

Nevada SPCSA Charter School Operation Manual



Nevada State Public Charter School Authority

January 2014

Nevada State Public Charter School Authority

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Introduction

Charter schools are public elementary, middle and/or secondary schools that are relatively autonomous schools of choice that operate under a charter contract issued by a public entity such as a local school board or state charter school board. Individual states determine in their charter school legislation what rules must be adhered to, what rules may be waived, and what procedures must be followed to obtain a charter. In return for the autonomy, charter schools are held accountable for student performance. If the goals of the school set forth in the charter contract are not reached, the school's charter contract may be terminated or not renewed.

Nevada's Charter School Legislation was enacted in 1997. The intent of the legislation is to provide teachers and other educational personnel, parents, legal guardians, and other persons who are interested in public education in Nevada the opportunity to:

1. Improve the learning of students, and, by extension, improve the system of public education;
2. Increase the opportunities for learning and for access to quality education by students;
3. Encourage the use of different and innovative teaching methods;
4. Establish appropriate measures for and assessments of learning achieved by students who are enrolled in charter schools;
5. Provide a more thorough and efficient system of accountability of the results achieved in public education in the state; and
6. Create new professional opportunities for teachers and other educational personnel.

The 2011 Nevada Legislature created the State Public Charter School Authority (SPCSA, or Authority; NRS 386.509-386.649). The Authority is the primary sponsor of new charter schools in Nevada.

In addition to using this manual as a guide, charter school operators, sponsors and other stakeholders are responsible for reviewing the Nevada Revised Statutes (NRS) relating to charter schools (NRS 386.490 to 386.610) and the Nevada Administrative Code (NAC) relating to charter schools (NAC 386.010 to 386.445; and NAC 387.600 to 387.780). NRS and NAC can be found on the Nevada Legislature's website (see Law Library) at <http://www.leg.state.nv.us/>.

Also find an extensive list of resources on the State Public Charter School Authority's website at <http://charterschools.nv.gov/> and the Nevada Department of Education's (Department) website at http://www.doe.nv.gov/Topic/Charter_School_Resources/.

Charter School Operation

Administrative Costs/Sponsorship Fee Reimbursement

NRS 386.570 allows charter school sponsors to receive reimbursement from charter schools for administrative costs associated with sponsorship of the charter school. Sponsors may request up to 2 percent of the total amount of money apportioned to the school during the school year. Charter schools should budget for this expense.

Amendment of a Charter (NRS 386.527)

A charter school may request from the sponsor amendment of the charter. The requested amendment must be approved by the school's governing body in an open meeting before it may be submitted to the sponsor for the sponsor's consideration.

The governing body of a charter school cannot "amend" the charter itself, *it may request of the sponsor* amendment of the charter. As an agenda item for an open meeting, the governing body identifies the amendment it desires and requests of the sponsor amendment of the charter. A written request to amend the charter signed by the charter school's governing body president must be submitted to the sponsor; it must include the date of the governing body meeting at which the actions discussed above were taken. As always, agendas and minutes must be detailed enough to fully describe each item contained in them.

Depending upon the nature of the requested amendment, staff for the school's sponsor, rather than the sponsor itself, may approve the amendment request (NAC 386.325).

To request amendment of the charter to add grade levels (a material amendment) see NAC 386.326:

Regarding NAC 386.326:

- The paragraph 2 "written request" must include the date of the governing body (board) meeting at which action was taken to request amendment of the charter to add grades. The request must be signed by the board president.
- For the 2(b)(c)(d) curriculum, etc., follow the guidelines in the Charter School Application Packet, Section A.3, Required Elements 1-10 and 13-14.
- For 2(g), follow the guidelines in the Charter School Application Packet, Section A.3, Required Element 12.
- For 2(h), follow the guidelines in the Charter School Application Packet, Section C.1, Required Elements 1-3. Provide a whole-school budget, not just for the new grades, for the first year the school will add (a) grade(s).
- The requirements of NAC 386.326(2)(a)(e)(f) are straightforward.

To request amendment of the charter to add a facility (a material amendment), see NAC 386.3265:

Note the “proposed lease” submitted by the charter school pursuant to NAC 386.3265, must be unsigned.

To request amendment of the charter to engage with an educational management organization (EMO):

- The school’s governing body (board), in a public meeting, must take action to approve the contract the school proposes to enter into with the EMO. Such approval must be based upon a review by the board of applicable statute and regulation including but not limited to NRS 386.562, NAC 386.405 and NAC 386.407.
- The school’s board, in a public meeting, must take action to authorize the school’s administrator to submit to the sponsor a request for amendment of the charter contract or written charter, as applicable.
- A letter signed by the board chair stating that the board has reviewed applicable statute and regulation and determined the proposed contract complies with applicable statute and regulation must accompany the request for amendment submitted to the sponsor.
- An unsigned copy of the proposed contract must accompany the request for amendment. The board shall not sign the proposed contract prior to the sponsor’s approval of the amendment.

Note that the State Public Charter School Authority (Authority) may approve the amendment, but does not approve contracts. Approval of an amendment cannot be construed as approval of a contract. Authority staff will review the amendment request and proposed contract for compliance with applicable statute and regulation only; it is the responsibility of the school’s board to ensure that the board complies with its responsibility to govern the school, maintain overall control of the school, and be responsible for the operation of the school, including by ensuring any contract it enters into serves the interest of the school’s pupils.

To request amendment of the charter to cease engagement with an educational management organization (EMO):

- The school’s governing body (board), in a public meeting, must take action to approve termination of the contract the school has entered into with the EMO. Such approval must be based, without limitation, upon the board’s determination that the services provided by the EMO can be provided by employees of the board or another entity.
- The school’s board, in a public meeting, must take action to authorize the school’s administrator to submit to the sponsor a request for amendment of the charter contract or written charter, as applicable.

- A letter signed by the board chair stating that the services provided by the EMO can be provided by employees of the board or another entity must accompany the request for amendment. If “another entity” has been identified by the board, that entity may be named in the amendment request, but a separate request for amendment of the charter to engage with the entity must be submitted to the sponsor if that entity meets the NRS 386.562 definition of an EMO.

For requests to amend aspects of the school's charter not addressed above

The governing body must submit to the sponsor a letter signed by the governing body president making the request and describing the proposed amendment. The date of the governing body meeting at which action was taken to request amendment must accompany the letter. The nature of the amendment must be clear in both the agenda and minutes. Upon receipt of such a letter and documentation, the sponsor will inform the school what additional documentation must be provided, if any.

Application Submission

All applications to form a charter school must be submitted to the proposed sponsor (a school district, public college or university, or the State Public Charter School Authority) in the format and by the due dates prescribed in the “Call for Quality Charter Schools” (see http://charterschools.nv.gov/OpenASchool/Application_Packet/) , and must include Assurances (see http://www.doe.nv.gov/Topic/Charter_School_Resources/) that are signed by a member of the committee to form the school and are notarized. A letter of intent (see “Letter of Intent to Submit an Application” in this Operation Manual) to submit an application must precede the application.

At-Risk Charter Schools (NRS 386.500) (NAC 386.410(6)) (NRS 386.520(4)(p)) (NAC 386.150(9))

Nevada law makes a distinction between charter schools serving primarily "at-risk" pupils, and those not serving primarily at-risk pupils, for example, in NRS 386.580. The committee to form a charter school declares whether the proposed school will be an at-risk or a non at-risk charter school in its initial application. An application for an at-risk charter school must describe how the school will recruit pupils who are at risk; serve the specific needs of pupils who are at risk; and measure the success of the school in providing an education to at-risk pupils. Operators of charter schools that have been identified as serving at-risk students must ensure that the educational programs and services provided by the school are appropriate and carried out effectively.

Charter school applicants *submitting at-risk charter school applications* must include in their application a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580, and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

Calendar

The charter school must provide, at a minimum, 180 days of instruction each school year; NRS 386.550 does, however, allow schools to request a waiver from this requirement. When a charter school applicant has been granted a charter by a sponsor, the Nevada Department of Education must be provided with a final calendar from the charter school. The calendar must indicate that the charter school's count day is the same as the count day for the school district in which the charter school is located and must account for twenty days in the first school month; see NAC 386.355. Also see NAC 386.350 for the required number of minutes of instruction; and http://charterschools.nv.gov/ForSchools/For_Schools/ for the “Application for Alternative Schedule,” “Bell Schedule,” and “Nevada Department of Education 2013-2014 Calendar.”

Applicable NRS/NAC: NRS 236.015, 388.090, NAC 387.120, 387.125, 387.131, 387.140, 387.145, 387.151, and 387.153

Charter Schools Program (CSP) Federal Grant

The U.S. Department of Education (USDE) provides planning and dissemination grants to charter school developers and operators. If the State of Nevada receives a CSP grant, individual schools apply to the state for a subgrant. If the state does not receive the grant, individual schools may apply directly to USDE for a “Non-SEA” CSP grant: <http://www2.ed.gov/programs/charternonsea/index.html>

Committee to Form a Charter School and Governing Body

Committee to Form a Charter School and Charter School Governing Body Membership Requirements:

The following applies to NRS 386.520 committees to form charter schools as well as NRS 386.549 governing bodies (boards).

The minimum number of committee to form and governing body (board) members is **five**; the maximum number of committee to form members is **nine**. In short, the membership categories are **educator** (two positions); **parent of a pupil enrolled in the school**; and **person with knowledge and experience in accounting, financial services, law, and human resources** (two positions):

1. Person licensed pursuant to chapter 391 of NRS (a Nevada-licensed teacher)
or
Person who previously held such a license **and** is retired.

2. Person licensed pursuant to chapter 391 of NRS (a Nevada-licensed teacher)
or
Person who previously held such a license **and** is retired
or
Person who is a school administrator with an out of state license

or

Person who previously held such a license **and** is retired

3. Person who is a parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school. Because there would be no enrolled pupils at the time of formation of the Committee to Form the School or the first governing body (board), the parent position must be occupied by a person who *intends* to enroll their child in the school.
4. A person who possesses knowledge and experience in one or more of the following areas:
 - Accounting
 - Financial services
 - Law
 - Human resources
5. A person who possesses knowledge and experience in one or more of the following areas:
 - Accounting
 - Financial services
 - Law
 - Human resources

Roles and qualifications may overlap among committee and board members, but *each category must be specifically filled by separate persons*:

For example, the person filling Category 4 may have knowledge and experience in both accounting and law, but that person cannot fill both Categories 4 and 5; a *different* person with knowledge and experience in accounting, financial services, law, and/or human resources must fill Category 5. Categories 4 and 5 *may* be filled by different persons who, for example, both possess knowledge and experience in accounting only, although this is discouraged by the Department because a variety of experience on the board is preferable.

In addition to the requirements stated above for required membership of the board and committee are restrictions addressing who may *not* be on the board and committee; see NAC 386.345 (board) and NAC 386.130(4) (committee).

More on the committee/board:

The teacher(s) must have at least 2 years of experience as an employed teacher in a position requiring a teacher license. A person who possesses only a substitute teacher license does not qualify as a teacher for this purpose. The Authority recommends that at least some of the teachers on the committee to form the school and the board be licensed/endorsed for the grades the school would offer (NRS 386.520, NAC 386.090, NAC 386.110 and NAC 386.130).

Additionally, the committee may consist of members of the general public. A majority of these individuals must be residents of Nevada at the time the application to form a charter school is submitted.

Like charter school governing bodies, diverse segments of the local community should be included on the committee to form the school. A committee of which a majority of members are of a single ethnic or racial group, or are parishioners of the same church, or are related or married to each other, does not exemplify "diversity" and should be avoided.

Upon approval of the charter school application the Committee to Form the School ceases to exist, and a governing body must be formed. All statute and regulation pertaining to governing bodies, including the requirement for at least quarterly, open meetings, takes effect upon approval of the charter school application. The school must submit to the sponsor the names and resumes of the governing body members. It must also submit a signed, notarized "Affidavit for Service as a Member of the Governing Body of a Charter School" for each member (see Affidavit Form at http://www.doe.nv.gov/Topic/Charter_School_Resources/). Affidavits need not be submitted prior to approval of a charter school application.

Commencement of Operation (NAC 386.355)

Given regulation requiring submission of an application to the proposed sponsor a full year prior to anticipated commencement of operation of the school, it is unlikely that the status of an application would remain unresolved by July or August of the fiscal year in which the school plans to commence operation; however, it is possible.

The question is often asked, "When's the very latest that a school become operational in any particular year?" A school must have an approved charter and fulfill all Pre Opening Requirements before it may begin operation ("the first day of school"). To determine the date of "the first day of school," note the following:

1. The count day for the charter school is the same as the count day for the school district in which the charter school is located.
2. The charter school must account for twenty days of operation in the first school month.

So, to determine the date of the "first day of school," determine the school district's count day; this is also the charter school's count day. Then, assure that there is at least one school day prior to that date.

Pursuant to NRS 386.527, the State Public Charter School Authority (SPCSA) may require or authorize delay of commencement of the operation of a charter school for no more than 1 school year beyond the school's planned startup year identified in the charter school's application. If a charter school that has delayed commencement of operation pursuant to NRS 386.527 fails to commence operation the year after its original planned commencement and wishes to begin operation at some future date, it must submit for review and approval by the SPCSA a charter

school application during the application submission window identified in regulation for that future date.

Counselors

There is no requirement for a charter school to have a school counselor on staff. If, however, the school has a person on staff referred to as a “counselor” or “guidance counselor” or “school counselor,” that person should be licensed as such. See

http://nvteachers.doe.nv.gov/Specialized_EducationPersonnel_Counselor.htm

Unlicensed persons providing services similar to those provided by counselors may be referred to as “advisors” or a similar term, but not “counselor.”

Criminal Histories (NRS 386.588)

To comply with NRS 386.588, fingerprinting of non-licensed applicants, charter schools must establish an account with the Nevada Department of Public Safety (contact information below). The "applicable NRS" to use when establishing the account and submitting fingerprints to Public Safety is NRS 386.588.

Each applicant for employment in a position with a charter school that does not require a license issued by the Superintendent of Public Instruction is required to submit to the governing body of the charter school a complete set of his fingerprints and written permission authorizing the forwarding of the fingerprints to the Central Repository for Nevada Records of Criminal History (Nevada Department of Public Safety, Records and Technology Division, 775-684-6262; <http://www.nvrepository.state.nv.us/>, click on "useful information") and to the Federal Bureau of Investigation as a condition of employment. If a report on the criminal history indicates that the applicant has been convicted of a felony or an offense involving moral turpitude, and the governing body does not disqualify the applicant from further consideration of employment, the governing body must, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his written authorization to forward a copy of the report, the charter school shall not employ the applicant.

The Superintendent must review the criminal history report of an applicant for employment with a charter school if that applicant has been convicted of a felony or an offense involving moral turpitude. If the Superintendent determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

Charter schools should be prepared to prove to their sponsors that they have complied with this statute. Documentation from the Nevada Department of Public Safety of receipt of fingerprints of applicable persons would meet this requirement for proof.

Distance Education (“Cyber,” “On-Line” or “Virtual” Schools)

If a charter school applicant wishes to provide distance education courses or programs, the applicant must submit a separate distance education application to the Nevada Department of Education at the same time the charter school application is submitted to the proposed sponsor. Information about distance education can be found on the Department's website, http://cteae.nv.gov/Adult_Education/Distance_Education/ (see "Distance Education").

A currently operating charter school that wishes to add a distance education component must also complete all applicable distance education applications and have them approved by the Department. Additionally, if provision of distance education was not included in the school's charter application and/or charter, the school must request of its sponsor amendment of (a material amendment) the charter to add distance education.

If a school contracts with a course provider that provides the teacher of record, but that teacher is in another state, then the teacher can be the teacher of record even if he or she doesn't have a Nevada credential. If the teacher is teaching in Nevada, then the teacher would have to have a Nevada teaching license.

Also see NRS 388.820 -.874 and NAC 388.800 -.860 and http://charterschools.nv.gov/ForSchools/For_Schools/ "Use of Online Curriculum and Distance Education."

Educational Service Providers (ESP): EMOs (Educational Management Organizations) and CMOs (Charter Management Organizations)

If a charter school contracts with a corporation, business, or other entity to provide educational services to the school, the charter school is using an Educational Management Organization (EMO). A corporation, business or other entity that employs and provides the administrator or any of the educational personnel of a charter school is also considered an EMO. EMOs tend to be for-profit companies; CMOs are similar to EMOs, but tend to be not-for-profit. "ESP" is a generic term that refers to both EMOs and CMOs. Several regulations apply to EMOs: NAC 386.130(4), 386.345, 386.400, 386.405, and 386.407. The definition of an EMO is found in NRS 386.562. Also in that statute can be found rules regarding EMO contracts.

If a charter school intends to contract with an ESP, the committee to form the school (or governing body, as applicable) is expected to "shop around" for an ESP that can provide the services desired by the school. The governing body chooses the ESP; the ESP doesn't choose the governing body. The committee or governing body should be prepared to explain how it chose the ESP, and which other ESPs it considered before making its decision.

Resources regarding ESPs/EMOs/CMOs:

<http://www.newschools.org/portfolio/ventures>

<http://www.chartergrowthfund.org/?q=node/28>

Also see http://charterschools.nv.gov/ForSchools/For_Schools/ for “Working with Educational Service Providers and EMO’s,” and “Choosing an Educational Contractor a Guide to Assessing Financial and Organizational Capacity.

Employee Records

The following documents must be in each employee's file:

1. Copy of teacher’s license;
2. Copy of the W-4 form;
3. Copy of Driver’s License;
4. Copy of Social Security Card;
5. Form I-9;
6. Copy of original job application;
7. Fingerprinting information for any staff not teacher-licensed;
8. Appraisal of the employee;
9. Terms of employment (i.e. employment contracts, offers of employment, at will agreements, etc.)

Enrollment Procedures and Lotteries

Charter schools are public schools and must accept the same types of students other public schools accept. Except under special circumstances which must be specified in the school's charter, charter schools may not in any way "pick and choose" the pupils they enroll in the school, nor may they manipulate the enrollment lottery to select or exclude particular students or a particular type of student. Additionally, charter schools must adhere to all state and federal mandates pertaining to the provision of special education services for eligible students under the Individuals with Disabilities Education Act (IDEA).

Charter schools, like other public schools, are expected to enroll pupils who wish to enroll, regardless whether count day has passed and regardless how far the school year has progressed. The only exceptions to this are stated in NAC 386.353. If a charter school loses pupils at any time during the school year, the school is expected to replace those pupils from the school's enrollment waiting list, using a lottery. The items required for enrollment can be found on our website: <http://charterschools.nv.gov/ForSchools/Resources/>

Charter school applicants must include in their charter school application a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school (NRS 386.520(2)(p)).

See NRS 386.580 for pupils who may be exempted from enrollment lotteries. Also see http://charterschools.nv.gov/ForSchools/For_Schools/ “Enrollment Lottery.”

First Year Charter School Enrollment Requirement (NRS 386.570)(NAC 386.357)

For charter schools in the first year of operation, the count of enrolled pupils must be determined 30 days before the beginning of the school year of the school district in which the charter school is located.

Not later than 30 days before the first apportionment is made pursuant to NRS 387.124 to a charter school in its first year of operation, the governing body of the charter school shall submit to the Authority, as described in the Pre-Opening Requirements checklist:

1. In an electronic format prescribed by the Authority, the enrollment form for each pupil enrolled in the charter school, which must include, without limitation:
 - a. The full name of the pupil;
 - b. The address of the pupil and the county in which the pupil resides;
 - c. The telephone number of the residence of the pupil;
 - d. The date of birth of the pupil;
 - e. The unique student identification number of the pupil, if available; and
 - f. The grade level in which the pupil is enrolling; and
2. The name and signature of the parent or legal guardian of each pupil enrolled in the charter school.

Be advised that no state funds will be available to a charter school that has not yet obtained a charter contract pursuant to NRS 386.527 and has not yet fulfilled all applicable Pre-Opening Requirements.

Pupil names may be submitted by the Nevada Department of Education to the school district(s) of residence of charter school-enrolled pupils to ensure no double counting of students.

The process and statute cited above (NRS 386.570) also address early payments for which first year schools are eligible.

Charter School Enrollment to Occur At Any Time During the School Year

In general, as a public school, a charter school:

- May not limit the number of pupils it enrolls;
- May not close enrollment after count day;
- Must continue enrolling pupils from its waiting list as openings become available at the school; and
- Must enroll and provide instruction to pupils at the time pupils seek enrollment; it must not defer enrollment or the provision of instruction until some future time.

NAC 386.353 identifies the conditions under which a charter school *may* limit the number of pupils it enrolls.

A school, including a distance education school, that has reached capacity pursuant to NAC 386.353 must place pupils who seek enrollment on an enrollment waiting list. Pupils who withdraw from a school that had reached capacity must be replaced with new pupils from the

school's waiting list. If a school with no waiting list drops below capacity and a pupil seeks enrollment, the pupil must be enrolled.

Pupils seeking enrollment in a charter school that is not enrolled to capacity must be enrolled at the time they seek enrollment, regardless whether the school year has partly or mostly passed. They cannot be put on a waiting list or otherwise be required to wait until the beginning of the next school year.

Regarding the transfer or earning of credit for a pupil enrolling in the charter school, if the pupil has transferring credit, then the school must accept it. If the enrollment in the charter school is too late to earn a full credit in the course (as in high school), the school can award units of partial credit.

Facilities

A charter school shall not sign a facility lease or purchase agreement without the prior review of the lease or agreement by the school's sponsor. A lease agreement for an Authority-sponsored charter school or proposed charter school will be reviewed by the Authority for the following:

- Rate, which must be market rate for the area;
- “Triple Net” agreements;
- Insurance liability requirements, which must be consistent with the requirements of NAC 386.215;
- Provision for the tax exempt status of the local school (NRS 361.096);
- Amount of space provided by the lease consistent with the actual or proposed school plan, including number of pupils; and
- The term of the lease.

Responses to NAC 386.140, 386.170(3, 4) and 386.205 must be submitted for all facilities the school uses. Schools that are missing the facility inspection and approval items (including a Certificate of Occupancy) required by NAC 386.140, NAC 386.170 and NAC 386.205 shall not operate.

Charter Schools must comply with federal AHERA requirements regarding asbestos in school facilities. The requirements for the AHERA asbestos management plan can be found at 40 CFR 763.93. The asbestos management plan must be completed **before** the building is used as a school. If the school does not have an asbestos management plan in place before the school opens, the school may be exposing the students and school staff to the dangers of asbestos-related disease if asbestos-containing material is disturbed.

If a charter school wishes to change its facility or add another facility after the charter has been granted, a request for an amendment to the charter (NRS 386.527) must be submitted to the sponsor, along with the facility-related items listed above for the new facility. See NAC 386.3265 and the “Amendments” portion of this manual.

Distance education schools using office space only (no provision of on-site instruction) are required to have a developed asbestos management plan by an accredited asbestos planner for the

office space only. A designated, trained person must oversee asbestos management at the site. All schools, distance education and site-based, must send a notice to pupils' parents that the school has an asbestos plan and that it is available for review.

Facility Inspections by Health Authorities

NAC 444.56818 requires approval of plans by health authorities prior to beginning construction (see below for the definition of "construction") on a school building; like all regulations, it applies statewide.

Clark County schools should call the Southern Nevada Health District at 702-759-1259 to set an appointment date for permit application and review of construction plans. Once a school's plans are approved, health authorities can move forward with on-site inspection, approval and facility permitting. Failure to make application in a timely manner may delay the charter school licensing process.

Clark County schools should visit the Southern Nevada Health District's website at <http://www.southernnevadahealthdistrict.org> , [School Plan Review website](#) for specific information about permitting requirements for school buildings, which are excerpted from NAC 444.568 through NAC 444.56862 (See [Submission Instructions](#) for schools). If plans include food service, please see [Food Establishment – General Requirements page](#). Applications may be located on the Health District's [Plan Review Process](#) webpage.

Procedures for counties other than Clark may vary, so it's recommended that a charter school operator or developer contact the health department in his/her area early in the facility acquisition and planning process.

NAC 444.56818 Submission and approval or denial of plans and specifications for construction. ([NRS 439.200](#), [444.335](#))

1. A person may not begin the construction of a school until the plans and specifications for the school are submitted to and approved by the health authority. The plans and specifications must include, without limitation:

(a) The layout, arrangement and construction materials for all rooms and grounds, including, without limitation, classrooms, utility rooms, janitors' closets and playgrounds; and

(b) The location, size and type of:

(1) Equipment that will be used at the school, including fixed equipment; and

(2) Facilities that will be included in the construction, including, without limitation, lavatories and kitchens.

2. The health authority shall review the plans and return a written decision of approval or denial to the person submitting the plans within 30 days after receipt of the plans. If the decision is to deny the plans, the written decision must include a detailed statement of the reasons for the denial.

3. As used in this section, "construction" means any construction of, remodeling of, additions made to, or other substantial alterations made to a school.

Fees for Charter School-Related Programs

NRS 386.550(1)(c) prohibits charter schools from charging tuition or fees. Under certain circumstances however, and subject to limitations, charter schools may charge for services. Specifically, charter schools may charge for participation in programs (for-charge programs) for which the school would not receive Distributive School Account (DSA) funds, and for which no other state or federal funds are received. An example of an allowable for-charge program is a summer program that is not funded by state or federal sources. Programs for which DSA funds or other state or federal funds are received must remain free of charge.

The following circumstances and limitations must also be considered when determining whether a charter school may charge for a particular program:

1. A for-charge program may not be an integral part of the charter school program. Participation in the program may not be a requirement for successful completion of the school's free-of-charge program. Services provided by the for-charge program may not be prerequisite for successful completion of the free-of-charge program.
2. Free-of-charge programs at the school and financial accounting for these programs must be kept separate from the for-charge programs.
3. There must be no priority treatment in the free-of-charge program for pupils participating in the for-charge program. There may be no priority in enrollment in the free-of-charge program for pupils participating in the for-charge programs.
4. For-charge programs that can be construed as child-care programs or private schools must be licensed as such and must adhere to statutes and regulations pertaining to those programs.

Financial Software

Although the NDE does not recommend or endorse any of the following vendors, the following software applications may support the chart of accounts prescribed by the NDE for use by charter schools (NAC 387.765):

- AptaFUND: <http://www.aptafund.com/>
- Cougar Mountain: <http://www.cougarmtn.com/>
- Microsoft Dynamics-Great Plains: <http://www.microsoft.com/dynamics/gp/default.mspx>
- Sage MIP Accounting: <http://www.sagenonprofit.com/>

Foreign Pupils

Foreign pupils on a F1 visa (as opposed to a foreign exchange program) are not eligible for state per-pupil funding (DSA, Distributive School Account). Such pupils should be enrolled, but subtracted from the pupil count just as out-of-state pupils would be. For more information:

<https://www.usimmigrationsupport.org/f1-student-visa.html>

Governing Bodies/Boards (NRS 386.549)

See “Committee to Form a Charter School and Governing Body” elsewhere in this manual.

All charter school governing body meetings must abide by Nevada's Open Meeting Law, and must follow Roberts' Rules of Order. All meetings must be audio-recorded and the recordings must be available for inspection by members of the public. For a copy of the Nevada Open Meeting Law Manual, see the Nevada Attorney General's website:

http://ag.nv.gov/About/Governmental_Affairs/OML/

Also see Appendix A, “Statutory and Regulatory Responsibilities of Charter School Governing Bodies (Boards) Requiring Board Action in an Open Meeting.”

Health-Related Matters

A charter school must address the provision of health services to pupils in its charter school application.

According to the Nevada Department of Education, the following statutes and regulations apply to charter schools; note that some of them require certain health-related instruction at certain grade levels:

- NRS 389.065, sex education;
- NRS 391.207-391.208, nursing services;
- NRS 392.420, 392.425, 392.430, 392.435, 392.437, 392.439, 392.443, 392.446, and 392.448, school health and safety;
- NAC 389.2423, 389.2938, 389.381, and 389.455.

Schools attempting to comply with rules regarding auto-injectable epinephrine (“epi-pens”) should review Senate Bill (SB) 453 from the 2013 Nevada Legislature. The Nevada Department of Health and Human Services, 775-684-4014, may also be of assistance.

Home Schooling and Charter Schools

NRS 386.505 prohibits home schooling charter schools. The Authority urges charter schools to clarify to parents of home-schooled pupils that they must withdraw their child from home schooling prior to enrolling the child in a charter school, and that charter schools are public schools.

Immunization of Pupils

Charter Schools must comply with state law and regulation regarding pupil immunization in public schools. See “Health-Related Matters” above. Also see “Vaccines Required for School Enrollment” at http://health.nv.gov/Immunization_SchoolRequirements.htm

Insurance (NAC 386.215, NAC 386.350 (5))

Documentation regarding the charter school's insurance coverage must be submitted under the facilities part of the charter school application. A school may not operate without evidence of adequate insurance coverage. It is the sponsor of the charter school who, based on NAC 386.215, determines whether the types and amounts of coverage obtained by the charter school are adequate.

If an applicant does not yet have a facility, he must submit an estimate of the cost of insurance coverage with the charter school application. The estimate must be provided by a qualified insurance provider, and must be in the form of a letter from the insurance provider. The letter must specifically state that the insurance estimate is "based on the types and amounts of insurance that are required by NAC 386.215." Estimated or actual insurance costs must be included in the budget that is submitted with the charter school application.

The types and amounts of coverage required for schools are stated in NAC 386.215 and in the Affidavit for Provision of Insurance Coverage for a Public Charter School found at http://www.doe.nv.gov/Topic/Charter_School_Resources/ "Affidavit for Insurance Coverage." Charter school applicants must submit the signed (by the insurance provider) and notarized Affidavit along with a copy of the school's certificate of insurance before the school may begin operating. Applicants need not submit the affidavit and certificate if they do not yet have a facility; only when they get a facility, and are preparing to open, will they need to submit the affidavit and certificate.

If the charter school provides driver education classes, see NAC 386.350(5).

Law and Regulation

It is imperative that charter school applicants and operators review the Nevada statutes (NRS, Nevada Revised Statute) and regulations (NAC, Nevada Administrative Code) that pertain to charter schools and other public schools. Statutes and regulations can be found on the Nevada State Legislature's website, <http://www.leg.state.nv.us/> (see Law Library). In particular, the following should be reviewed:

1. Nevada Revised Statutes (NRS) 386.490 to 386.649; and
2. Nevada Administrative Code (NAC) 386.010 to 386.445, and 387.600-387.780
3. NRS Chapters 385-395 and Chapter 399
4. NRS Chapters 63, 288, 332, 354;
5. NRS Sections 49.290 and 49.291; and 218.5351 to 218.5356;
6. NAC Chapters 385 to 395; and
7. Appendix C, federal guidance, "Charter Schools Program."

Legal Counsel

The Authority recommends that a charter school obtain an attorney to advise it regarding matters related to public school operation. A partial list of these matters follows:

1. Preparation of contracts;

2. Preparation of policies and governing body bylaws;
3. Familiarization with applicable laws and regulations;
4. Open meeting law;
5. Purchasing and bids;
6. Budgets; and
7. Workplace issues.

If a charter school uses an EMO, the committee to form the school or governing body, as applicable, should have its own attorney. The attorney should be selected and paid for by the committee to form the school or governing body, not the EMO.

Letter of Intent to Submit an Application

The committee to form a charter school shall submit a letter of intent to the proposed sponsor of the charter school in the same fiscal year (July 1 through June 30) in which the application is submitted. The letter must be received by the proposed sponsor no fewer than 15 days before the application is submitted. The letter of intent must include (NAC 386.125):

- a) The name of the school district in which the proposed charter school would be located. If the application is for a distance education school, provide the name of the county in which the administrative office of the school would be located;
- b) Whether the proposed charter school would be dedicated to providing educational programs and opportunities for pupils who are at risk;
- c) Whether the proposed charter school provide distance education;
- d) The date on which the proposed charter school would begin operation;
- e) Whether the proposed sponsor is the school district in which the charter school would be located, a college or university within the Nevada System of Higher Education or the State Public Charter School Authority;
- f) Whether the proposed school's governing body would contract with an educational management organization to assist with the operation, management or provision and implementation of educational services and programs of the proposed charter school;
- g) Whether the proposed school would contract with an educational management organization to directly employ and provide educational personnel to the proposed charter school;
- h) The name of the proposed school; and
- i) The name and contact information for the liaison between the committee to form the charter school and the proposed sponsor.

Nevada School Performance Framework

In August of 2012, the U.S. Department of Education approved Nevada's request for a waiver from the Elementary and Secondary Education Act in exchange for a state-developed plan designed to prepare all students for college and career readiness. The approved accountability system, known as the Nevada School Performance Framework (NSPF), classifies schools within a five-star performance rating system and includes multiple measures of student achievement and growth. The NSPF is set against a 100-point index derived primarily from indicators around growth, status, and

gap at the elementary and middle school levels; and status, gap, graduation, and career and college readiness at the high school level. Sub-populations included in the gap analysis include students served by free-and-reduced price lunch (FRL), individualized education plans (IEP), and students identified as limited English proficient (LEP).

Policies: Student, Personnel, Financial

The Authority provides model student, financial, and personnel policies to which charter school planners and operators may refer and, if appropriate, adopt. Note that a charter school should seek its own legal counsel before adopting any such policies, and should never automatically adopt policies developed by others. Also, charter school policies must comply with applicable statute and regulation. Model policies can be found at:

http://charterschools.nv.gov/ForSchools/For_Schools/

Pre-Opening Requirements

A number of pre-opening requirements must be met before a charter school with an approved application may receive state funding and begin operation. Upon approval of the charter school application, a charter school governing body will be given a list of the pre-opening requirements.

Private Schools Reopening as Charter Schools

For a private school to reopen as a charter school, the private school must close, and a charter school application must be submitted to and approved by the proposed sponsor. The private school must completely disband and become a newly created public school open to all students using a lottery if more students apply than the school can accommodate. No former or "previously enrolled" private school pupils may be "grandfathered in" to the new school. The school would "belong to" the school's governing body, not to the former private school owner or facility landlord.

The newly created public charter school must be just that; it cannot be a continuation of a private school under a different guise. The public charter school must be separate and apart from any private school. It must be established as a public school and comply with applicable state and federal laws regarding public schools. Because a newly created public school would not have any "previously enrolled" students, *all* students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must inform the community of its public school status and have a fair and *open* admissions process.

Members of the committee to form a charter school that results from the closure and conversion of a former private school must sign assurances available from the Authority.

PERS (Public Employees Retirement System)

Employees of charter schools (but not employees of educational management organizations) are considered public employees. Because of this, charter schools are required to apply for

membership in the Nevada Public Employee Retirement System (PERS) and enroll their employees in PERS.

Purchasing (NRS 332.039-.148)

Nevada's Local Government Purchasing laws apply to charter schools. See NRS 332.039-.148 for more information.

Records Retention

Certain school records must be maintained for certain minimum amounts of time:

Pursuant to NAC 387.175, a school's *Master Register of Enrollment and Attendance* and any supporting documents must be maintained and be available for inspection by the Department at any time during the school year and *for five years after the last day of the school year*.

Also pursuant to NAC 387.175, each *Class Record Book* must be maintained and be available for inspection by the Department at any time during the school year and *for two years after the last day of that school year*.

According to the Nevada State Library and Archives Records Management Program, General Retention and Disposition Schedule available at <http://nsla.nevadaculture.org/dmdocuments/generalschedules.pdf>, financial records including bank statements, cash receipts, deposit receipts, ledgers, journal entries and work files, disbursement logs, reconciliation documentation, billing claims, purchasing documentation, invoices, accounting spreadsheets, travel documentation, and so on *must be retained for a period of three fiscal years from the fiscal year to which they pertain*.

Retention of other records is addressed in the General Retention and Disposition Schedule as well; for example, checks and check registers (RDA#2004220) should be maintained for six years; and minutes of open and closed meetings should be maintained for five years (RDA#2005140). The Department urges charter school operators to review and comply with the entire Schedule.

Also see Appendix B, "Records Retention and Transfer."

Renewal of Charter

Pursuant to NRS 386.530, a charter school may apply to its sponsor for renewal of its charter. An application for charter renewal must be submitted to the sponsor of the charter school by October 15 of the school's final year.

Reporting Requirements

Charter school operators are required to complete and submit to a variety of recipients periodic reports. A description of many, but not all, of the required reports may be found in NRS 386.600 -

NRS 386.610 (Reports Required of Governing Body and Sponsor) and in NAC 387.600-387.780.

Authority-sponsored charter schools should refer to the Reporting Requirements Manual in AOIS for more guidance regarding reporting.

Revocation of a Charter (NRS 386.535, NAC 386.330)

The sponsor of a charter school may revoke a written charter or terminate a charter contract prior to the expiration date for the reasons identified in NRS 386.535.

Rights of Pupils and Families

The Family Educational Rights and Privacy Act, The Protection of Pupil Rights Amendment, and the Military Recruiter Provisions of the No Child Left Behind Act of 2001 all clarify rights of families and pupils enrolled in public schools, including charter schools. See http://charterschools.nv.gov/ForSchools/For_Schools/ for “Family Educational Rights and Privacy Act, and the Protection of Pupil Rights Amendment.”

Safety

Federal Emergency Management Agency <http://www.training.fema.gov>

Keep Schools Safe (<http://www.keepschoolssafe.org/>)

National Crime Prevention Council (<http://www.ncpc.org/>)

Teenangels (<http://www.teenangels.org/>)

US Department of Homeland Security (<http://www.dhs.gov/school-safety/>)

AASA, The School Superintendents Association, Safe and Secure Schools
<http://www.aasa.org/content.aspx?id=1554>

Note that NRS 392.624 requires that schools review and update their crisis response plan each year.

Also see Appendix D, “Model Emergency Drill Plan.”

School District Authorization to Sponsor Charter Schools

NRS 386.515 requires a school district or a public college or university that wishes to sponsor charter schools to obtain authorization from the Nevada Department of Education (NDE) before the district or college/university may sponsor a charter school. Most new charter school applicants will seek sponsorship from the State Public Charter School Authority, rather than a school district or a college/university.

Tax Exemptions

For Charter School Property (NRS 361.096)

All real and personal property that is leased or rented to a charter school is deemed to be used for educational purposes and is exempt from taxation. To qualify for this exemption, the amount of payment required by the charter school pursuant to the lease or rental agreement must be reduced in an amount which is at least equal to the amount of the tax that would have been imposed if the property were not exempt.

NRS 361.096 Exemption of certain property leased or rented to charter school.

1. All real and personal property that is leased or rented to a charter school is hereby deemed to be used for an educational purpose and is exempt from taxation. If the property is used partly for the lease or rental to a charter school and partly for other purposes, only the portion of the property that is used for the lease or rental to a charter school is exempt pursuant to this subsection.

2. To qualify for an exemption pursuant to subsection 1, **the property owner must provide the county assessor with a copy of the lease or rental agreement** indicating that:

(a) The property is leased or rented to the charter school; and

(b) The amount of payment required by the charter school pursuant to the agreement is reduced in an amount which is at least equal to the amount of the tax that would have been imposed if the property were not exempt pursuant to subsection 1.

Charter School Tax Exempt Documentation

The Nevada Department of Taxation does not issue tax exemption identification numbers but will provide other documentation that charter schools, as public schools, may use to demonstrate their tax exempt status. A form that charter schools may use to obtain tax exempt status is available from the Department of Taxation's website: <http://www.tax.state.nv.us/>.

Truancy

A charter school has a duty to inform the proper authorities if it detects truancy on the part of any of its pupils. NRS 392.180 states that a charter school in which a truant child is enrolled must "...make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority."

Also see NRS 386.585, adoption of rules for truancy.

Vendor Registration for Payment

In order for a school to receive its Distributive School Account (DSA) state per-pupil payments the school must be established as a vendor with the state:

- 1) Download and complete the State of Nevada Registration Substitute IRS Form W-9 found at the following link: http://controller.nv.gov/VendorServices/Forms/KTLVEN-01_Registration_Substitute_IRS_Form-W-9.pdf
 - a. All information provided in this form **MUST** match the information submitted to the IRS
 - b. The School **MUST** select Yes, Electronic Funds Transfer.

- i. Imprinted checks only.
 - ii. If The School does not have an imprinted check (i.e., only temporary checks) then it MUST submit your bank information on official school letterhead.
- 2) Fax or mail documents to the address or fax number on the form. Electronic submissions are not accepted.
- 3) The school must notify Allyson Kellogg at the Authority (akellogg@spsca.nv.gov) when it submits its documents.
 - a. The school will NOT receive notice from the State Controller's when the vendor number has been assigned.
 - b. The Authority will notify the school of its vendor number as well as the DSA Administrator at NDE so that the school's DSA payment may be processed.

Appendix A

Statutory and Regulatory Responsibilities of Charter School Governing Bodies (Boards) Requiring Board Action* in an Open Meeting

* Or a non-action agenda/minutes item, as applicable

The charter school sponsor will look for items (for action or not, as applicable) in the agenda and minutes of board meetings providing evidence of fulfillment of the following responsibilities.

The board may be asked by the sponsor to identify the meeting at which the responsibility was addressed by an agenda item and minutes. *If the board cannot identify the meeting, the board will need to address the responsibility at an upcoming meeting and inform the sponsor of the date of that meeting.*

Also note that if statute or regulation requires the school or board to provide notification (for example, NRS 386.549 requires a board to inform the school's sponsor of changes of membership), it is not sufficient to provide that notification through the board's agenda or minutes; separate, specific notification independent of the agenda and minutes must be provided.

"Suggested agenda...wording" below is wording that would be deemed acceptable by Authority staff in staff's review of governing bodies' agendas.

Non-Annual Responsibilities

NAC 387.770(3), Inventory

Suggested agenda **action item** wording: Designation of the person responsible for the maintenance of property, equipment and inventory records to comply with NAC 387.770(3)

This must be done initially, and whenever the board designates a different person.

NRS 386.583, Rules for academic retention

Suggested agenda **action item** wording: Adoption of rules for the academic retention of pupils to comply with NRS 386.583

This must be done initially, and whenever the rules for retention change.

NRS 386.585, Rules of behavior and punishments

Suggested agenda **action item** wording: Adoption of written rules of pupil behavior and appropriate punishments for violation of the rules to comply with NRS 386.585

This must be done initially, and whenever the rules or punishments change.

NRS 392.616, Establishment by charter schools of a development committee for crisis/emergency

Suggested agenda **action item** wording: Establishment of a development committee to develop a plan to be used by the charter school in responding to a crisis or an emergency, to comply with NRS 392.616

This must be done initially, and whenever the membership of the development committee changes.

Annual Responsibilities

NRS 392.624, Provision of the annually updated NRS 392.620 plan to the school's board

Suggested agenda item wording: Provision of the emergency/crisis response plan to the board, to comply with NRS 392.624

This must be done annually.

NRS 386.573(1), Person to draw orders for payment of the charter school's money

Suggested agenda **action item** wording: Designation of the person to draw all orders for the payment of money belonging to the charter school to comply with NRS 386.573(1)

This must be done annually and whenever the board designates a different person.

NRS 386.573(2), Approval of payment of money and signing of cumulative voucher sheets

Suggested agenda **action item** wording: Prescription of the procedures by which orders for the payment of money belonging to the charter school must be approved and cumulative voucher sheets signed to comply with NRS 386.575(2)

This must be done annually and whenever the board changes its prescription.

NAC 386.410(5), Evaluate contractors

Suggested agenda **action item** wording: Review of the performance of each entity with whom the board has entered into a contract to comply with NAC 386.410(5)

This should be done at least annually for each entity.

NAC 387.720, Tentative budget

Suggested agenda item wording: Public hearing on tentative budget to comply with NAC 387.720(3-6)

This must be done annually during the second or third week in May.

NAC 387.725, Final budget

Suggested agenda **action item** wording: Adoption of final budget to comply with NAC 387.725(1)

This must be done annually not later than June 8.

NRS 386.605, Annual report of accountability

Suggested agenda **action item** wording: Review and approve the accountability information concerning the charter school that is required pursuant to NRS 385.347 to comply with NRS 386.605.

This must be done annually, before August 31.

NAC 387.775(5), Annual audit

Suggested **agenda item** wording: Presentation of the NAC 387.775 Annual Audit to the board to comply with NAC 387.775(5)

This must be done annually. The Audit must be submitted to the board not later than 4 months after June 30 (by October 31).

NAC 387.775(9), Annual audit

Suggested agenda **action item** wording: Adoption or rejection of the recommendations of the report of the NAC 387.775 Annual Audit to comply with NAC 387.775(9)

This is an annual responsibility to occur within 3 months after receipt by the board of the Annual Audit. The Audit must be submitted to the board not later than 4 months after June 30 (by October 31).

The matters described above in NAC 387.775(5) and (9) may be addressed at one meeting rather than two. If addressed at one meeting, *the NAC 387.775(9) matter must have been addressed under an action item* and the meeting must have been conducted on a date that satisfies both regulations. In case no “recommendations” are provided in the report of the audit, the *action item* for the governing body meeting could indicate that, but in no case may the governing body avoid an action item regarding NAC 387.775(5) and (9) altogether.

NRS 385.357(6), Plan to improve achievement of pupils

Suggested agenda **action item** wording: Receive, review and approve the NRS 385.357 plan to improve achievement of pupils to comply with NRS 385.357

This is an annual responsibility to occur around the November 1 due date for submission of the plan to the board.

NRS 386.600, Annual report of budget

Suggested agenda **action item** wording: Review and approve the NRS 386.600/NRS 387.303 annual report of budget, including the NRS 386.600(1)(a) written description of the progress of the charter school in achieving the mission and goals of the school set forth in its application, to comply with NRS 386.600

This must be done annually, before November 15.

Odd-Numbered Year Responsibilities

NRS 386.552, Implementing new statutes

Suggested agenda **action item** wording: Determination of which statutes and bills from the recent legislative session directly affect pupils, parents, teachers, administrators or other educational personnel of the charter school and require a plan for implementation to comply with NRS 386.552(1)

This must be done in years in which the legislature meets, not later than 60 days after the Superintendent of Public Instruction disseminates his/her summary of new education laws.

One Time Responsibility after the Third Year of the School's Operation

NRS 386.610(2), Written report describing the progress of the school in achieving its educational goals and objectives

Suggested agenda **action item** wording: Review and approve the NRS 386.610(2) written report of the progress of the school in achieving its educational goals and objectives to comply with NRS 386.610(2)

This must be done once, within a reasonable amount of time after the conclusion of the third year of operation of the school.

Responsibilities of a School Contracting with an Educational Management Organization as Defined by NRS 386.562

NAC 386.405(4), Approval of the appointment of all key personnel (NRS 386.590(6) school administrator(s) or NRS 386.573 person to draw orders for payment of the school's money) who are directly employed and provided to the school by an Educational Management Organization (EMO)

Suggested agenda **action item** wording: Approval of the appointment of key personnel employed and provided by an Educational Management Organization to comply with NAC 386.405(4)

This must be done initially and whenever there is a change of applicable key personnel.

NAC 386.405(5), EMO's performance

Suggested agenda **action item** wording: Review of the performance of the school's Educational Management Organization to comply with NAC 386.405(5); approval of the review by the board

This must be done annually, not later than 60 days after the end of the school year.

NAC 386.405(6), EMO's financial report

Suggested agenda wording: Receipt by the board of the EMO's financial report to comply with NAC 386.405(6).

This must be done annually not later than 15 business days after June 30.

Appendix B

Records Retention and Transfer

Per **NRS 392.029 and NAC 392.350**, the definition of a Permanent Record (Academic Performance) is to include the following items:

- 1) Permanent record card and/or academic transcript
- 2) Pupil's identifying information
- 3) Summary of attendance
- 4) Grades
- 5) Grade point average
- 6) Grade levels completed, and the year in which it was completed.

Permanent records should be retained permanently (there is no minimum retention period).

Per **NRS 392.029 and NAC 392.350**, the definition of Subsidiary Records (Cumulative Records) will include the following items:

- 1) Pupil's identifying information
- 2) Personal and family history records
- 3) Cumulative student record
- 4) Childhood disease/immunization data, and health folders
- 5) Disciplinary reports
- 6) Truancy reports
- 7) Psychological evaluations
- 8) Student guidance records
- 9) Progress and monitoring reports
- 10) Reading records
- 11) School and after-school activity reports
- 12) Student employment information
- 13) Standardized testing records
- 14) Reports of learning disabilities
- 15) Individualized educational program records (IEPs)
- 16) Student current data
- 17) Entrance and withdrawal records
- 18) Transfer records
- 19) Notices to parents/guardians
- 20) Parental consent forms
- 21) Informational correspondence
- 22) Similar records that are not considered part of the Permanent Record

Subsidiary records should be retained a minimum of six (6) calendar years after the pupil graduates or would normally have graduated from high school.

The following guidelines regarding transfer and retention of records should be followed from this point forward. Please keep in mind...**all schools/districts are extremely limited on space**. It is apparent that schools are very anxious to ship out all records of a non-returning student to the residing district, but this practice is **NO LONGER ACCEPTABLE**.

If a student leaves your school and you **DO NOT RECEIVE A REQUEST FOR RECORDS** from a school, please only send the permanent record files to the school of residence. You will then hold on to all subsidiary records until 1) a request for records for that student is received; or 2) six (6) calendar years after the pupil graduates or would normally have graduated from high school.

If a student leaves your school and you receive a request for records, at this point you can send all permanent and subsidiary (cumulative) records.

SPCSA has set a goal of becoming a model for exemplary records transfer and retention. To achieve this goal, it is critical that before any subsidiary/cumulative file is transferred out, that you take the time to 'weed out' excessive items, such as kindergarten drawings, and other unnecessary portfolio items that add to an already large cum file.

When requesting records: a general rule of thumb is the previous district will begin the process of transferring records to your school as long as that student has not sat in a class at the existing school at any time during the school year. If a student **has** sat in class at any point during the school year at the previous school, then the student records request must come from a parent or guardian of the student.

For improved statewide consistency, below is an example of the order that records should be placed when working with a subsidiary (cumulative) file:

- Pupil's identifying file
- Authorization for Transfer of Records (if applicable)
- High school transcript
- Testing data
- Enrollment/Re-enrollment/Withdrawal history
- Middle school transcript (if applicable)
- CRT (Criterion Reference Test (CRT/CRE) School Report, grades 6-8
- Academic record for all schools in descending order, with latest on top
- Court Documents, such as name changes, guardianship/custody papers, divorce decrees, protective orders
- Health Card
- Immunization records
- Religious or medical exemption forms/letters
- Copy of birth certificate
- GATE Eligibility Form or GATE Summary Sheet
- 504 Documentation
- Discipline Documents (suspension forms, expulsion notification letter to parent)
- ELLPD folder
- Release of information forms

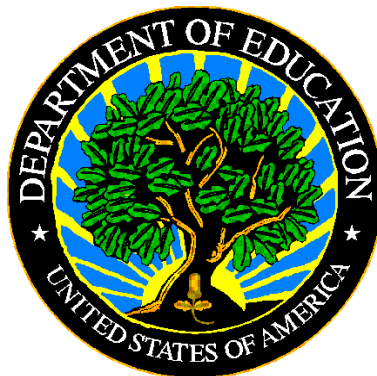
It is likely that our records transfer and retention process will continue to be refined this year. As we move toward consistency and accuracy, we also have to keep in mind that we are working with other districts where policies may slightly vary. (For instance...WCSD initially prefers the permanent file only when requesting student records from other districts; whereas CCSD wants all records - though cleaned out first - when requesting student records.) We will work through this year in efforts to implement a standardized and consistent records transfer and retention process.

Appendix C

Charter Schools Program

Title V, Part B of the ESEA

Nonregulatory Guidance



January 2014

Title V, Part B: Nonregulatory Guidance Charter Schools Program

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Introduction

The Charter Schools Program (CSP) was originally authorized in October 1994, under title X, part C of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 8061-8067. The program statute was amended in October 1998 by the Charter School Expansion Act of 1998 and in January 2002 by the No Child Left Behind Act of 2001. The current program legislation (title V, part B of the ESEA; 20 U.S.C. 7221-7225g) is included at the end of this guidance.

The statutory purpose of the program is to increase national understanding of the charter school model and to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for the planning, program design, and initial implementation of charter schools; and to evaluate the effects of charter schools, including their effects on students, student academic achievement, staff, and parents. The CSP provides start-up funding to eligible entities to support the planning, program design, and initial implementation of charter schools.

This nonregulatory guidance addresses questions the Department has received regarding various provisions of the CSP authorizing statute. These guidelines do not contain all of the information you will need to comply with CSP requirements and other requirements of Federal law (including civil rights obligations), but are intended to provide guidance on the CSP and examples of ways to implement it. This guidance provides the Department's interpretation of various statutory provisions and does not impose any requirements beyond those included in the CSP statute and other applicable laws and regulations. In addition, it does not create or confer any rights for or on any person.

For additional information about the CSP, please contact the Charter Schools Program office, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4W314A, Washington, D.C. 20202-5961. Telephone: (202) 401-8532.

If you are interested in commenting on this guidance, please email your comments to charterschools@ed.gov and include CSP Guidance in the subject of your email, or write to us at the following address: Charter Schools Program, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Summary of Major Changes

This updated version of the CSP nonregulatory guidance addresses additional issues that have arisen under the program since the Department released previous versions of the CSP guidance in 2003, 2004, 2007, and 2011. Specifically, this document clarifies the circumstances under which charter schools receiving CSP funds may use weighted lotteries in admissions (Questions E-3 and E-3a) and provides guidance on how existing grantees may request permission to amend their applications to allow for the use of weighted lotteries.

The Department of Education continues to review this nonregulatory guidance and may publish clarifications or modifications of specific sections when appropriate. Any updates to

this nonregulatory guidance will be made available on the Department's Web site at <http://www2.ed.gov/programs/charter/legislation.html>.

Charter Schools Program Guidance

A. General Provisions of the Charter Schools Program (CSP)

A-1. What is the purpose of the CSP?

The primary purpose of the CSP (title V, part B, subpart 1 of the ESEA) is to expand the number of high-quality charter schools available to students across the Nation by providing Federal financial assistance for charter school planning, program design, and initial implementation; and to evaluate the effects of charter schools, including their effects on students (in particular, on student academic achievement), staff, and parents. The program also encourages, through statutory funding priorities, the creation of strong State charter school laws that are designed to provide for the establishment of high-quality charter schools. An additional purpose is to encourage States to provide support to charter schools for facilities financing in amounts commensurate with the amounts they typically provide to regular public schools for that purpose. 20 U.S.C. 7221.

A-2. How does the statute define a charter school?

Charter schools are authorized under individual State charter school laws. The enactment of State charter school laws is solely a State prerogative, and the definition of a “charter school” under State law is a matter of State policy. However, in order to receive CSP funds, a charter school must meet the definition in section 5210(1) of the ESEA, which is as follows:

The term “charter school” means a public school that:

- a) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the requirements in paragraphs 1 through 12 of this definition;
- b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- c) Operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
- d) Provides a program of elementary or secondary education, or both;

- e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- f) Does not charge tuition;
- g) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, as amended, and part B of the Individuals with Disabilities Education Act;
- h) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
- i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
- j) Meets all applicable Federal, State, and local health and safety requirements;
- k) Operates in accordance with State law; and
- l) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school. 20 U.S.C. 7221i(1).

A-3. In addition to the provisions of title V, part B, subpart 1 of the ESEA, what other significant Federal statutory and regulatory authorities apply to recipients of funds under the CSP?

Recipients of funds under this program should be aware of the following significant statutory requirements in addition to those in title V, part B, subpart 1 of the ESEA:

- a) The definitions and other provisions set out in title IX of the ESEA, which establishes general provisions for all programs authorized under the ESEA;
- b) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;

- c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- d) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- e) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age;
- f) Title II of the Americans with Disabilities Act of 1990, as amended (ADA), which prohibits discrimination on the basis of disability by public entities, including public charter schools and local educational agencies, regardless of whether they receive Federal financial assistance;
- g) Part B of the Individuals with Disabilities Education Act, which requires States to make available a free appropriate public education to children with disabilities, as does section 504 of the Rehabilitation Act. (See 34 CFR 104.33 of the Department’s Regulations for Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, which requires a recipient of Federal financial assistance that operates a public elementary or secondary educational program or activity to provide a free, appropriate public education [FAPE] to children with disabilities.);
- h) For eligible entities that received grants in fiscal year (FY) 2010 for the replication or expansion of high-quality charter schools, the provisions governing those grants that were included in the Consolidated Appropriations Act, 2010;
- i) The Education Department General Administrative Regulations (EDGAR), parts 74, 75, 76, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99;
- j) General definitions from the ESEA at 20 U.S.C. 7801; and
- k) The Consolidated Appropriations Act, 2010, division D, title III, Pub. L. 111-117.

B. Eligibility and Use of Funds

B-1. Which State educational agencies (SEAs) are eligible to apply for a CSP grant?

SEAs in States with a specific State statute authorizing the establishment of charter schools are eligible to apply for CSP grants. An “eligible applicant” (defined as a charter school developer that has applied for a charter and notified the charter granting entity of its application for CSP funds) in these States may apply to the SEA for a subgrant. 20 U.S.C. 7221i(1)(A) and (3).

B-2. What if a State elects not to participate or does not have an application approved?

If a State elects not to participate in the CSP or is denied funding, an eligible applicant may apply directly to the Department for a grant. Charter schools located in States that have not enacted charter school legislation do not qualify as eligible applicants. (See B-1.) 20 U.S.C. 7221a(b).

B-3. May the Secretary waive any eligibility or application requirements?

Yes, subject to certain limitations, the Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority. However, the Secretary is precluded from waiving any requirement relating to the elements of a “charter school,” as that term is defined in section 5210(1) of the ESEA (See A-3.). 20 U.S.C 7221c(e).

B-4. May an SEA waive any eligibility or application requirement?

SEAs generally must request waivers of CSP statutory or regulatory requirements from the Secretary. However, either the SEA or the Secretary may waive the requirements in section 5203(d)(3) of the ESEA that requires the eligible applicant to provide its authorized public chartering agency with notice and a copy of its CSP application in the case of an application for a “pre-charter planning grant or subgrant,” if the authorized public chartering agency to which the charter school proposal will be submitted has not been determined at the time the CSP grant or subgrant application is submitted. 20 U.S.C. 7221b(d)(3).

B-5. What are dissemination grants?

The Department awards dissemination grants, and SEAs that have received CSP funds may also award dissemination subgrants, to successful charter schools to assist other schools in adapting the charter school’s program (or certain aspects of the charter school’s program) or to disseminate information about the charter school.

Dissemination activities may include such activities as: (a) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and its developers and that agree to be held to at least as high a level of accountability as the assisting charter school; (b) developing partnerships with other public schools designed to improve student academic achievement; (c) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and (d) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools. 20 U.S.C. 7221c(f)(6).

B-6. Who is eligible to apply for a dissemination grant?

A charter school may apply for a dissemination grant or subgrant, regardless of whether it has applied for or received funds for planning, program design, or implementation under the CSP, if the charter school has been in operation for at least three consecutive years and has demonstrated overall success, including the following: (a) substantial progress in improving student academic achievement; (b) high levels of parent satisfaction; and (c) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school. 20 U.S.C. 7221c(f)(6)(A).

B-7. What are some limitations on the use of dissemination funds?

Like all Federal grants, CSP dissemination grants and subgrants must be used in accordance with statutory and regulatory requirements. A charter school may not use dissemination grant funds, either directly or through a contractor, for marketing or recruitment activities designed to promote itself or its programs to parents or the community. Grant funds may be used to develop materials documenting successful practices of the charter school for the educational purpose of assisting other public schools in adapting the charter school's program or improving student academic achievement. Any charter school receiving a dissemination grant or subgrant should provide thorough and high-quality information that meets the needs of other schools trying to learn from the charter school's experience. Absent a waiver, a charter school may receive only one dissemination grant. 20 U.S.C. 7221c(f)(6)(B) and 7221a(d)(2).

B-8. Is a private school eligible to receive CSP funds?

No, only charter schools that meet the definition of a "charter school" under the ESEA are eligible to receive CSP funds. Section 5210(1) of the ESEA defines a charter school as a "public school" that, in addition to meeting other criteria, is created by a developer as a public school, or adapted by a developer from an existing public school, and operated under public supervision and direction. 20 U.S.C. 7221i(1)(B).

B-9. Could a private school convert to a public charter school and be eligible to receive CSP funds?

No. For purposes of the CSP, a charter school must be newly created or adapted from an existing public school. There is no provision in the law that recognizes conversions of private schools into public charter schools. However, the statute does not prohibit a newly created charter school from using resources previously used by a closed private school, including hiring teachers or enrolling students from the closed private school.

It should be noted, however, that any newly created public charter school may not be a continuation of a private school under a different guise. A public charter school must be separate and apart from any private school. It must be

established as a public school and comply with applicable State and Federal laws regarding public schools. In its creation, development, and operation, a charter school must not have any affiliation “with a sectarian school or religious institution.” Because a newly created public charter school would not have any “previously enrolled” students, *all* students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must widely inform the community of its public school status and have a fair and *open* admissions process. 20 U.S.C. 7221b(b)(3)(I) and 7221i(1)(E) and (H).

B-10. May an organization that operates a private school apply for funds to open a charter school?

An eligible applicant under the CSP is defined as “a developer that has applied to an authorized public chartering authority to operate a charter school; and provided adequate and timely notice to that authority under section 5203(d)(3) [of the ESEA].” A “developer” means “an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.” The statute does not specifically prohibit a developer from operating both a charter school and a private school. In such a case, the charter school would have to be operated separately from the private school. 20 U.S.C. 7221i(2) and (3).

B-11. May a charter school share a facility with a private school?

There are no specific statutory or regulatory prohibitions against funding a charter school that shares a facility or other resources with a private school, provided that the charter school truly is separate from the private school. In such a case, the grant or subgrant recipient may expend CSP funds only on goods and services used *exclusively* by the charter school. The grant or subgrant recipient may not use CSP funds to cover the cost of personnel, equipment, supplies, or other resources shared between the two schools. 34 CFR 75.700.

B-12. Is a for-profit entity that holds a legal charter eligible to apply for a CSP grant or subgrant?

No, a for-profit entity does not qualify as an eligible applicant for purposes of the CSP. Only non-profit entities may qualify as eligible applicants under the CSP. A non-profit charter school receiving CSP funds, however, may enter into a contract with a for-profit entity to have the for-profit entity manage the charter school on a day-to-day basis. In such a case, the non-profit entity receiving the CSP grant must directly administer or supervise the administration of the project. Likewise, the grant recipient is directly responsible for ensuring that CSP grant funds are used in accordance with statutory and regulatory requirements. 34 CFR 75.700-701 and 75.708(b).

B-13. What factors does the Secretary consider in determining whether a charter school is independent of a for-profit charter management organization (CMO) or educational management organization (EMO) with which the charter school has contracted to manage its day-to-day operations?

Although a charter school may enter into a contract with a for-profit entity to manage the day-to-day operations of the charter school, Federal regulations require the charter school grant recipient to “directly administer or supervise the administration of [the grant].” When administering or supervising the administration of the grant, the charter school that contracts with a CMO or EMO should ensure that it and its governing board are independent of the for-profit CMO or EMO. In determining whether a charter school grant recipient is independent from the for-profit CMO or EMO hired to manage the day-to-day operations of the charter school, the Secretary considers a number of factors, including, but not necessarily limited to, the following:

- a) Whether the charter school’s governing board is selected by, or includes members who are employees of, the for-profit CMO or EMO;
- b) Whether the charter school has an independent attorney, accountant, and audit firm that works for the charter school and not the for-profit CMO or EMO;
- c) Whether the contract between the charter school and the for-profit CMO or EMO was negotiated at “arms length,” clearly describes each party’s rights and responsibilities, and specifies reasonable and feasible terms under which either party may terminate the contract. (e.g. the charter school does not lose the right to use facilities);
- d) Whether the fee paid by the charter school to the for-profit CMO or EMO is reasonable for the type of management services provided; and
- e) Whether any other agreements (e.g., loans, leases, etc.) between the charter school and for-profit CMO or EMO are fair and reasonable, documented appropriately, align with market rates, and include terms that will not change if the management contract is terminated.

As a general matter, grantees must avoid apparent and actual conflicts of interest when administering grants. For additional information on conflicts of interest, please see section G of this nonregulatory guidance. 34 CFR 74.40-48, 75.524-525, and 80.36 (procurements).

C. Multiple Charter Schools

C-1. May an SEA award CSP start-up subgrants to multiple charter schools established under a single charter?

Section 5202(d)(1) of the ESEA provides that “[a] charter school may not receive... more than one grant for [planning and implementation activities].” For purposes of the CSP, a “charter school” is defined as, among other criteria, “a public school that... is created by a developer as a public school...; operates in accordance with State law...; and has a written performance contract with the authorized public chartering agency in the State...” Thus, the question of whether an SEA may award CSP start-up subgrants to multiple charter schools established under a single charter depends on: (a) whether the charter school at issue meets the definition of a charter school as set forth in section 5210(1) of the ESEA; and (b) whether the charter school has received a CSP start-up grant or subgrant previously.

An SEA may not award CSP start-up subgrants to multiple charter schools established under a single charter where the charter schools are merely extensions of each other (i.e., one charter school with multiple campuses). This is also true for charter schools established under separate charters if, in fact, they are operated as one charter school.

However, an SEA may award CSP start-up subgrants to multiple charter schools established under a single charter if each of the charter schools meets the CSP definition of “charter school” and the schools truly are separate and distinct from each other.

There are several key factors an SEA should consider when determining whether multiple charter schools created under a single charter are separate schools or parts of the same charter school:

- a) The terms of the charter;
- b) Whether the charter schools were established and are recognized as separate schools under the State’s charter school law;
- c) Whether the charter schools have separate performance agreements with their authorized public chartering agency(ies);
- d) Whether each school separately reports its academic performance for ESEA reporting purposes;
- e) Whether the schools have separate facilities;
- f) Whether the charter schools have separate staffs; and

- g) Whether the charter schools' day-to-day operations are carried out by different administrators.

The existence or non-existence of any one of these factors, by itself, does not determine whether a particular charter school is a separate school or part of a larger school. The existence or non-existence of several factors, however, may inform an SEA's determination of whether multiple charter schools created under a single charter are distinct entities or, for all practical purposes, are operating as a single charter school.

Consistent with the requirement that each school meet the definition of a charter school in section 5210(l) of the ESEA, in all cases each separate school must conduct an open enrollment process. Therefore, all students need to apply for admission to the charter school and must be selected by lottery if there are more applicants than spaces available. No preference may be given to students from an affiliated school. The charter school also must widely inform the community of its public school status and have a fair and open admissions process. 20 U.S.C. 7221a(d) and 7221i(1).

C-2. May a new charter school receive CSP funds if it is located in the facility of a recently closed charter school that also received CSP funds?

Yes, if the charter school is indeed "newly created" and has no affiliation with the closed school. SEAs should exercise particular caution, however, to ensure that the governing board and staff of the new school are considerably different from the governing board and staff of the closed school. 20 U.S.C. 7221a(d).

C-3. May one governing board oversee multiple charter schools?

The Department has no objection to one governing board overseeing multiple charter schools, provided that the board exercises appropriate oversight and monitoring of each school. 34 CFR 80.40.

D. Use of Grant Funds

D-1. How must CSP grant funds be used by SEAs?

SEAs must use CSP funds to award subgrants to eligible applicants to enable them to plan and implement charter schools in the State. SEAs may reserve up to 5 percent of CSP grant funds for administrative expenses related to operating the State charter school grant program, and up to 10 percent of their CSP grant funds to support dissemination activities. 20 U.S.C. 7221a(a), 7221c(f)(1), and 7221c(f)(4)(A).

D-2. How may charter schools use CSP start-up grants or subgrants?

Charter schools may use CSP start-up grant or subgrant funds only for post-award planning and design of the educational program, and initial implementation of a charter school. Planning activities may include refinement of the desired educational results and the methods for measuring progress toward achieving those results and professional development of teachers and other staff who will work in the charter school. Initial implementation activities may include: (a) informing the community about the school; (b) acquiring necessary equipment and educational materials and supplies; (c) acquiring or developing curriculum materials; and (d) other initial operational costs that cannot be met from State or local sources. Planning and implementation grants generally may be awarded for a period of up to three years, with no more than 18 months used for planning and program design and no more than two years used for initial implementation of the charter school.

In addition, OMB Circular A-122 establishes principles for determining allowable costs for Federal grants to non-profit entities. As a general matter, costs must be reasonable, necessary, and allocable to meet the objectives of the grant. 20 U.S.C. 7221c(f)(3); 2 CFR 230 (cost principals for non-profit organizations).

D-3. What types of costs other than those specified in D-2 of this guidance qualify as “other initial operational costs that cannot be met from State or local sources”?

As stated in D-2, for purposes of the CSP, initial implementation activities may include: (a) informing the community about the school; (b) acquiring necessary equipment and educational materials and supplies; (c) acquiring or developing curriculum materials; and (d) other initial operational costs that cannot be met from State or local sources. As a general matter, these costs may include, but are not necessarily limited to, the following:

- a) Costs associated with creating and implementing office functions, such as accounting systems, attendance and registration systems, and human resources policies;
- b) Costs associated with the installation of computers, data systems, networks, and telephones;
- c) Personnel expenses incurred either before or after the school’s opening, provided that these expenses are associated with initial implementation activities (i.e., as opposed to ongoing operations), such as program and curriculum development and integration, and teacher and staff recruiting. (*Note: If personnel split their time between ongoing operational activities and initial implementation activities, only that portion of the time associated with initial implementation of the charter school is allowable as an initial operational cost. The charter school must maintain accurate time

and effort records to document the amount of time each employee works on tasks related to the initial implementation of the charter school.); and

- d) Rental or occupancy costs for the school facility for a reasonable period of time in preparation for the school's opening.

All of the expenses described in (a)-(d) are allowable under the CSP only to the extent that they are related to the initial implementation of the charter school and cannot be met from State or local sources. A charter school that has received State or local funds would have to demonstrate that the State or local funds are unavailable to cover the expense at issue. If the charter school can show that the State or local funds it has received are necessary to meet expenses other than the one at issue, then the charter school has met its burden of showing that the "other initial operational cost" cannot be met from State or local sources and, therefore, is allowable under the CSP grant. 20 U.S.C. 7221c(f)(3)(B)(iv).

D-4. May CSP funds be expended on construction?

No, CSP funds may not be used for construction. CSP funds may be used for necessary maintenance, repair, or upkeep of buildings and equipment that neither add to the permanent value of the property nor appreciably prolong its life, but merely keep it in an efficient operating condition. OMB Circular A-122, Sec. 27 (rev. May 10, 2004); 2 CFR appendix B to part 230, section 27.

D-5. What type of equipment is permitted?

CSP funds may be used for costs associated with the initial implementation of a charter school. Initial implementation activities may include acquiring necessary equipment and educational materials and supplies. Thus, in accordance with OMB cost principles, to qualify as an allowable cost, the equipment must be necessary and reasonable for the proper and efficient performance and administration of the grant. In addition, the cost of the equipment must be included in the approved application and budget for the grant. Equipment necessary to implement a charter school may include, but is not necessarily limited to, desks, chairs, computers, equipment related to physical education and art, and playground equipment. 20 U.S.C. 7221c(f)(3)(B)(ii); OMB Circular A-122.

E. Lottery, Recruitment, and Admissions

E-1. What is a lottery for purposes of the CSP?

A lottery is a random selection process by which applicants are admitted to the charter school. 20 U.S.C. 7221i(1)(H).

E-2. Under what circumstances must a charter school use a lottery?

A charter school receiving CSP funds must use a lottery if more students apply for admission to the charter school than can be admitted. A charter school with fewer applicants than spaces available does not need to conduct a lottery. 20 U.S.C. 7221i(1)(H).

E-3. Are weighted lotteries permissible?

Weighted lotteries (i.e., lotteries that give additional weight to individual students who are identified as part of a specified set of students, but do not reserve or set aside seats for individual students or sets of students) are permitted only in certain circumstances.

First, weighted lotteries may be used when they are necessary to comply with title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; title II of the Americans with Disabilities Act of 1990, as applicable; the equal protection clause of the Constitution; or applicable State law.

Second, a charter school may weight its lottery to give a slightly better chance for admission to students seeking to change schools under the public school choice provisions of title I, part A of the ESEA for the limited purpose of providing greater choice to students covered by those provisions. For example, a charter school might provide each student seeking a transfer under title I with two or more chances to win the lottery, while all other students would have only one chance to win. 20 U.S.C. 7221i(1)(H).

Third, consistent with section 5204(a)(1) of the ESEA¹, a charter school may weight its lottery to give slightly better chances for admission to all or a subset of educationally disadvantaged students if State law permits the use of weighted lotteries in favor of such students. Permission could be evidenced by the fact that weighted lotteries for such students are expressly permitted under the State charter school law, a State regulation, or a written State policy consistent with the State charter school law or regulation, or, in the absence of express authorization, confirmation from the State's Attorney General, in writing, that State law permits the use of weighted lotteries in favor of such students. Thus, if a State's charter school law permits charter schools to give additional weight to educationally disadvantaged students (or a subset thereof), a charter school in that State could weight its lottery in favor of such students or participate in a centralized lottery for multiple public schools that is weighted in favor of

¹ Section 5204(a)(1) of the ESEA is the provision of the CSP statute regarding selection criteria for State educational agencies that focuses on the contribution that the CSP will make to assisting educationally disadvantaged and other students in meeting State academic content and achievement standards.

such students and remain eligible for CSP funding. For the purpose of this guidance, educationally disadvantaged students are students in the categories described in section 1115(b)(2) of the ESEA, which include students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

Weighted lotteries may not be used for the purpose of creating schools exclusively to serve a particular subset of students. In addition, the Department strongly encourages charter schools that use weighted lotteries to do so as part of a broader strategy that includes fulfillment of their existing responsibilities related to outreach, recruitment, and retention for all students, including educationally disadvantaged students.

E-3a. May existing grantees weight, or allow charter schools in the State to weight, their lotteries under the circumstances described in E-3?

An existing grantee that wishes to use, or allow charter schools receiving CSP funds to use, weighted lotteries under the circumstances in E-3 must seek approval from the Department to do so by amending its grant application. Requests for approval to use weighted lotteries should be submitted to the Department and include the following:

- 1) Information concerning the circumstances in which a weighted lottery would be used, including the specific categories of students the weighted lottery would favor;
- 2) Evidence that –
 - a) When seeking approval to use weighted lotteries under the first circumstance in E-3, the use of weighted lotteries is necessary to comply with Federal or State law; or
 - b) When seeking approval to use weighted lotteries under the second or third circumstances in E-3, State law permits such use, which could be evidenced by the fact that weighted lotteries for such students are expressly permitted under the State charter school law, a State regulation, or a written State policy consistent with the State charter school law or regulation, or, in the absence of express authorization, confirmation from the State’s Attorney General, in writing, that State law permits the use of weighted lotteries in favor of such students;
- 3) Information concerning the mechanisms that exist (if any) for an oversight entity (e.g., the SEA or an authorized public chartering agency) to review, approve, or monitor specific lottery practices, including establishment of weight amounts if applicable;

4) Information concerning how the use of a weighted lottery for a permitted purpose is within the scope and objectives of the approved project; and

5) Information concerning the amount or range of lottery weights that will be employed or permitted and the rationale for these weights.

An applicant for future CSP competitions that wishes to use a weighted lottery should provide the pertinent information about its proposed lottery in its grant application.

E-4. May a charter school exempt certain categories of applicants from the lottery and admit them automatically?

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply.

Specifically, the following categories of applicants may be exempted from the lottery on this basis:

- a) Students who are enrolled in a public school at the time it is converted into a public charter school;
- b) Students who are eligible to attend, and are living in the attendance area of, a public school at the time it is converted into a public charter school;
- c) Siblings of students already admitted to or attending the same charter school;
- d) Children of a charter school's founders, teachers, and staff (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and
- e) Children of employees in a work-site charter school, (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).

When recruiting students, charter schools should target all segments of the parent community. A charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin (including English language learners), religion, or sex, or against students with disabilities; in order to meet this goal, charter schools should consider additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for

admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school. 20 U.S.C. 7221b(b)(3)(I) and 7221i(1)(E), (G), and (H).

E-5. May a charter school create separate lottery pools for girls and boys, in order to ensure that it has a reasonably equal gender balance?

No, a charter school receiving CSP funds must hold one lottery that provides qualified students with an equal opportunity to attend the school. Therefore, a charter school receiving funds under the program is precluded from holding separate lotteries for boys and girls. Nor may a school weight its lottery in favor of one gender over another. A school seeking to increase participation of one gender should do so by targeting additional recruitment efforts toward that gender. 20 U.S.C. 7221b(b)(3)(I) and 7221i(1)(H).

E-6. In addition to title V, part B, subpart 1 of the ESEA, what other statutory or regulatory authorities should a charter school receiving a CSP grant consider when developing its admissions policies?

To be eligible for CSP start-up grants, a charter school's admissions practices must comply with applicable Federal and State laws. Exemptions from the lottery specified in E-4 above are permissible only to the extent that they are consistent with the State's charter school law, other applicable State laws, the school's charter, and any applicable title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973; and title II of the Americans with Disabilities Act of 1990, as applicable. 20 U.S.C. 7221i(1)(E), (G), (H), and (K). See also A-3.

E-7. What are a charter school's responsibilities with regard to outreach and recruitment?

Section 5203(b)(3)(I) of the ESEA requires charter school grant and subgrant recipients to inform students in the community about the charter school and to give each student "an equal opportunity to attend the charter school". Further, section 5203(b)(3)(E) of the ESEA requires charter schools receiving CSP grants or subgrants to involve parents and other members of the community in the planning, program design, and implementation of the charter school.

As noted in E-4 above, charter schools may not discriminate in recruiting. Charter schools should reach out broadly to the community, including to English language learners and students with disabilities.

E-8. May a tuition-based private preschool program that "feeds into" an elementary public charter school at the kindergarten level permit children

enrolled in the preschool program to continue in the elementary program without going through a lottery process?

No. In order to qualify for funds under the CSP, a “charter school” must, in addition to meeting other requirements, be created as a public school and may not charge tuition. Therefore, the private preschool would not qualify as a charter school and would have to be operated separately from the elementary “charter school”. Accordingly, all applicants to the charter school, including students attending the private preschool, would have to be selected by lottery if there are more applicants than there are spaces available. See also B-10.

However, the statute does not preclude an elementary charter school in this type of situation from holding its lottery a few years early (e.g., when students are ready to enroll in the preschool). Under this approach, the charter school would have an affirmative responsibility to inform prospective applicants that winning the lottery does not require them to enroll in the private preschool. Thus, any child selected through the lottery would be guaranteed a slot in kindergarten a few years later, whether or not he or she enrolls in the preschool program.

Additionally, given the high mobility of children and families, schools that choose to exercise this option should ensure that families in the area, including those new to the area or that were not aware of the previous lottery are given the opportunity to apply for admission. Such admissions policies must meet the requirements of the CSP and might include holding a second lottery to fill vacancies created by normal attrition or the failure of early lottery winners to enroll in the charter school. 20 U.S.C. 7221b(b)(3)(E) and (b)(3)(I); and 7221i(1)(F) and (1)(H).

F. Involvement of Religious and Community-Based Organizations with Charter Schools

F-1. May a charter school be religious in nature?

No. As public schools, charter schools must be non-religious in their programs, admissions policies, governance, employment practices and all other operations, and the charter school’s curriculum must be completely secular. As with other public schools, charter schools may not provide religious instruction but may teach about religion from a secular perspective and play an active role in teaching civic values. Further, as discussed later in this document, faith-based and religious organizations can be involved with charter schools in many ways, and religious expression by students is allowed in charter schools to the same extent as in other public schools. 20 U.S.C. 7221i(1)(E).

F-2. May charter schools use public funds to support religious programs or activities?

No. All activities of a charter school must be non-religious, as is the case for all public schools. Public funds may not be used for religious purposes or to encourage religious activity. In addition, even if funded by non-public sources, religious activity may not be conducted, promoted, or encouraged during charter school activities by charter school employees or by other persons working with charter schools. 20 U.S.C. 7221i(1)(E). See also F-1.

F-3. May charter schools enter into partnerships with religious organizations to provide secular services?

Yes. Like other public schools, charter schools may enter into partnerships with community groups for secular purposes, such as tutoring or recreational activities. Religious groups may be partners for these types of activities, so long as charter schools select partners without regard to their religious affiliation, ensure that no public funds are used for religious purposes, do not engage in or encourage religious activity, and the partner organization does not engage in or encourage religious activity as part of the partnership activities. Charter schools may not limit participation in the partnership to religious groups or certain religious groups, and may not select students or encourage or discourage student participation with particular partners based on the religious or secular nature of the organization. 20 U.S.C. 7221i(1)(E).

F-4. May charter schools use the facilities of a religious organization?

Yes. A charter school may use the facilities of a religious organization to the same extent that other public schools may use these facilities. Generally, this means that a charter school may lease space from a religious organization so long as the charter school remains non-religious in all respects, including its programs, operations, and physical environment. Most importantly, a landlord affiliated with a religion may not exercise any control over what is taught or displayed in the charter school. 20 U.S.C. 7221i(1)(E).

F-5. May charter schools conduct outreach activities in churches or through religious organizations?

Yes. A charter school's outreach and recruitment activities should be designed to reach all segments of the parent community. Thus, a charter school may conduct outreach or recruitment activities in churches or through religious organizations as part of a broad-based and balanced effort to inform parents in the community about the charter school and to recruit a diverse student body, but may not favor or disfavor religion in general or any particular faith or house of worship. 20 U.S.C. 7221b(b)(3)(I).

F-6. May community-based organizations and business entities play a role in charter schools?

Yes. Community-based organizations and businesses can play a positive role in creating and supporting charter schools. Examples of ways in which non-religious organizations can get involved in charter schools include helping to plan or design a new school, developing curriculum and assessment strategies, serving on governing boards, participating in the day-to-day management of charter schools, establishing partnerships with charter schools, and even creating work-site charter schools. A broad range of community-based organizations and businesses are currently involved with charter schools, including major corporations, hospitals, museums, and homeless shelters, as well as courts and social service agencies. Like all charter schools, charter schools operated by or affiliated with community-based organizations or business entities must be non-religious, and must operate in a nondiscriminatory manner. 20 U.S.C. 7221i(1).

G. Administrative and Fiscal Responsibilities

G-1. What are the administrative and fiscal responsibilities of a charter school grantee under the CSP?

Charter schools receiving CSP grants must comply with applicable statutes, regulations, and approved applications; and must use Federal funds in accordance with those statutes, regulations, and applications. Grantees must directly administer or supervise the administration of the project, and must use fiscal control and fund accounting procedures that ensure proper disbursement of, and accounting for, Federal funds.

As discussed in B-13, in cases where a charter school has contracted with a for-profit CMO or EMO to manage the day-to-day operations of the charter school, the charter school must exercise special care to ensure that the charter school directly administers or supervises the administration of the Federal grant and is independent of the for-profit CMO or EMO. 34 CFR 75.700-75.702 and 76.701.

G-2. What are the rules governing “conflicts of interest” in the administration of CSP grants?

CSP grantees must avoid apparent and actual conflicts of interest when administering grants. Department regulations at 34 CFR 75.525(a) prohibit a person from participating in an administrative decision regarding a project if: (a) the decision is likely to benefit that person or his or her immediate family member; and (b) the person is a public official or has a family or business relationship with the grantee. Section 75.525(b) provides further that a person may not participate in a project to use his or her position for a purpose that is –

or gives the appearance of being – motivated by a desire for a private financial gain for that person or for others. 34 CFR 75.525.

G-3. What procedures must CSP grantees follow when purchasing equipment or services?

When using Federal funds to purchase equipment or services, a charter school must comply with the procurement standards set forth in the Department's regulations at 34 CFR 74.40-74.48. Those standards require Federal grant recipients to develop written procurement procedures and to conduct all procurement transactions in a manner to provide, to the maximum extent practical, open and free competition. No employee, officer, or agent of the charter school may participate in the selection, award, or administration of any contract supported by Federal funds if a real or apparent conflict of interest exists. 34 CFR 74.42-74.44 and 80.36.

Appendix D

Model Emergency Drill Plan

Emergency Drill and Exercise Plan

_____ Independent School District

Revised _____

This plan is approved and is effective immediately. This plan applies to every facility in the district including both schools and other facilities.

Signed: _____, Superintendent

Dated: _____

Authority - This plan is developed as part of the Emergency Operations Plan. It is an implementation of district policy CKC and CKB.

Purpose – The purpose of this plan is to enhance the district's and each school's level of preparedness for emergencies and disasters by establishing a program of emergency drills and exercises.

Terms –

A DRILL is an exercise in which predetermined response actions are implemented.

AN EXERCISE is a scenario-based event to train and prepare for implementing emergency actions and the district's or campus's emergency operations plan.

Situation – Our district and its students and staff are potentially exposed to hazards for which emergency procedures have been established including:

1. Fires, explosions and hazardous materials spills within the school that might require a building evacuation (this is called an evacuation or fire drill within the district).
2. Intruders on campus or weapons on campus are situations which may, and most likely will, require a lockdown.
3. Tornadoes or other high wind events which may, and most likely will, require a severe weather shelter.
4. Hazardous materials spill by industry or transportation outside the school could release a hazardous substance requiring a shelter-in-place.
5. A bus fire or other bus emergency may require an evacuation.
6. Bomb threats may require a decision tree on whether to evacuate or search with students in place. The response to a bomb threat may include a modified evacuation or a modified lockdown.
7. Other more complex emergencies may also arise. The best method to prepare for these emergencies is to conduct table top or functional exercises to develop emergency management skills.

Concept of Operation –

Objectives

The objective of our emergency drills and exercises program is to test our emergency operations plan and procedures, train and prepare our students and staff for emergencies.

Drills

The emergency drills that are conducted in the _____ Independent School District are:

1. Building Evacuations are conducted once each month that the building is used for students. Administrative offices and other year round buildings will conduct an evacuation drill quarterly.
2. Lockdown drills are conducted once each semester.
3. Severe Weather Shelter drills are conducted in September and February each year.
4. Shelter-in-place drills are conducted in August, October, January, and March.
5. Bus evacuations are conducted once each semester.
6. Bomb threat drills are conducted once each year for staff prior to the start of school.
7. Table top exercise at least once each year the district emergency team will conduct a table top drill.

Building Level Guidance

Each school has an assigned safety officer whose duties include scheduling and conducting the required emergency drills. These duties specifically include:

- working with the building principal (or department director) schedule the drills,
- conduct drills using the same warning system that would be used in an actual emergency,
- document that drills have been conducted using the district reporting form,
- complete work orders for any alarm or other building repair problems which become evident during the drills,
- develop a corrective action plan for any campus plan or procedure problems that arise from the drill.

Incident Command and Emergency Team Activation

During emergency drills the campus emergency team will be activated. No drill will be considered complete without the activation of the emergency team. The team will assign roles per the incident command system and a copy of the ICS 201 form showing the command organization will be attached to the drill report.

Standards

1. **Evacuation Drills** are conducted in accordance with the local fire or life safety code.

Each student occupied space will have the primary and secondary evacuation routes posted. The assigned assembly point will be marked or described on the posted evacuation route sheet.

The drill will be initiated using the fire alarm – open the fire alarm system panel and press the “drill” button. Every building that is part of a single school campus will be evacuated whenever any building is evacuated for a fire drill.

Each teacher will take her/his class attendance sheet and the class emergency kit with her/him as they lead the students out using the posted evacuation route.

Each teacher will check attendance when they arrive at the assigned assembly point. Any missing students will be reported to the assembly area leader. Assembly area leaders will report any missing students to the student accounting coordinator. The coordinator will check with other staff (such as the nurse, counselor or principals) to locate the missing student. Any students not located will be reported to the incident commander. In an actual fire any missing students will be immediately reported to the fire department by the incident commander upon their arrival.

The emergency team will report to the pre-designated incident command post.

The PA system “tone 2” and a verbal announcement will end the drill and signal that it is safe to return to the building. The campus safety officer will complete a report on each evacuation drill indicating that all the steps listed above were followed.

2. **Lockdown Drills** are conducted in accordance with best practices.

Each school will develop a lockdown plan that shows spaces where students can be secured behind locked doors when a lockdown is initiated.

The drill will be initiated using a verbal announcement by PA – “Lockdown” (do not shout the directive). Staff is to be trained that lockdown is called for an imminent threat by an intruder and possibly an armed person within the building. Staff are not to travel the halls or return to classrooms far from their current location when they hear the lockdown called.

Each teacher will secure students currently in their classroom and any students within a few steps of the room. Once students are secure, the teacher will wait for a call from the office, then report any students not in class (any missing) and what additional students are sheltered with the class.

If this is only a drill, then the office will make a verbal announcement that it is a drill. The drill will continue while the emergency team reports to the pre-designated incident command post. Once assembled the incident command will complete the student accounting process.

Only after student accounting is completed will the “all clear” be announced allowing a return to normal operations. The campus safety officer will complete a

report on each evacuation drill indicating that all the steps listed above were followed.

3. **Severe Weather Shelter Drills** are conducted in accordance with National Weather Service and Federal Emergency Management Agency guidelines.

Each school will develop a severe weather shelter plan that shows spaces where students can be sheltered away from windows, doors, skylights, long span roofs and non-structural walls when a tornado drill is initiated.

The drill will be initiated using tone "3" on the PA system and by a verbal announcement by PA – "Tornado Drill" (do not shout the directive). Staff is to be trained that tornado drill is called for an imminent threat of wind damage to the building. Classes located in temporary buildings are to immediately move to shelter locations within the main school building.

Each teacher will shelter students currently in their classroom and any students within a few steps of the room. Once students are sheltered, the teacher will wait for a call from the office, then report any students not in class (any missing) and what additional students are sheltered with the class.

The drill will continue while the emergency team reports to the pre-designated incident command post. Once assembled the incident command will complete the student accounting process.

Only after student accounting is completed will the "all clear" be announced allowing a return to normal operations. The campus safety officer will complete a report on each severe weather drill indicating that all the steps listed above were followed.

4. **Shelter in Place Drills** are conducted in accordance with guidance provided by the Local Emergency Planning Committee.

Each school will develop a shelter in place plan that defines how exterior doors and windows will be closed and locked, how any openings around doors or windows can be sealed when a shelter in place drill is initiated. The plan will state how the HVAC system, restroom fans and kitchen exhaust fans will be turned off (most schools in our district have a "panic" button shut down). The "panic button" is only used in an actual emergency as use can damage equipment.

The drill will be initiated using a verbal announcement by PA – "Shelter in Place" (do not shout the directive). Staff is to be trained that shelter in place is called for an imminent threat of hazardous materials entering the building. (shelter in place is NOT used for spills within the school building. Classes located in temporary buildings are also to close and lock doors and windows and turn off air conditioning or heating system. Students out doors are to immediately return to their classroom.

Each teacher will shelter his or her students. Students out of class should immediately return (unless returning would require exiting a building) Once students are sheltered, the teacher will wait for a call from the office, then report any students not in class (any missing) and what additional students are sheltered with the class.

The drill will continue while the emergency team reports to the pre-designated incident command post. Once assembled the incident command will complete the student accounting process.

Only after student accounting is completed will the "all clear" be announced allowing a return to normal operations. The campus safety officer will complete a report on each shelter in place drill indicating that all the steps listed above were followed.

5. **Bus Evacuation Drills** are conducted in accordance with guidance from the Texas Department of Public Safety and Texas Association for Pupil Transportation.

The Transportation Director will develop the bus evacuation plan and schedule in cooperation with the schools.

Only after student accounting is completed will the "all clear" be announced allowing a return to normal operations.

The Bus driver will complete a report on each evacuation drill indicating that all the steps listed above were followed. Reports will be reviewed by the Transportation Director.

6. **Bomb Threat Drills** are conducted in accordance with guidance from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Each school will develop a bomb threat plan that defines how the decision to search with students in place, or to evacuate and search will be made when a bomb threat drill is initiated.

If the search is to be conducted with students in place, a lockdown drill will be initiated. If the school is to evacuate, the evacuation drill will be called before the search is initiated.

If searching with students in place, then the teacher will quickly assess the classroom and report the findings to the assembly area leader. Any suspicious item should result in an immediate evacuation of the rooms and rooms adjoining, until the police can assess the suspicious item.

The drill will continue while the emergency team reports to the pre-designated incident command post. Once assembled the incident command will complete building screening process.

Only after the building screening is completed will the "all clear" be announced allowing a return to normal operations. The campus safety officer will complete a report on each drill indicating that all the steps listed above were followed.

Direction and Control

Table Top Exercises

At least once each year a table top exercise will be conducted for the emergency team. The exercise will be designed by an emergency exercise planning team appointed by the assistant superintendent.

The Exercise Program

The district's exercise program is the responsibility of the director of safety. The director of safety will ensure that drills required by this plan are conducted in accordance with the schedule and standards established above. Each campus safety officer will report on drills and is responsible for the emergency drills on that campus.

Readiness Levels

Fire

Whenever the county fire marshal advises that the risk of wild fire is high or that there is a credible threat of arson the school shall review the past three drill reports to ensure that all corrective activities have been completed. If there is a question about the school's readiness a additional drill may be added.

Lockdown

A modified lockdown, including exterior doors may be initiated whenever local law enforcement advises the school of a particular threat such as but not limited to escaped prisoner, robbery or shots fired near the school.

Severe Weather

Whenever there are thunderstorms in the area, the school receptionist will test the weather radio to ensure it is working. If a tornado or severe thunderstorm watch is announced, all staff will be notified to be alert.

Reporting and Recordkeeping

Reports are to be completed and sent to the director of safety (for buses the director of transportation) no later than 10 days after the drill is conducted. Records of drills will be retained for five years.

Reporting form

_____ ISD
Drill Report Form

School: _____ Date of Drill: _____

Type of drill:

- Evacuation Drill
- Lockdown Drill
- Severe Weather Drill
- Shelter in Place Drill
- Bus Evacuation Drill
- Bomb Threat Drill
- Table Top Drill {attach complete report}

Number of students and staff: _____

Time required to complete: _____

I, the safety officer for my campus, certify that all steps in the drill standards were completed for this drill.

Comments:

Safety Officer: _____ Report Date: _____

Bus Driver: _____

Principal: _____