

Joe Lombardo
Governor

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Superintendent of
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, August 31, 2023**, via [YouTube](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**1:10 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.525—
Submission of Public Meeting Minutes and Agendas.**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, August 30, 2023.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: August 16, 2023

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.525.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding submission of charter school public meeting minutes and agendas is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

NAC 388A.525 Governing body: Restrictions on membership; responsibilities; application for membership; submission of certain information to Department and sponsor; approval of minutes of public meetings. ([NRS 388A.105](#), [388A.110](#), [388A.320](#))

1. 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.
2. 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.
 - (b) Except as otherwise provided in subsection 3:
 - (1) A person who is related by blood or marriage to an employee of the governing body or charter school.
 - (2) A person who is related by blood or marriage to another member of the governing body.
 - (c) Except as otherwise provided in this paragraph, any person who:
 - (1) Owns, operates, is employed by or receives compensation from a corporation, business, organization or other entity that enters into a contract with the governing body or charter school; or
 - (2) Is related by blood or marriage to a person described in subparagraph (1).

Pursuant to the requirements of [NRS 332.800](#), a person described in this paragraph may serve on the governing body if the person has entered into a contract with the governing body to provide goods or services to the charter school without profit or at no cost to the charter school. The governing body shall maintain documentation of the terms of such a contract.

3. The governing body of a charter school may apply to the State Public Charter School Authority for approval to have one or more members of the governing body be related by blood or marriage to:
 - (a) An employee of the governing body or charter school; or
 - (b) Another member of the governing body.

The State Public Charter School Authority may grant such approval for good cause shown and may make its approval contingent upon the governing body agreeing to additional oversight or conditions.

4. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, not more than one other member of the governing body may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business. In no event may representatives of the same organization or

business serving on the governing body constitute a majority of the members of the governing body.

5. The sponsor of a charter school shall prescribe an application for potential members of the governing body of the charter school to submit as part of the process to become a member of the governing body.

6. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the sponsor of the charter school and the Department:

(a) The name and address of each member;

(b) The resume 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 defined in subsection 6 of [NRS 388A.320](#), a photocopy of his or her license to teach;

(e) The application of each member; and

(f) An affidavit of each member indicating that the member:

(1) Has not been convicted of a felony or any offense involving moral turpitude; and

(2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the member by the sponsor of the charter school, as required pursuant to [NRS 388A.320](#).

7. For the purposes of [chapter 281A](#) of NRS, the members of the governing body of a charter school are public officers.

8. 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 or her duties or services in a satisfactory manner.

~~[9.— Not later than 30 business days after each public meeting held by the governing body of a charter school pursuant to subsection 5 of [NRS 388A.320](#), the governing body shall submit to the Department and to the sponsor of the charter school a copy of the minutes of the meeting. The minutes of each public meeting must be approved at the next meeting of the governing body and revised as necessary.~~

~~—10.— If the minutes of a meeting have not been approved by the governing body of a charter school when it submits the minutes pursuant to subsection 9, the governing body shall:~~

~~—(a) Submit a written statement, accompanying the minutes that are submitted pursuant to subsection 9, indicating that the minutes have not been approved and are subject to revision; and~~

~~—(b) Submit to the Department and the sponsor of the charter school a copy of the approved minutes not later than 10 days after such approval.]~~

9. Upon posting an agenda of a public meeting of a charter school's governing body pursuant to NRS Chapter 241, the governing body of a charter school shall submit to the sponsor of a charter school a copy of the agenda, and no later than 10 business days after approval of the minutes of a meeting of a governing body of a charter school, the governing body shall submit a copy of the approved minutes.

~~[11]~~ 10. The governing body of a charter school shall notify the sponsor of any change in the membership of the governing body not later than 5 business days after the change occurs.

~~[12]~~ 11. As used in this section, "public officer" has the meaning ascribed to it in [NRS 281A.160](#).

(Added to NAC by Dep't of Education by R193-01, e