



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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Carson City, Nevada 89706-2543
(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:

8:08AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.400 – Request to amend a charter 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.400 – Proposed change to request to amend a charter 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 request to amend a charter 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.400)

Statement of Intent:

NRS 388A.276, 279, and 282 governs requests to amend a charter school contract, regardless of whether the charter school is sponsored by the SPCSA or a local school district. NAC 388A.305 through 340 also govern the amendment process for a charter school contract for SPCSA and local school district sponsored charter schools. However, NAC 388A.400 only applies to charter school contract amendment requests related to SPCSA-sponsored charter schools, and this regulation, along with the nine NDE charter school amendment regulations, can be simplified and clarified, particularly sections 1, 2, 7, 9, 10, 12, and 14 which deal with the processes for application and approval of various types of requests for charter contract amendments.

Statutory Authority:

[NRS 388A.168](#)

Proposed Regulatory Amendment:

NAC 388A.400 Request to amend charter contract: Submission; person or entity to whom certain requests to be submitted; when restated application to form charter school required; publication; requirements and considerations for approval; review of decision; duties of charter school upon approval. (NRS 388A.168)

1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its charter contract pursuant to NRS 388A.276 shall submit a request to amend its charter contract 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 Executive Director on or after April 1 and on or before 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 charter contract to the State Public Charter School Authority or the Executive Director not less than 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 charter contract at any time.

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

- (a) The districts specified in the 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 charter contract 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;

(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 to the mission statement of the charter school not described in paragraph (i) or (j); or

(l) 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 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, must be submitted to the State Public Charter School Authority for approval on a form prescribed by the Executive Director.

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

(a) The name of the charter school;

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

(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, without limitation, any improvement plan required by state or federal law or the State Public Charter School Authority;
- (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 prescribed 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.

~~5. If a charter school requests an amendment to its charter contract within 18 months after a previous request for an amendment, the Executive Director may recommend that the State Public Charter School Authority require the charter school to submit a comprehensive, restated application to form a charter school for review and approval by the State Public Charter School Authority. Such a review shall include, without limitation, a de novo review of the revised academic, organizational and financial plans for the charter school, the capacity of its staff, governing body and vendors and a further review of any amendment approved by the State Public Charter School Authority within 18 months before the date of the review.~~

A charter school may not request an amendment to its charter contract unless the amendment has been voted on and approved by the governing body of the charter school pursuant to NAC 388A.305. A charter school may not implement an amendment to its charter contract unless the amendment has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.

~~76.~~ The State Public Charter School Authority will publish each request to amend a charter contract received by the State Public Charter School Authority or the Executive Director 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.405.

~~87.~~ 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 charter contract.

~~9. The State Public Charter School Authority will not approve a request to amend the terms of a 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 multicampus school, the charter school agrees to include provisions in its charter contract 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.~~

~~10. A charter school which submits a request to amend the terms of its charter contract which will come into effect within 18 months before the expiration of its existing 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 charter contract in support of the application for renewal of its charter contract.~~

~~11. 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.~~

~~12.8. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a charter contract is a final decision.~~

~~139~~. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a charter contract, the charter school must:

(a) Submit a draft of each document required pursuant to NAC 388A.410 to the State Public Charter School Authority for review and approval before implementing the amendment; and

(b) Execute a charter contract within 45 days after approval of its request to amend its written charter or charter contract. The State Public Charter School Authority may revoke approval of a request to amend a written charter or charter contract if the charter school fails to comply with this paragraph.

~~1410~~. 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 charter contract.

(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.

11. The State Public Charter School Authority may specify additional conditions when approving a request to amend a charter contract. If a charter school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director may prohibit the charter school from implementing the proposed amendment.

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