

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

**STATE OF NEVADA
BOARD OF EDUCATION**

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doc.nv.gov | Fax: (775) 687-9101

January 10, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R073-23

The Nevada State Board of Education will hold a public hearing at **4:00 P.M. on Wednesday, January 10, 2024** 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 388A of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute 385.080 and 388A.231.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** 1. This regulation is necessary to authorize a proposed sponsor to approve a request for a change in sponsorship if (1) The charter school is in sound financial condition; (2) the charter school agrees to enter into a charter contract with the new sponsor; or (3) the request for a change in sponsorship is approved by the current sponsor of the charter school, regardless of the last rating of the charter school.
- 2. Description of the proposed regulation, or the subjects and issues involved:** 2. The propose regulation revises the conditions under which a governing body of a charter school is authorized to request a change in the sponsorship of the charter school.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the State Board of Education, Nevada Department of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the State Board of Education may provide in-person testimony, submit written comment to the State Board of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the State Board of Education, Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before July 6, 2022. A record of all submitted comments will be retained, and the State Board of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted 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.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

LCB File No. R073-23

October 30, 2023

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

AUTHORITY: § 1, NRS 385.080 and 388A.231.

A REGULATION relating to charter schools; revising provisions relating to a change in the sponsorship of a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a charter school is authorized to request a change in the sponsorship of the charter school. Existing law also requires the State Board of Education to adopt: (1) a process for a charter school to request a change in sponsorship; and (2) objective criteria for the conditions under which such a request may be granted. (NRS 388A.231) Existing regulations prescribe the process for a charter school to request a change in sponsorship. Under existing regulations, a proposed sponsor is authorized to approve a request for a change in sponsorship if: (1) the charter school is in sound financial condition; (2) the charter school agrees to enter into a charter contract with the new sponsor; and (3) the charter school received a certain rating during the last rating of the charter school pursuant to the statewide system of accountability for public schools. (NAC 388A.300) This regulation additionally authorizes a proposed sponsor to approve a request for a change in sponsorship if: (1) the charter school is in sound financial condition; (2) the charter school agrees to enter into a charter contract with the new sponsor; and (3) the request for a change in sponsorship is approved by the current sponsor of the charter school, regardless of the last rating of the charter school.

Section 1. NAC 388A.300 is hereby amended to read as follows:

388A.300 1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 388A.231.

2. A request for a change in sponsorship may not be made if the proposed sponsor is a school district other than the school district in which the charter school is located.

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

- (a) A copy of the most recently approved application to form a charter school; and
- (b) A copy of the charter contract with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The charter school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The ~~{charter}~~ :

(1) Charter school was rated in the first, second or third highest tier during the last rating of the charter school pursuant to the statewide system of accountability for public schools immediately preceding the date on which the request is submitted; *or*

(2) Request for a change in sponsorship is approved by the current sponsor of the charter school; and

(c) The charter school agrees to enter into a charter contract with the new sponsor. The charter contract may differ from the charter contract which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.