects on the state, school district, and schools

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 governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 for a new fee or increase an existing fee.