



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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(775) 687-9174 · Fax (775) 687-9113

2080 East Flamingo Road Suite 230
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NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The State Public Charter School Authority (SPCSA) is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Friday, April 12th, 2024**, via [Livestream](#) and at the following location: **Nevada Department of Education Offices, 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:

8:14AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.415 – Application for renewal of a charter school contract.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Attachments](#) page, by contacting the State Public Charter School Authority via email at kbroughton@spsca.nv.gov or by telephone at 775-399-3397, or in person at the **Nevada Department of Education Offices, 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the State Public Charter School Authority may provide in-person testimony; submit written comment to the Authority via email at kbroughton@spsca.nv.gov; call in to provide telephonic remarks at 1-312-584-2401, extension 3952176#; or, submit their comments, data, views, or arguments in written form to the **State Public Charter School Authority, 1749 North Stewart Street Suite 40, Carson City, Nevada, 89706 or 2080 East Flamingo Road Suite 230, Las Vegas, Nevada, 89119**. 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 Authority on or before **Thursday, April 11, 2024**.

This notice has been posted on the State Public Charter School Authority's website at <https://charterschools.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 State Public Charter School Authority 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: April 12, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to Nevada Administrative Code 388A.415 – Proposed changes to the application for renewal of a charter school contract.

I, Melissa Mackedon, being the duly appointed Executive Director of the State Public Charter School Authority, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulatory changes regarding the application for renewal of a charter school contract 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 Authority considered its history with implementing similar regulations; the proposed changes are within the scope of the Authority'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.

Sincerely,

Melissa Mackedon
Executive Director, State Public Charter School Authority

Nevada State Public Charter School Authority

Proposed Regulatory Amendment (NAC 388A.415)

Statement of Intent:

This regulation related to charter school renewal applications for SPCSA-sponsored charter schools, contains 16 separate sections, and numerous subsections. This regulation can be clarified and streamlined, particularly sections 1 which deals with the contents of the renewal application, sections 5-11 and 13 which deal with the process for evaluating and making a determination as to whether to renew a charter contract, and section 14 which addresses certain circumstances where a renewal application is denied.

Statutory Authority:

[NRS 388A.168](#)

Proposed Regulatory Amendment:

NAC 388A.415 Application for renewal of charter school contract: Submission; contents of application; waiver of certain requirements; site visits; review and recommendation by Executive Director; response to recommendation; publication; considerations; reconsideration of decision to deny application; decision final; execution of charter contract upon approval. (NRS 388A.168)

1. The governing body of a charter school sponsored by the State Public Charter School Authority that wishes to renew its charter contract shall submit an application for renewal to the State Public Charter School Authority on a form prescribed by the Executive Director. Except as otherwise provided in this section, an application for renewal must be submitted to the State Public Charter School Authority on or after October 1 and on or before October 15. The governing body must submit a written notice of intent to submit an application for renewal to the Executive Director not less than 45 days before submitting the application for renewal. The Executive Director may, upon request and for good cause shown, accept an application for renewal at any time. The application for renewal must include, without limitation:

(a) A summary of the academic performance of the charter school as reported by the statewide system of accountability for public schools and any predecessor or successor accountability system and the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(b) A summary of the organizational performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for organizational performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic

audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(c) A summary of the financial performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority; and

(d) A summary of the anticipated enrollment of the charter school for the term of the renewed charter contract.

2. The governing body of a charter school that has received:

(a) Within the immediately preceding 3 consecutive school years, the highest rating of performance pursuant to the statewide system of accountability for public schools; and

(b) No notices of concern or notices of breach for academic, organizational or financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract of the charter school or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority, may request a waiver from the requirements of subsection 1 for the purpose of expedited renewal which may be granted by the State Public Charter School Authority for good cause shown.

3. In addition to the material required to be submitted pursuant to subsection 1, the governing body of a charter school:

(a) Shall submit any additional material or information requested by the Executive Director; and

(b) May, ~~with the approval of the Executive Director,~~ submit external evaluations of academic data. The data included in an external evaluation must be independently audited and verified by the person performing the evaluation. The governing body shall ensure that the external evaluation and the data included in the evaluation are provided directly to the State Public Charter School Authority. If the State Public Charter School Authority cannot validate the data or replicate the calculations used to generate the external evaluation, the State Public Charter School Authority will direct the school to enter into a contract for a separate independent evaluation of the data and calculations by a vendor selected by the Executive Director.

4. An application for renewal of a charter contract must not contain a material change from the existing charter contract. A governing body which wishes to both renew a charter contract and materially change the terms of the charter contract must first apply for renewal pursuant to this section and subsequently request to amend the charter contract pursuant to NAC 388A.400.

5. The Executive Director shall notify the governing body of a charter school upon receipt of an application to renew a charter contract and may, in his or her discretion, arrange for a site visit of

the charter school to be conducted to obtain information relevant to the application for renewal of the charter contract. If a site visit is conducted pursuant to this subsection, the Executive Director or his or her designee shall prepare a report of the site visit.

6. The Executive Director shall review each application for renewal of a charter contract using the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract and prepare and submit to the State Public Charter School Authority a recommendation regarding the application. When making a recommendation pursuant to this subsection, the Executive Director shall consider the evidence and data gathered relating to the past performance of the charter school, including, without limitation:

(a) The information contained in the application for renewal;

(b) Any information relating to the site visit and site visit report;

(c) The annual reporting results of the charter school, including, without limitation, those relating to the academic achievement of pupils; and

(d) Any other information that the Executive Director determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

7. If the Executive Director determines that he or she will recommend that the charter contract of a charter school should not be renewed, he or she shall give notice of his or her recommendation to the governing body of the charter school and the State Public Charter School Authority. The governing body of the charter school may request that the State Public Charter School Authority postpone consideration of its application for renewal of the charter contract to allow the governing body to prepare a response to the recommendation of the Executive Director. The governing body of the charter school may, within 7 calendar days after receipt of the Executive Director's notice, submit a written response to the State Public Charter School Authority, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument.

8. The State Public Charter School Authority will publish each application for renewal of a charter contract received by the State Public Charter School Authority pursuant to this section, each written response received pursuant to subsection 7 and each written response and request for reconsideration received pursuant to subsection 14 on the Internet website maintained by the State Public Charter School Authority. The versions of the documents published pursuant to this subsection must comply with NAC 388A.420.

9. When determining whether to grant an application for renewal of a charter contract, the State Public Charter School Authority will consider the totality of the evidence presented to the State Public Charter School Authority, including, without limitation:

- (a) The information contained in the application for renewal;
- (b) Any information relating to the site visit and site visit report;
- (c) The recommendation of the Executive Director;

(d) Any information in the written response of the governing body of the charter school to the recommendation of the Executive Director, if any, which the State Public Charter School Authority determines is relevant; and

(e) Any other information that the State Public Charter School Authority determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

10. The State Public Charter School Authority, when considering an application for renewal of a charter contract pursuant to this section:

(a) May accept or reject, in whole or in part, the recommendation of the Executive Director;

(b) Will not give any one factor more weight than the academic performance of pupils;
~~and~~

~~(c) Will, on each subsequent application for renewal, give the academic performance of pupils a greater weight than that assigned to it on the first renewal.~~

11. The State Public Charter School Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract pursuant to NRS 388A.300, in its sole discretion:

(a) Renew a charter contract for a term of ~~6~~*between 3 and 10* years;

(b) Renew a charter contract for a term of ~~6~~*between 3 and 10* years with a provision for a high stakes review under terms prescribed by the State Public Charter School Authority which may result in the termination of the charter contract before its expiration;

(c) Renew a charter contract for a term of ~~6~~*3 and 10* with any additional provisions, requirements or restrictions which the State Public Charter School Authority determines are appropriate, including, without limitation, the termination of a management agreement or the renegotiation of a management agreement on terms satisfactory to the State Public Charter School Authority or the Executive Director;

(d) Deny the renewal of a charter contract for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 and assigning the charter contract to a charter management organization or a new governing body which may include, without

limitation, the governing body of another charter school or a governing body assembled by the Executive Director;

(e) Deny the renewal of a charter contract for the purpose of restarting the charter school and issuing a new charter contract pursuant to NRS 388A.300 to a charter management organization or a new governing body, including, without limitation, the governing body of another charter school, which will inherit any assets of the charter school which remain following dissolution; or

(f) Deny the renewal of a charter contract for the purpose of closing the charter school.

12. Each charter contract renewed pursuant to this section shall contain the performance benchmarks set forth in the performance framework adopted by the State Public Charter School Authority as part of the oversight plan for the charter school.

~~13. The Executive Director may request the State Public Charter School Authority to reclassify a denial pursuant to paragraph (d), (e) or (f) of subsection 11 to a denial pursuant to a different paragraph of that subsection. The State Public Charter School Authority may reclassify such a denial if it determines that a different outcome is more practical or more beneficial to the interests of this State and the public, including, without limitation, pupils enrolled at the charter school.~~

~~13~~13. If the Executive Director recommends that the State Public Charter School Authority grant an application for renewal of a charter contract but the State Public Charter School Authority decides to deny the application, the State Public Charter School Authority must provide written notification to the governing body of the charter school of the decision of the State Public Charter School Authority and the reasons therefor and of the right of the governing body to request reconsideration. The governing body of the charter school may request reconsideration by, within 5 days after receipt of the written notification from the State Public Charter School Authority, notifying the Executive Director in writing that the governing body intends to request reconsideration and, within 30 days after receipt of the written notification from the State Public Charter School Authority, submitting a written response and request for reconsideration, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument, to the Executive Director for transmission to the State Public Charter School Authority. If no previous request for reconsideration has been made on an application for renewal of a charter contract, upon receipt of a written response and request for reconsideration, the State Public Charter School Authority may reconsider the application for renewal.

~~14~~14. The decision of the State Public Charter School Authority on whether to grant an application for renewal, unless reconsidered pursuant to subsection 14, is a final decision. The decision of the State Public Charter School Authority on reconsideration of an application for renewal pursuant to subsection 14 is a final decision.

~~15~~15. If the State Public Charter School Authority approves an application for renewal of a charter contract pursuant to this section, the governing body of the charter school must execute a charter contract within 45 days after approval of its application for renewal. The State Public

Charter School Authority may revoke approval of an application for renewal of a charter contract if the governing body of the charter school fails to comply with this subsection.

(Added to NAC by St. Pub. Charter School Auth. by R089-16, eff. 12-21-2016)