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STATE OF NEVADA
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May 3, 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 #R055-23.

The DEPARTMENT OF EDUCATION will hold a public hearing **at 11:00 AM** on Friday, May 3rd, 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 purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388A.525 and of the Nevada Administrative Code (NAC), pursuant to NRS 388A.105, NRS 388A.110, and NRS 388A.320.

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

1. The need for and the purpose of the proposed regulation or amendment:

- To ensure transparency with agendas from public meetings for public charter schools.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

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.

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 is not impacted by this regulation.

6. 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 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 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, **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, May 2nd. 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.

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 Commission on Professional Standards, 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.

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R055-23

October 9, 2023

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

AUTHORITY: § 1, NRS 388A.105, 388A.110 and 388A.320.

A REGULATION relating to charter schools; requiring the submission of the agenda for a public meeting of the governing body of a charter school to the sponsor of the charter school; revising provisions governing the submission of the approved minutes of such a public meeting; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education, in consultation with the State Public Charter School Authority and certain other entities, to adopt regulations that prescribe the ethics requirements for the governing bodies of charter schools. (NRS 388A.105) Existing law also authorizes the Department to adopt regulations necessary to carry out provisions of law governing charter schools. (NRS 388A.110) Existing law additionally requires the governing body of a charter school to hold at least one regularly scheduled public meeting each calendar quarter. (NRS 388A.320)

Existing regulations require: (1) the governing body of a charter school to submit a copy of the minutes of a public meeting to the Department and the sponsor of the charter school not later than 30 days after holding a public meeting; and (2) the minutes of each public meeting to be approved at the next meeting of the governing body and revised as necessary. Existing regulations additionally require that, if the minutes have not been approved when submitted, the governing body of a charter school must: (1) submit a statement accompanying the minutes indicating that the minutes have not been approved and may be revised; and (2) not later than 10 days after approval, submit a copy of the minutes to the Department and sponsor of the charter school. (NAC 388A.525) This regulation requires the governing body of a charter school to, upon posting the agenda for a public meeting, submit a copy of the agenda to the sponsor of the charter school. This regulation additionally requires the governing body of a charter school to, not later than 10 business days after the minutes of a public meeting have been approved, submit a copy of the minutes to the sponsor of the charter school.

Section 1. NAC 388A.525 is hereby amended to read as follows:

388A.525 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~~ 7 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}~~ *Upon posting the agenda for a* public meeting held by the governing body of a charter school pursuant to ~~{subsection 5 of}~~ *chapter 241 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}~~ *agenda for* 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}~~ *After* the minutes of a *public* 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~~ *submit* to the ~~{Department and the}~~ sponsor of the charter school a copy of the approved minutes not later than 10 *business* days after such approval.

11. 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. As used in this section, “public officer” has the meaning ascribed to it in NRS 281A.160.