

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R054-23

October 9, 2023

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

AUTHORITY: §§ 1 and 2, NRS 388A.105, as amended by section 29 of Assembly Bill No. 400, chapter 387, Statutes of Nevada 2023, at page 2179, and NRS 388A.110; § 3, NRS 385A.820 and 388A.110; § 4, NRS 388A.110.

A REGULATION relating to charter schools; revising requirements governing the application for authorization to sponsor a charter school to apply to an applicant that is a city or county; revising provisions governing sponsors of charter schools to apply to a city or county that is the sponsor of a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to adopt regulations that prescribe requirements to sponsor a charter school, including: (1) the process for submission of an application to sponsor a charter school; (2) the contents of such an application; and (3) the process and timeline for the Department to review the application. (NRS 388A.105) In 2023, the Legislature authorized a city or county to submit an application to sponsor a charter school. (NRS 388A.220, as amended by section 32 of Assembly Bill No. 400, chapter 387, Statutes of Nevada 2023, at page 2180)

Existing regulations impose various requirements relating to sponsors of charter schools, including, without limitation, requirements: (1) relating to applications for authorization to sponsor a charter school; (2) for a sponsor of a charter school that intends to terminate a charter contract; (3) relating to the reporting of certain data by sponsors of charter schools; and (4) for sponsors of charter schools to conduct performance audits of such charter schools. (NAC 388A.120, 388A.345, 388A.555, 388A.595) This regulation applies these requirements to a city or county that applies to sponsor, or is the sponsor of, a charter school.

Section 1. NAC 388A.120 is hereby amended to read as follows:

388A.120 1. If the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* applies to the Department for authorization to sponsor charter schools pursuant to NRS 388A.220, *as amended by section 32*

of Assembly Bill No. 400, chapter 387, Statutes of Nevada 2023, at page 2180, the following information must be provided on the application:

(a) The date on which the board of trustees, the college or the university ~~or~~ *or the city council or board of county commissioners*, as applicable, voted to apply for authorization to sponsor charter schools, as reflected in the minutes of the board of trustees, the college or the university ~~or~~ *or the city council or board of county commissioners*, as applicable.

(b) The signature of the superintendent of the school district that the board of trustees serves , ~~or~~ the signature of the president of the college or university ~~or~~ *or the signature of the mayor of the city or chair of the board of county commissioners*, as applicable.

(c) A description of the following:

(1) The organizational capacity and infrastructure of the applicant.

(2) The procedures and criteria for the applicant's evaluation of charter school applications in accordance with NRS 388A.252, *as amended by section 35 of Assembly Bill No. 400, chapter 387, Statutes of Nevada 2023, at page 2183*, including, without limitation, the manner in which the applicant will determine:

(I) Whether an applicant to form a charter school is of high quality; and

(II) Whether the charter school will meet the identified educational needs of pupils and serve to promote the diversity of public educational choices in this State.

(3) The procedures that the applicant will use to negotiate and execute a charter contract with the governing body of a charter school.

(4) The procedures and criteria for the applicant's evaluation of applications for the renewal of charter contracts.

(5) The procedures that the applicant will use to monitor the performance of each charter school that the applicant sponsors.

2. An application to sponsor charter schools must be submitted to the Department not later than May 1 immediately preceding the date set forth in the application on which the applicant will begin accepting applications to form charter schools.

3. Not later than 30 days after receipt of an application for authorization to sponsor charter schools, the Department will:

- (a) Review the application;
- (b) Determine whether to approve or deny the application; and
- (c) Notify the applicant in writing of the Department's determination.

4. If the Department denies an application for authorization to sponsor charter schools, the applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

Sec. 2. NAC 388A.345 is hereby amended to read as follows:

388A.345 If the sponsor of a charter school intends to terminate the charter contract pursuant to NRS 388A.330, the sponsor shall:

1. Notify the governing body of the charter school, pursuant to subsection 2 of NRS 388A.330, by certified mail.

2. If the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, 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 388A.330; and

(b) Describe the findings of the sponsor that authorize termination of the charter contract pursuant to NRS 388A.330.

Sec. 3. NAC 388A.555 is hereby amended to read as follows:

388A.555 A charter school shall report the data required pursuant to NRS 385A.820 to:

1. The school district in which the charter school is located if the school district is the sponsor of the charter school; or

2. The Department of the State Public Charter School Authority, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* is the sponsor of the charter school,

↪ not later than the first day of instruction of the first year of operation of the charter school.

Sec. 4. NAC 388A.595 is hereby amended to read as follows:

388A.595 1. The sponsor of a charter school shall submit to the Department a performance audit that reports the compliance of the charter school with the charter contract and with the applicable statutes and regulations. The report of compliance must be submitted annually unless the charter school satisfies the requirements set forth in NRS 388A.405 to submit to the performance audit every 3 years.

2. If the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* is the sponsor of a charter school, the results of the performance audit must be included in the report that is required pursuant to NRS 388A.351.