

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

LCB File No. R089-16

September 28, 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

which would otherwise apply and may be given priority by the State Public Charter School Authority.

Section 7 of this regulation prescribes the periods during which a request to amend a written charter or charter contract, as applicable, may be submitted to the State Public Charter School Authority or the Executive Director. **Section 7** establishes the contents of a request to amend a written charter or charter contract, as applicable, and the process for review of such a request by the State Public Charter School Authority or the Executive Director, as applicable. **Section 7** also establishes the criteria that the State Public Charter School Authority or the Executive Director, as applicable, will consider when evaluating a request to amend a written charter or charter contract. **Section 9** of this regulation authorizes the State Public Charter School Authority to specify additional conditions in certain circumstances and authorizes the Executive Director to prohibit a charter school from beginning or continuing to operate as a charter school if it fails to satisfy such additional conditions. **Section 9** also requires a charter school which receives a charter contract or approval of an amendment to a written charter or charter contract, as applicable, to submit certain documents for review by the State Public Charter School Authority.

Section 10 of this regulation prescribes the period during which an application for renewal of a charter contract may be submitted to the State Public Charter School Authority. **Section 10** establishes the contents of an application for renewal and the process for the review of an application for renewal by the State Public Charter School Authority. **Section 10** requires the Executive Director to review each application for renewal and submit a recommendation regarding each application to the State Public Charter School Authority. **Section 10** also establishes the criteria that the State Public Charter School Authority will consider when evaluating an application for renewal and provides the various terms under which the State Public Charter School Authority may renew or deny the renewal of a charter contract.

Sections 5, 8 and 11 of this regulation require a person who submits an application to form a charter school, a request to amend a written charter or charter contract, as applicable, or an application to renew a charter contract to the State Public Charter School Authority to submit an additional version of the application or request to be shared with the public in which certain information is excluded or redacted.

Section 1. Chapter 388A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, “applicant” means a charter management organization or a committee to form a charter school which submits an application to form a charter school to the State Public Charter School Authority.*

Sec. 3. *The Executive Director may develop an abbreviated application for submission by prospective applicants that do not have previous experience in operating high quality charter schools. Such applicants shall be deemed to be Novice Applicants. The ~~Executive Director~~ Authority may, at ~~his or her~~ its discretion, invite a prospective applicant who submits such an abbreviated application to submit an application to form a charter school.*

Sec. 4. *1. Except as otherwise provided in this section and section 6 of this regulation, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant on or after January 1 and on or before January 15 or on or after August 1 and on or before August 15 of each year. A prospective applicant must submit a written notice of intent to submit an application to form a charter school to the Executive Director not less than ~~30~~ 120 days before submitting the application. Such notice of intent shall be provided in the form prescribed by the Executive Director, including but not limited to a written letter or an online form developed for this purpose. The ~~Executive Director~~ Authority may, upon request and for good cause shown, accept an application to form a charter school at any time. An application to form a charter school must comply with section 5 of this regulation and be submitted on a form prescribed by the Executive Director which must include, without limitation:*

- (a) A timeline for the selection of an applicant to form a charter school;*
- (b) Any prerequisites for conferences with and training of an applicant;*
- (c) The criteria and procedures which will be used to score applications;*
- (d) The criteria which will be used to ~~select~~ recommend an applicant to form a charter school, including, without limitation, the minimum score necessary for an application to be eligible for ~~selection~~ recommendation; and*
- (e) The earliest date on which an applicant that is selected to form a charter school may open the charter school.*

2. *The State Public Charter School Authority will examine each application submitted pursuant to this section. If the State Public Charter School Authority determines that an application is incomplete or does not satisfy the requirements of this chapter or chapter 388A of NRS, the State Public Charter School Authority will not process the application. The failure of the State Public Charter School Authority to identify or notify an applicant of a deficiency during its review of an application does not constitute a waiver of the appropriate requirement. At all times relevant to the examination of an application, the burden is on the applicant to provide a complete application that satisfies the requirements of this chapter or NRS 388A.*

3. *An applicant may withdraw an application to form a charter school ~~or waive the timeline for selection described in the application~~ by providing written notice to the State Public Charter School Authority.*

4. *The State Public Charter School Authority will establish an application review panel composed of ~~employees of the State Public Charter School Authority and~~ appropriate external experts selected by the Executive Director, and, as available and appropriate, employees of the State Public Charter School Authority. After the State Public Charter School Authority has determined that an application is complete, the State Public Charter School Authority will:*

(a) Publish the application on its Internet website; and

(b) Submit the application to the application review panel to review and score the application in accordance with the criteria described in the application.

5. *The members of the application review panel established pursuant to subsection 4:*

(a) Shall not discuss applications outside the panel with any person other than the State Public Charter School Authority and its employees;

(b) Shall not accept meals, entertainment, gifts or gratuities in any form from any person or organization with an interest in the results of the selection process; and

(c) Shall immediately disclose to the State Public Charter School Authority the discovery of any past or present relationship with an applicant, including, without limitation, with any

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current or prospective employee, agent, officer or director of the sponsor of the proposed charter school, any affiliated entity or any other person with an interest in the application.

(d) Shall complete a conflict of interest questionnaire approved by the Executive Director to ensure that the reviewer has no pecuniary interest in the approval or denial of any application the individual has reviewed.

(e) conduct an interview with each such applicant to assess the qualifications of the applicant and the capacity of the applicant to open and operate a high quality charter school, including but not limited to an interview or interviews of the committee to form, any proposed school leader, any proposed educational management organization, or other party identified in the application. To ensure the integrity of the application process, members of the committee to form, prospective school leaders, prospective staff, and prospective vendors, including but not limited to any educational management organization, may not disclose the contents of such interviews to other members of or consultants to the committee to form or affiliated entities.

6. After the application review panel reviews and scores an application and has completed the capacity interview, the Executive Director or his or her designee ~~panel~~ shall consider the recommendations of the application review panel, draft a staff recommendation, and forward the staff recommendation and the application to the State Public Charter School Authority for review. The State Public Charter School Authority:

(a) Will review and evaluate all application materials according to the criteria established in subsection 7;

(b) May consider the score given to the application by the application review panel and consider ~~any comments made by the panel~~ the staff recommendation;

(d) Will determine whether to approve ~~select~~ the applicant to form a charter school.

7. The State Public Charter School Authority will consider, without limitation, whether the applicant has demonstrated the capacity to:

(a) Further the purposes for the establishment of charter schools pursuant to chapter 388A of NRS;

(b) Comply with all laws and regulations affecting charter schools, including, without limitation, laws and regulations concerning pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils;

(c) Meet its projections for enrollment through a demonstration of support for the proposed charter school in the communities from which pupils would be likely to enroll;

(d) Develop and implement a plan for recruitment and retention consistent with the provisions of this chapter and chapter 388A of NRS;

(e) Involve parents and guardians as partners in the education of their children;

(f) Develop a proposed program which enhances options for pupils in the areas served by the proposed charter school;

(g) Develop a management structure and plan which enables the proposed charter school to function at a high level of performance and which will achieve the goals and mission set forth in its charter, including, without limitation, information about the proposed staff and members of the governing body of the proposed charter school and the roles, responsibilities and manner of selection of the governing body;

(h) Develop bylaws which govern the governing body of the proposed charter school in a manner consistent with this chapter and chapter 388A of NRS;

(i) Develop a management structure and plan which enables the governing body of the proposed charter school to oversee multiple campuses or a network of charter schools, including the roles and responsibilities of school leaders and administrators, if applicable;

(j) Assure that pupils enrolled in the proposed charter school will meet the same performance standards and assessment requirements for pupils in other public schools;

(k) Develop goals for each ~~the end of the first year and the fifth~~ year of the charter contract for the proposed charter school to help measure the progress and success of the school in fulfilling the terms of its charter which:

(1) Supplement but does not supplant the indicators, metrics and measurements contained in the performance framework established by the State Public Charter School Authority; and

(2) Are specific to the mission of the proposed charter school, if applicable;

(l) *Effectively administer its educational programs, school operations and finances in accordance with state and federal law and regulation and the provisions of the federal charter schools program grant;*

(m) *Establish a process to provide to pupils, parents, guardians, the State Public Charter School Authority, other interested parties and the public all information required to be provided by state and federal laws and regulations and to provide to the State Public Charter School Authority, the Department of Education, the State Board of Education, the Governor and the Legislative Counsel Bureau such information as those entities may request;*

(n) *Develop an enrollment policy consistent with the provisions of applicable federal law and regulation, this chapter and chapter 388A of NRS;*

(o) *Ensure the thoroughness and accuracy of the information contained in its application;*

(p) *Provide school facilities which comply with all applicable municipal building codes and other applicable laws and which are adequate to meet the program requirements of the proposed charter school;*

(q) *Develop a governing body with the capacity to effectively govern the proposed charter school and, if applicable, to effectively govern more than one campus or school; and*

(r) *Build a network of charter schools, if applicable.*

8. *If an applicant, or any person who is a member of a group comprising an applicant or an individual proposed to be employed by the school or by a vendor or an educational management organization proposed to contract with the school, has a current or previous relationship with a charter school in this or any other State, the State Public Charter School Authority and the Executive Director may consider all information relating to the performance of such a charter school when evaluating the application of the applicant, including but not limited to information reported to the general public or to the Authority by other charter school authorizers. If a proposed vendor, including but not limited to an educational management organization, has a current or previous relationship with a charter school in this State or any other state, the State*

Public Charter School Authority and the Executive Director may consider all information relating to the performance of such a charter school when evaluating the application of the applicant, including but not limited to information reported to the general public or to the Authority by other charter school authorizers and by past clients of the vendor.

9. The decision of the State Public Charter School Authority on whether to approve ~~select~~ an applicant to form a charter school is a final decision.

10. If the State Public Charter School Authority selects an applicant to form a charter school pursuant to this section, the applicant 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 opening the charter school.

Sec. 5. 1. *In addition to the application to form a charter school submitted pursuant to section 4 of this regulation, each applicant shall submit a version of the application which excludes or redacts from the application 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 potential pupils of the proposed charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current pupils if the school is currently operating, photographs of potential pupils and letters of support from potential parents or pupils of the proposed 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 an application submitted pursuant to subsection 1 if the Executive Director determines that publishing the application on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.*

Sec. 6. 1. ~~When~~ Prior to *submitting an application to form a charter school to the State Public Charter School Authority pursuant to section 4 of this regulation, an applicant may request that the Authority ~~Executive Director~~ designate the applicant as a proven provider. A request for designation as a proven provider must be submitted on a form prescribed by the Executive*

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Director which must include, without limitation, a detailed description of the significant management or leadership role or responsibility of the charter management organization or committee to form a charter school at a successful school or similar program and evidence that the charter management organization or committee to form a charter school, as applicable:

(a) Achieved academic success at the school or similar program by demonstrating success in the academic performance of pupils and the implementation of successful academic programs, including, without limitation, by submitting information showing:

(1) Proficiency levels and growth measures on the statewide system of accountability for public schools or equivalent assessments for all pupils and for one or more targeted subgroups of pupils which are sufficient for the school to perform at the top two tiers on the statewide system of accountability for public schools or at a similar level on any successor system;

(2) Pupil performance on other standardized tests over a period of at least 3 years which demonstrates achievement levels for pupils and, if available, for cohorts of pupils that are similar to statewide averages in English language arts and mathematics for all pupils in this State at comparable grades; and

(3) Graduation and dropout data, if applicable;

(b) Operated a viable organization at the school or similar program by demonstrating:

(1) Effective governance, financial management and implementation of plans for recruitment and retention at the school or similar program;

(2) Compliance with all applicable state and federal laws and regulations by the school or similar program; and

(3) Any other information relating to the school or similar program determined to be relevant by the State Public Charter School Authority; and

(c) ~~Has submitted~~ Certifying to the Executive Director of its intent to submit an application to form a charter school which contains evidence that:

(1) The proposed charter school will serve a population of pupils which is similar to the population served by the school or similar program; and

(2) The educational programs at the proposed charter school will be similar to or represent a reasonable modification of the educational programs at the school or similar program.

2. If the Executive Director determines that an applicant has fulfilled the requirements of subsection 1, the Executive Director shall recommend that the Authority designate the applicant as a proven provider. In the event that an applicant for proven provider status is not designated as a proven provider by the Authority, the applicant may submit an application in accordance with the standard timeline and protocol pursuant to this regulation.

3. A proven provider may submit its application to form a charter school as a proven provider on a form approved by the Executive Director at any time, with the limitation that the timeline for review and consideration of such application will occur based on the Agency's capacity and ability to procure qualified external reviewers and the meeting schedule established for the State Public Charter School Authority. The State Public Charter School Authority may give priority to an application to form a charter school submitted by a proven provider when reviewing applications.

4. If the Executive Director believes that an applicant or potential applicant may qualify to be designated as a proven provider, the Executive Director may, in his or her discretion, invite the applicant or potential applicant to request designation as a proven provider pursuant to this section.

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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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;*

~~(c) 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;~~

~~(4)~~ (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;*
 - (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 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 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*

any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

Sec. 9. 1. The State Public Charter School Authority may specify additional conditions when ~~approving~~ ~~granting~~ an application to form a charter school or approving a request to amend a written charter or charter contract for the purpose of occupying additional facilities. If such an applicant or 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 beginning or continuing to operate as a charter school.

2. Upon receiving a charter contract or approval of an amendment to a written charter or charter contract, as applicable, the charter school must, on or before June 30 following receipt, submit all documents required for opening to the State Public Charter School Authority, including, without limitation:

(a) If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;

(b) The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for recruitment and retention of pupils;

(c) The criteria and procedures for the suspension and expulsion of pupils;

(d) Written documentation demonstrating that criminal background checks have been performed as required by state law;

(e) Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;

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(f) Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;

(g) If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and

(h) Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.

Sec. 10. 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 September 15 and on or before October 1. The governing body must submit a written notice of intent to submit an application for renewal to the Executive Director not less than ~~30~~ 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 performed at the highest level on the statewide system of accountability for three consecutive years and that has received 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 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

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(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 shall 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 section 7 of this regulation.

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. The Executive Director may reject and require resubmission of a request submitted pursuant to this subsection if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

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

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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. The Executive Director may reject and require resubmission of any material submitted pursuant to this subsection if the Executive Director determines that publishing the request on the Internet website maintained by the State Public

Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

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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 and each written response received pursuant to subsection 7 on its Internet website.

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 years;

(b) Renew a charter contract for a term of 6 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 years 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.

14. 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 shall 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 it 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. The Executive Director may reject and require resubmission of documentation submitted pursuant to this subsection if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d. If no previous request for reconsideration has been made on an application for renewal, upon receipt of a written response and request for reconsideration, the State Public Charter School Authority may reconsider the application for renewal.

15. 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.

Sec. 11. 1. In addition to the application for renewal of a charter contract submitted pursuant to section 10 of this regulation, the governing body of the charter school shall submit a version of the application for renewal which excludes or redacts from the application for renewal 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 pupils enrolled at 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 an application for renewal submitted pursuant to subsection 1 if the Executive Director determines that

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publishing the application on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

Sec. 12. Section 7 of this regulation is hereby amended to read as follows:

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 Executive Director on or after March 1 and on or before March 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 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 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,

☐ must be submitted to the State Public Charter School Authority for approval.

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;

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

(d) 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;

(e) A change to the academic program of the charter school not described in subsection 2;

(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;

(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.

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. A charter school may not 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 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 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 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. 13. Section 8 of this regulation is hereby amended to read as follows:

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 any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

Sec. 14. Section 9 of this regulation is hereby amended to read as follows:

Sec. 9. 1. The State Public Charter School Authority may specify additional conditions when granting an application to form a charter school or approving a request to amend a ~~{written charter or}~~ charter contract for the purpose of occupying additional facilities. If such an applicant or 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 beginning or continuing to operate as a charter school.

2. Upon receiving a charter contract or approval of an amendment to a ~~written charter or~~ charter contract, ~~as applicable,~~ the charter school must, on or before June 30 following receipt, submit all documents required for opening to the State Public Charter School Authority, including, without limitation:

(a) If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;

(b) The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for recruitment and retention of pupils;

(c) The criteria and procedures for the suspension and expulsion of pupils;

(d) Written documentation demonstrating that criminal background checks have been performed as required by state law;

(e) Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;

(f) Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;

(g) If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and

(h) Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.

Sec. 15. 1. This section and sections 1 to 11, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 12, 13 and 14 of this regulation become effective on January 1, 2020.