

**EXHIBIT L**

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**PROPOSED REGULATION OF THE  
STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**LCB File No. R089-16 with Revisions Proposed by SPCSA  
Staff**

~~September 28, 2016~~ November 1, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted. Matter in red *underlined italics* is newly revised material to be included. Matter ~~struck through~~ is additional material to be omitted.

AUTHORITY: §§1, 2 and 4-15, NRS 388A.168; §3, NRS 388A.168 and 388A.258.

A REGULATION relating to charter schools; establishing the contents and process for the submission of an application to form a charter school to the State Public Charter School Authority; establishing the contents and process for the submission of a request to amend a written charter or charter contract, as applicable, to the State Public Charter School Authority; establishing the contents and process for the submission of an application to renew a charter contract to the State Public Charter School Authority; establishing provisions relating to the investigation and evaluation of such applications and requests by the State Public Charter School Authority; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Public Charter School Authority to adopt regulations prescribing: (1) the contents and process for submission to the State Public Charter School Authority of applications to form a charter school, to amend a written charter or charter contract and to renew a charter contract; and (2) the procedure for investigation of and the criteria used to evaluate such applications. (NRS 388A.168) Existing law also authorizes the State Public Charter School Authority to establish different timelines and review procedures for different types of applicants and to establish an abbreviated application. (NRS 388A.258)

**Section 3** of this regulation authorizes the Executive Director of the State Public Charter School Authority to develop an abbreviated application and invite a prospective applicant who submits an abbreviated application to submit an application to form a charter school. **Section 4** of this regulation prescribes the periods during which an application to form a charter school may be submitted to the State Public Charter School Authority. **Section 4** establishes the contents of an application to form a charter school and the process for the review of such an application by the State Public Charter School Authority. **Section 4** also establishes the criteria that the State Public Charter School Authority will consider when evaluating an application to form a charter school. **Section 6** of this regulation establishes a process for an applicant to form a charter school to request to be designated as a proven provider. If an applicant is designated as a proven provider, **section 6** provides that the applicant is exempt from the application deadlines

*Sec. 7. 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its written charter or charter contract, as applicable, pursuant to NRS 388A.276 shall submit a request to amend its written charter or charter contract, as applicable, to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the*

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LCB Draft of Proposed Regulation R089-16

*Executive Director on or after ~~March~~ April 1 and on or before ~~March~~ April 15 or on or after October 1 and on or before October 15 of each year. A charter school must submit a written notice of intent to submit a request to amend its written charter or charter contract, as applicable, to the State Public Charter School Authority or the Executive Director not less than ~~30~~ 45 days before submitting the request. The State Public Charter School Authority or the Executive Director may, upon request and for good cause shown, accept a request to amend a written charter or charter contract at any time.*

*2. A request to amend the terms of a written charter or charter contract relating to:*

*(a) The districts specified in the written charter or charter contract;*

*(b) The maximum enrollment of the charter school;*

*(c) The grades served by the charter school;*

*(d) A contractual relationship with an educational management organization which provides or plans to provide substantially all the educational services offered by the charter school;*

*(e) The acquisition and occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;*

*(f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;*

*(g) The conversion of the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school;*

*(h) A consolidation of the written charter or charter contract, as applicable, for one or more charter schools;*

(i) *A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740; or*

(j) *A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils,*

(k) *A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the written charter or charter contract, as applicable, including, without limitation:*

*A change from a virtual or cyber school model to a blended model or classroom-based instructional model;*

*A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or*

*A change from a classroom-based instructional model to a virtual or cyber school model or blended model;*

*l) A change to the mission statement of the charter school not described in paragraph (i) or (j) of this subsection;*

*must be submitted to the State Public Charter School Authority for approval on a form approved by the Executive Director.*

3. *A request to amend the terms of a written charter or charter contract relating to:*

(a) *The name of the charter school;*

~~(b) *A change to the mission statement of the charter school not described in paragraph (i) or (j) of subsection 2;*~~

(e) (b) *The governance or leadership structure of the charter school;*

~~(a) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the written charter or charter contract, as applicable, including, without limitation:~~

~~(1) A change from a virtual or cyber school model to a blended model or classroom-based instructional model;~~

~~(2) A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or~~

~~(3) A change from a classroom-based instructional model to a virtual or cyber school model or blended model;~~

~~(b)~~ **(c) A change to the academic program of the charter school not described in subsection 2;**

**(d) The discipline policy of the charter school,**

**(e) The suspension policy of the charter school,**

- (f) *The bylaws of the charter school or its governing body;*
  - (g) *The membership of the governing body of the charter school;*
  - (h) *The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;*
  - (i) *The accountability plan for the charter school, including but not limited to any improvement plan required by state or federal law or the State Public Charter School Authority; or*
  - (j) *The enrollment policy of the charter school and its application for admission; or*
  - (k) *The expulsion policy of the charter school,*
- must be submitted to the Executive Director for approval on a form approved by the Executive Director.*

4. *The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval. In the event that a charter school requests more than amendment pursuant to this charter within an eighteen period, the Executive Director may require that the school submit a comprehensive, restated charter application for de novo review and approval by the State Public Charter School Authority. Such a review shall include de novo review of the revised academic, organizational, and financial plan for the charter school and the capacity of its staff governing body, and vendors, including any prior amendments approved by the Authority during the preceding eighteen months.*

5. *A charter school may not submit ~~implement~~ an amendment to its written charter or charter contract, as applicable, unless the amendment has been voted on and approved by the governing body of the charter school and may not implement the amendment until it has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.*

*6. The State Public Charter School Authority will publish each request to amend a written charter or charter contract received by the State Public Charter School Authority or the Executive Director on its Internet website.*

*7. The State Public Charter School Authority and the Executive Director may consider a charter school's compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its written charter or charter contract, as applicable.*



*8. The State Public Charter School Authority will not approve a request to amend the terms of a written charter or charter contract pursuant to paragraph (g) of subsection 2 unless:*

*(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and*

*(b) For a charter school requesting conversion from a single-campus school to a multi-campus school, the charter school agrees to include provisions in its written charter or charter contract, as applicable, which:*

*(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;*

*(2) Allow pupils from one campus of the charter school to matriculate to another campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;*

*(3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;*

*(4) Identify the name, group of grade levels to be served and location of each campus;*  
*and*



*(5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.*

*9. A charter school which submits a request to amend the terms of its written charter or charter contract, as applicable, which will come into effect within 18 months ~~after~~ prior to the expiration of its existing written charter or charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the written charter or charter contract in support of its renewal application request.*

*10. If the Executive Director denies or, within 60 days after the date upon which the request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.*

*11. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a written charter or charter contract is a final decision.*

*12. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a written charter or charter contract, the charter school must submit a draft of each document required pursuant to section 9 of this regulation to the State Public Charter School Authority for review and approval before implementing the amendment.*

*13. As used in this section:*

*(a) “Multi-campus school” means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which*

*may serve the same group of grade levels or differing groups of grade levels, under one written charter or charter contract, as applicable.*

*(b) “Single-campus school” means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.*

**Sec. 8. 1.** *In addition to the request to amend its written charter or charter contract, as applicable, submitted pursuant to section 7 of this regulation, each charter school shall submit a version of the request to amend its written charter or charter contract which excludes or redacts from the request and any related material to be shared with the public:*

*(a) Proprietary material.*

*(b) Copyrighted material.*

*(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying the current or potential pupils of the charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current or potential pupils and letters of support from current or potential parents or pupils of the charter school.*

*(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.*

*2. The Executive Director may reject and require resubmission of a request submitted pursuant to subsection 1 if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate*