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February 29, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada Department of Education as proposed in LCB File #R054-23P.

The DEPARTMENT will hold a public hearing at **10:00 AM** on Friday, March 29th, 2024 via [Livestream Link](#) 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to 388A.120, 388A.345, 388A.555, 388A.595 of the Nevada Administrative Code (NAC), pursuant to NRS 388A.105 regarding charter schools.

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:

- **To expand the number of charter school authorizers to include cities and counties**

In accordance with NRS 388A. 105 the Department is instructed to adopt regulations requiring: 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.

- 2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation:** The revised text of the proposed regulation is attached to this notice.
- 3. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation would revise requirements governing the application for authorization to sponsor a charter school to

apply to an applicant that is a city or county.

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. **Method 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 governmental agencies.
8. **Is the regulation required by federal law?** This regulation is/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 regulation.
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 [Event - March 29, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#), 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 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 Department] Nevada Department of Education, **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 Thursday, March 28th. A record of all submitted comments will be retained, and the Department or Board 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 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>, 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.

--1-- LCB Draft of Proposed Regulation R054-23

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 --2-- LCB Draft of Proposed Regulation R054-23 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 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 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 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. --3-- LCB Draft of Proposed Regulation R054-23 (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 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: --4-- LCB Draft of Proposed

Regulation R054-23 (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 if 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.