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# Board and Agency Duties, Policies and Procedures

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## **I. INTRODUCTION**

Nevada Revised Statutes (NRS) 388A.150 creates the State Public Charter School Authority (SPCSA). The SPCSA consists of seven Board members, an Executive Director, and Agency staff. The purpose of the SPCSA is to:

1. Authorize charter schools of high-quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk.
2. Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.
3. Serve as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all charter schools, regardless of sponsor, can flourish.

These Duties, Policies and Procedures have been adopted by the Board for the general direction and information of Board members and Agency staff and can be amended, varied, or temporarily suspended, in whole or in part, at the discretion of the Board by motion passed in an open meeting. The Executive Director may implement policy or directive for Agency staff as deemed necessary. As used in this document:

- Board means the SPCSA Board members
- Agency means the SPCSA Agency and its employees
- Authority means both the Board and the Agency
- Personnel means both Board members and Agency employees

## **II. BOARD GOVERNANCE**

The policy is designed to enable Board members and Agency employees to seek counsel, to remain inquisitive, and to exercise their functions with the prudence demanded of them in the public sector. Board members are entrusted with the responsibility of exercising their duties in a manner that ensures the efficient and effective administration and compliance with all applicable federal and state laws and regulations.

### **BOARD RESPONSIBILITIES**

1. Official Board action may only result from a majority vote of the Board members present at a legally constituted Board meeting.
2. The Board shall always conduct business in accordance with the Nevada Open Meeting Law, statutory and regulatory provisions, and current Duties, Policies, and Procedures, as applicable.
3. The Board shall establish Duties, Policies and Procedures regarding matters that are not specifically enumerated in statute, regulation, or state policy.
4. The Board members shall refrain from directly involving themselves in the duties of the Executive Director.

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5. The Board shall conduct an annual self-evaluation. The process shall include a personal self-evaluation that each Board member undertakes privately without sharing the results and an overall evaluation of the entire Board's performance, which is shared with all Board members. The evaluation may include but not be limited to:
    - a. Attendance at Board meetings
    - b. Preparedness for discussions at meetings
    - c. Ability to make sound decisions
    - d. Interaction among Board members
    - e. Interaction with the executive staff
    - f. Policy development and policy compliance
    - g. Oversight and monitoring activities
    - h. Strategic thinking and planning.

### **BOARD MEMBER CONDUCT**

1. Board members are responsible for attending all Board meetings.
2. Board members are not empowered to officially act on behalf of the Board except as directed by Board action.
3. Board members are responsible for learning law, regulation, and best practices pertaining to charter school authorizing, the Duties, Policies, and Procedures, and other official policies.
4. Board members shall conduct their affairs in such a manner that they always represent the best interest of the Board. To fulfill these functions satisfactorily, individual Board members must exercise utmost judgment, discretion, and tact in order to ensure good public relations, and to avoid any possible misunderstanding regarding actions as an individual as opposed to actions as a Board member.
5. Board members are not expected to be recognized as experts, but rather are expected to consider the advice of experts.
6. Board members shall refrain from making commitments to any individual or entity regarding any matter that is scheduled for consideration by the Board as a whole, or any matter that could jeopardize the united effort of the Board.
7. Board members shall refrain from performing any function delegated or normally assigned to Agency employees.
8. Board members shall direct their inquiries which may occur outside of a Board meeting to the Agency through the Executive Director or Director of Finance and Operations.
9. The response to correspondence addressed to the Chair shall be prepared by Agency employees and signed by the Chair.
10. The response to correspondence addressed to the Board shall be prepared and signed by Agency employees on behalf of the Board.
11. Board members shall not obligate expenses on behalf of the Agency without following the Agency procedures.

### **BOARD MEETINGS**

Board meetings shall be held in accordance with NRS Chapter 388A. The Board shall conduct business in accordance with Nevada Administrative Codes (NAC), the Nevada Open Meeting Law, federal and state statutory and regulatory provisions, and current Duties, Policies and Procedures, as applicable.

1. Any Board member may submit to the Executive Director a request for a matter to be placed on the agenda.
2. The Board will elect a Chair and Vice Chair from among its members in accordance with NRS 388A.153. The Vice Chair shall serve as the Board Chair in the absence of the Board Chair.
3. The Board will meet throughout the year at the times and places specified by a call of the Chair or a majority of the members. (NRS 388A.156)

### **III. AGENCY ADMINISTRATION**

The Board authorizes the Executive Director or his or her designee to provide official press releases and to answer questions from the press and other news media. The Board authorizes the Executive Director or his or her designee to carry out all administrative functions of the Agency, including but not limited to:

1. Performance management of all charter schools in accordance with authorizing agency best practice, the Performance Framework adopted by the Board, and applicable law and regulation.
2. Financial management of all accounts receivable, accounts payable, and budgetary compliance related to the Authority's role as a state governmental office.
3. All charter contract, Agency staff, operational and vendor contract compliance matters.
4. Interpretation of all Nevada Revised Statutes and Nevada Administrative Code in performing all functions of the Agency.
5. Approving all charter amendments which can be delegated to Agency staff pursuant to applicable law or regulation.
6. Applying for categorical or competitive grants from the federal government, private donors, and other granting organizations.
7. Developing recommendations, and approving applicable items pertaining to charter application, charter amendment request, and other charter authorizer documents.
8. Representing the Agency to other State entities, including all branches of government.
9. Developing strategic partnerships with other authorizers, charter school and education advocacy groups, and non-profit organizations which provide services to improve the academic, financial, or organizational performance of charter schools.
10. Awarding and executing vendor contracts pursuant to state law and regulation.

Consistent with Board policies and direction, the Agency shall work with the Department of Administration, the Governor's Office and the Legislature to ensure that the Authority is funded in a manner consistent with its statutory fee authority as well as its statutory and regulatory responsibilities.

Policy changes pursuant to the Agency's Local Education Agency (LEA) authority may be considered by the Board based upon the recommendation of Board members or the Agency. If the Board changes policies, the Agency shall notify schools of these changes.

### **DISTRIBUTION OF THESE DUTIES, POLICIES, AND PROCEDURES**

1. The Executive Director shall ensure that new board members receive a rigorous

- new member orientation as soon as practical after the appointment. Such orientation is in the best interest of the Board and the Authority and shall include at a minimum the following:
- a. History and overview of the SPCSA, charter schools, and charter school authorizing
  - b. A review of the schools authorized by the SPCSA
  - c. Authorizing responsibility of the board member and the standards that imposes.
  - d. Board governance for the SPCSA including Duties, Policies and Procedures adopted by the Board
  - e. A review of other precedent established by Board action
  - f. The role of staff and the Executive Director and the role of the Board
  - g. Special terminology applicable to charter schools and charter school authorizing
  - h. The charter application, amendment, and renewal process
  - i. Current issues related to the SPCSA and charter schools
  - j. The SPCSA Strategic Plan
  - k. An office tour and introduction to staff.
2. Each Board member shall acknowledge his or her understanding of the material by signing the "Acknowledgment Form for Board Members."
  3. The signed Acknowledgment Form must then be provided within 10 working days. The Executive Director is responsible for ensuring the completion and filing of a signed Acknowledgement Form from each Board member.
  4. The Director of Finance and Operations shall ensure that these Duties, Policies, and Procedures are given to all current Agency employees and any new Agency employee within 10 working days of their hire with the Agency.
  5. Each Agency employee shall acknowledge his or her understanding of the material by signing the "Acknowledgment Form for Employees."
  6. The signed Acknowledgment Form must then be returned to the Director of Finance and Operations within 10 working days. The Director of Finance and Operations is responsible for ensuring the completion, and filing, of a signed Acknowledgement Form from each Agency employee.

## **REQUESTS FOR INFORMATION**

A special request from Board members that requires significant agency resources, as determined by the Executive Director, must be approved by the Chair before the staff shall be required to act upon the request.

## **IV. ETHICS**

The Board and Agency employees must:

1. Avoid the perception of misuse of undue influence;
2. Be willing to adopt Duties, Policies and Procedures that preclude and inhibit misconduct;
3. Eliminate the wasteful use of resources; and
4. Embrace the concepts of sound cost effective measures.

Each Board Member and each member of the Agency Staff will read the most current Code of Ethical Standards and sign an acknowledgement of their understanding of the ethics requirements upon appointment or hire. In addition to compliance with the Code of Ethical Standards, Board members and Agency employees will not:

1. Disclose information regarding business developments of a confidential nature received in the course of his or her duties except in the authorized performance of those duties.
2. Attempt to take advantage of confidential information received in the course of his or her duties for themselves or any third party.
3. Accept meals, travel, lodging or any other gift from any vendor, potential contractor bidding on an open solicitation, or school. Business meetings may, in the interest of efficiency, be conducted at a contracted vendor's facility or at a school at no cost to the Agency as long as the expenses are customary and not intended to improperly influence a reasonable person. If the Chair, Executive Director, Board Counsel or Agency General Counsel, or Director of Finance and Operations cannot resolve an ethical question, the question should be referred to the Nevada Commission on Ethics.

## **V. FINANCIAL CONFLICT OF INTEREST POLICY**

It is the policy of the Authority to conform to statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof. This policy addresses compliance requirements with 34 CFR Part 75.525(a) & (b). The purpose of the conflict of interest policy is to protect the Authority's interest when it is contemplating entering into a transaction or arrangement that might result in an excess benefit transaction. This policy is intended to supplement but not replace, applicable state and federal laws governing conflict of interest applicable to nonprofits, charitable organizations, and chartered public schools.

### **FEDERAL STATUTE**

1. 34 CFR Part 75.525 (a) & (b) Participation in a Project: A grantee may not permit a person to participate in an administrative decision regarding a project if:
  - a. The decision is likely to benefit that person or a member of his or her immediate family; and
  - b. The person:
    - i. Is a public official; or
    - ii. Has a family or business relationship with the grantee.
2. A grantee may not permit any person participating in the 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.

### **CODE OF STANDARDS FOR EMPLOYEES**

1. Any Authority employee responsible for federal grant funds will disclose any and all conflicts of interest as described in the above federal regulation.

2. Authority employees responsible for federal grant administration will comply with all federal procurement regulations, comply with all regulations regarding expenses, and provide required documentation regarding grant expenses.
3. Authority employees are required to report any suspected misconduct regarding federal grant expenditures to the Executive Director.
4. State Public Charter School Authority employees responsible for federal grant administration who violate the above code of standards will be subject to disciplinary action up to and including dismissal from their position.
5. The Authority will prosecute to the full extent of the law any employee who violates state or federal laws regarding federal grant administration.
6. Each Authority employee involved with the disbursement or collection of federal funds shall sign a statement which affirms such person:
  - a. Has received a copy of the conflicts of interest policy;
  - b. Has read and understands the policy; and
  - c. Has agreed to comply with the policy.

### **DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS**

The determination as to whether a conflict of interest exists is to be made by the Authority. Any Authority employee who has an actual or potential conflict shall notify the Executive Director of such conflict immediately. The employee shall thereafter cooperate with the Authority as necessary for the Authority to make its determination.

## **VI. EDUCATION**

### **BOARD MEMBERS, EXECUTIVE DIRECTOR, AND AGENCY STAFF**

1. Board members, the Executive Director, and all staff designated by the Executive Director as having core authorizing or local education agency duties must complete the following professional development activities:
  - a. Each member of the Board and the Executive Director shall complete at least 40 hours of continuing education relating to charter schools, charter school authorizing, and education policy.
  - b. Each Agency staff member designated by the Executive Director as having core authorizing or local education agency duties shall complete at least 24 hours of continuing education relating to charter schools, charter school authorizing, and education policy.
  - c. While attending courses of continuing education, applicable travel reimbursement may be provided in compliance with the Agency travel policy.
2. Professional development hours can be attained through attendance at the National Association of Charter School Authorizers, the National Charter Schools Conference, regional charter schools conferences sponsored by charter school support associations in this and other states, and conferences sponsored by the US Department of Education related to charter schools.
3. To ensure that there is no perception of a violation of the open meeting law, no more than three members of the Authority board may attend the same professional



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- development activity, including a conference, which is held out of state, at the same time.
4. These educational requirements must be accomplished over the course of a fiscal year.
  5. The Board and Agency employees are encouraged to coordinate and provide classes that would meet the requirements for Board members and Agency employees.

## **AGENCY EMPLOYEES**

1. All Agency employees are eligible.
2. Classes or courses taken that do not lead to a degree must be directly related to the Agency employee's position and related duties at the time of enrollment or to charter schools, education policy, or performance management.
3. Classes required for a degree directly related to charter schools, education policy, education law, or the administration of public agencies and similarly complex non-governmental entities are eligible.
4. Reimbursement is subject to availability of funding and prior approval of the Director of Finance and Operations.
5. Reimbursement for fees and course materials will be made upon successful course completion. Reimbursement will be made for a maximum of one course per quarter/semester. Successful completion is defined as:
  - a. Receiving a grade of C or better;
  - b. Receiving a passing grade if the designation is pass/fail; or
  - c. Receiving a certificate of completion.
5. A written request for training must be completed and approved by the supervisor; Director of Finance and Operations, if the training has associated costs; and the Executive Director prior to enrollment. In the event that the request is made by the Executive Director, the approval must be made by the Board Chair.
6. Release time to attend training shall be approved or denied in accordance with NAC 284.482 - 284.485 and as follows:
  - a. Release time may be granted for classes or courses that meet the policy requirements.
  - b. Release time will not be granted for classes or courses which are available after work hours.
  - c. Maximum release time that may be approved is four hours per work week.
  - d. Release time will not have a negative impact on the operations of the Authority.
7. Any additional time off must be treated as flex time or permissive leave and prior approval shall be requested.
8. The Agency may provide or send employees to training classes and conferences related to charter schools, school operations, school finance, school law, education policy, or public administration.

## **VII. CONTRACTS**

1. It is the responsibility of the Director of Finance and Operations to oversee scope of work development, procurement, execution, and management of all Agency contracts

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- for services of independent contractor, interlocal agreements, and cooperative agreements. The Agency's Certified Contract Manager will ensure accurate completion of all necessary documentation and processes including, but not limited to:
- a. Drafting scopes of work;
  - b. Conducting formal and informal competitive solicitations;
  - c. Negotiating contract terms;
  - d. Ensuring sufficient proof of insurance and business license;
  - e. Submitting contracts for final approval;
  - f. Entering contract information into the Contract Entry and Tracking System (CETS) for approval by the Board of Examiners; and
  - g. Daily management of the ongoing contractual relationship.
2. All Agency contracts for services of independent contractor, interlocal agreements, and cooperative agreements shall be executed in accordance with NRS, NAC, state policy, and in consultation with the Authority's General Counsel or the Attorney General's Office.
  3. Nothing in this Contracts section of this Duties, Policies, and Procedures document is intended to govern the execution and oversight of charter contracts with SPCSA sponsored schools.

## **VIII. TRAVEL**

Effective agency operations require periodic travel by Board and Agency employees. The primary purpose of this policy is to ensure that funds allocated for travel are properly used and to ensure compliance with law, regulation, policy, and best practices. Board members are subject to the same travel requirements as Agency employees and will receive a copy of the Duties, Policies, and Procedures during their orientation. Failure to comply with this policy, state policy, or any applicable federal or state law or regulation may result in denial of future travel requests for members of the Board and denial of future travel requests and/or discipline for Agency employees.

This travel policy is intended to augment, not contradict, the official Nevada State Administrative Manual (SAM) policies. All Board member and Agency employee travel shall be conducted, compensated, and reimbursed in accordance with applicable federal and state laws, regulations, policies and as follows:

### **GENERAL TRAVEL REQUIREMENTS**

1. All travel arrangements shall be by the least expensive method available. Employees will not be reimbursed beyond the least expensive method available. Exceptions will be permitted when such factors as total travel time, salary of employee, availability of agency cars or Fleet Services Division cars, and costs of transportation are considered and result in savings to the State. An employee may incur additional costs at his or her own expense.
2. All travel and associated expense reimbursements must be related to approved state business. When combining state business and personal travel, expenses associated

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- with state business and those relating to personal travel must be clearly delineated and result in no additional cost to the Agency.
3. All travel shall be requested as soon as the need to travel is known and as soon as practicable, in order to allow for purchasing transportations and accommodations by the least expensive method available.
  4. Board members must submit a written request to travel and budgetary authority must be verified by the Agency fiscal staff prior to the commitment of any state funds. Board member travel shall be approved by the Executive Director and Director of Finance and Operations.
  6. All Agency employee travel shall be requested using the official Agency Travel Request form. All travel request forms shall be completed and signed by the traveler, approved by the supervisor, and approved by the Director of Finance and Operations prior to purchasing any transportation, booking any hotel rooms, or committing to any other obligations. The Agency Travel Request form must be completed and fully signed even if the travel costs are being paid by another state agency, the event sponsor, or with airline rewards points.
  7. The Travel Request form must contain details and justification for any state business travel combined with personal travel.
  8. A Board member is in “travel status” if away from his or her home station on official Board business. An Agency employee is in “travel status” if away from the Agency employee’s duty station on official state business.
  9. Board members and Agency employees are eligible for per diem, lodging, and/or vehicle rental reimbursements only if they are traveling 50 miles or more from their official home or duty station.
  10. Any bonus flight points or other rewards received by state agencies or employees as a result of state-paid air travel, shall, whenever possible, be used by the Agency to meet state travel needs.
  11. In the event that the Executive Director or another member of the Agency Executive Staff determines that the objectives of a meeting or training to be attended by Agency employee(s) should be achievable by participating through videoconferencing, the employee(s) shall request a written statement from the host of the meeting or training whether participation through videoconferencing is a viable option. If the host fails to respond or insists upon onsite presence, the Agency will log the request and result of that request.
  12. Neither Board members nor Agency employees shall be required to travel to schools for site visits or other meetings unless the Legislature has explicitly appropriated or authorized funds for such travel.
  13. Agency employees shall travel consistent with ensuring maximum value using the Agency’s travel resources. This includes, but is not limited to:
    - a. Whenever possible, traveling during normal working hours;
    - b. Sharing ground transportation when multiple employees are traveling together;
    - c. Attempting to reserve rooms at hotels that offer discounts or government rates;
    - d. Scheduling as many meetings as possible during a single trip; and
    - e. Requiring school accommodation in as much advance notice as possible for site visits and other meetings in order to secure the least expensive method of travel.

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## **TRAVEL ARRANGEMENTS**

1. All airfare shall be purchased by the Agency's Administrative Assistant III using the Agency travel procurement card.
2. All airfare shall be purchased by the least expensive method available (e.g. Southwest "Wanna Get Away" rates). Exceptions are only permissible upon prior approval by the Executive Director or the Director of Finance and Operations.
3. After airfare has been purchased, no changes shall be made. Exceptions are only permissible for exigent circumstances and upon prior approval by the Executive Director or a member of the Agency Executive Staff. Primary consideration will be given to changes that reduce the overall cost of travel. Changes to purchased flights may only be made by the Agency's Administrative Assistant III (i.e. through the Southwest SWABIZ account).
4. All vehicle rental reservations shall be made by the Agency's Administrative Assistant III (e.g. State of Nevada Fleet Services or Enterprise Rent-A- Car).
5. Registration for conferences, seminars, trainings, and similar events will be completed by the Agency's Administrative Assistant III.
6. Board members and Agency employees are responsible for making their own hotel reservations and any other travel arrangements.
7. The Agency will not reimburse travelers for charges resulting from hotel room reservations cancelled outside of the hotel's cancellation policy due to employee convenience or lack of diligence.

## **TRAVEL ADVANCES AND STATE-ISSUED TRAVEL CREDIT CARDS**

1. State-issued travel credit cards are the Agency's preferred method of covering employee travel expenses while traveling on state business.
2. Agency employees may request a state-issued credit card for travel through the Agency's Travel Card Administrator. Final approval of the issuance of a credit card for travel shall be the responsibility of the Director of Finance and Operations.
3. State-issued travel credit cards are only to be used to pay for travel related expenses.
4. Payment of the credit card balance is the responsibility of the employee to whom the card is issued and payment in full is due monthly.
5. If a state-issued travel card is used for a trip, the employee shall ensure the Travel Expense Reimbursement Claim is submitted within five working days of returning from travel status.
6. The Agency's Travel Card Administrator (TCA) shall monitor the usage of all issued travel credit cards and shall ensure compliance with SAM 0224 - 0228.
7. If the Agency's TCA discovers failure(s) to comply with SAM 0224 - 0228, the TCA will immediately report the issue to the Director of Finance and Operations.
8. Failure(s) to comply with SAM 0224 - 0228 may result in denial of future travel requests, discipline, and/or withholding of a delinquent credit card balance from the employee's paycheck.
9. If a state-issued travel credit card is not available, an employee may request, in writing, a travel advance. The request must contain justification for the amount and circumstances supporting the request.

10. If the Executive Director or Director of Finance and Operations approves the request for travel advance, the Agency shall process a voucher in accordance with SAM 0222.
11. Travel advances constitute a lien upon the accrued wages of the requesting employee.

## **TRAVEL REIMBURSEMENT**

1. Board members and Agency employees are entitled to receive reimbursement for meals while in travel status as follows :
  - a. Breakfast: Depart at or before 7:00 a.m.
  - b. Lunch: Depart at or before 11:00 a.m. and return after 1:00 p.m.
  - c. Dinner: Depart at or before 5:00 p.m. and return after 7:00 p.m.
2. Flight itineraries and conference agendas must accompany Travel Expense Reimbursement Claims to support the meals claimed and times of travel status.
3. Full meals provided at conferences, seminars, or other work functions will not be reimbursed. A continental breakfast is not considered a full meal.
4. Parking and any other transportation related expenses will only be reimbursed at the least expensive rate available, unless prior approval has been granted by the Executive Director.
5. Lodging will only be reimbursed for rates higher than GSA or CONUS, pursuant to SAM 0210, upon prior approval by the Executive Director and when the following conditions have been demonstrated to exist:
  - a. Lodging is procured at a prearranged place such as a hotel where a meeting, conference or training session is held, or
  - b. Costs have escalated because of special events; lodging within prescribed allowances cannot be obtained nearby; and costs to commute to/from the nearby location exceed the cost savings from occupying less expensive lodging.
6. Pursuant to state policy, travel claims for reimbursement of travel expenditures must be submitted within one month of completion of the travel unless prohibited by exceptional circumstance. To ensure compliance with this policy, employees must submit the necessary receipts or supporting documentation to the Carson City Administrative Assistant III within 10 business days of completion of the travel. Once receipts and supporting documentation has been received, the Agency's Administrative Assistant III will prepare a Travel Expense Reimbursement Claim on behalf of the traveler for the traveler's signature.
7. The Director of Finance and Operations is responsible for signature as final Agency approval on all Travel Expense Reimbursement Claims.

## **IX. PAYROLL AND PERSONNEL**

1. The Department of Administration, Division of Human Resources, Agency Human Resource Services (AHRS) is responsible for providing the primary human resource services for the Authority.
2. It is the responsibility of the Director of Finance and Operations to oversee, advise, and consult with Authority management on personnel issues and act as the liaison

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- between the Authority and AHRIS for all personnel issues. The Director of Finance and Operations will ensure accurate completion of all necessary documentation and processes including, but not limited to, reclassification documents, requests to fill positions, new hire paperwork, payroll analysis and reconciliations, correcting documents, distribution of payroll advices and payroll notifications, terminal leave payouts, performance appraisals, and any necessary disciplinary actions.
3. All personnel actions shall be carried out in accordance with NRS Chapter 284, NAC Chapter 284, state policy, and applicable guidance from AHRIS and Deputies Attorney General.
  4. Nothing in this Duties, Policies, and Procedures document precludes a supervisor or manager from responsibilities such as selection of applicants, training, communication, performance management, accountability, coaching, mentoring, or discipline.

## **X. STATE-OWNED PROPERTY**

### **USE OF STATE PROPERTY FOR PERSONAL USE**

1. The use of state property including vehicles, computers and other equipment for personal use, both on-site and off-site, that would either incur a cost or a liability to the State is prohibited.
2. The use of office supplies such as paper, pencils, pens, manila folders, classification folders and other office supplies for personal use is prohibited.

### **USE OF STATE-ISSUED MOBILE DEVICES**

1. The Agency may issue a mobile device to an Agency employee, subject to relevant business need and available funding and upon approval of the Executive Director and Director of Finance and Operations.
2. An Agency employee may voluntarily use a personal device to conduct state business without compensation.
3. If an Agency employee is issued a mobile device owned by the State, usage shall be governed by SAM 1616 and as follows:
  - a. All Agency mobile devices are for state business use only. Personal use that would incur a cost is not allowed.
  - b. Violations may result in disciplinary action.
  - c. Be mindful of the data plan for the issued device. Overage costs incurred due to unjustified or non-state business reasons may result in the employee being required to reimburse the Agency for the additional costs.
  - d. Agency mobile devices should always be carefully secured. If stolen, report to the Director of Finance and Operations immediately.
  - e. Agency mobile devices should always be clean and kept in good condition.
4. Information technology security for state-issued mobile devices or personal mobile devices connected to the state infrastructure shall be subject to the policies set forth by the Department of Education's Information Security Officer.



## **XI. LEGISLATURE**

1. Board members and Agency employees shall work diligently and cooperate fully with the Legislature and its committees in any study made or information desired in relation to the operation, functions, or status of the Authority.
2. The Board may take a position on all proposed legislative matters affecting the Authority and direct Agency employees to make that position known to the Legislature. Board members who have business before the Legislature shall ensure that they identify when they are speaking on behalf of the Authority and when they are speaking in their personal or other non-Board capacity.

## **XII. PUBLIC RECORDS REQUESTS**

NRS Chapter 239, the Nevada Public Records Act, provides for the inspection of public records and the provision of copies of such records to members of the public who request them. NRS 239.052 et seq. also provides that governmental entities may charge fees for costs associated with responding to public record requests. The Agency's public records request policy, procedure, and fee schedule are set forth below. It is anticipated that the vast majority of public record requests can be accommodated without charging any fees. However, the Agency occasionally receives requests for voluminous documentation or for materials which require careful review to ensure that there is no inadvertent disclosure of information which is confidential by state or federal law or regulation, e.g. personally identifiable information on charter school students.

### **FEE SCHEDULE FOR PUBLIC RECORDS REQUESTS**

1. No fees will be assessed until total costs reach \$10. If the cost of producing the records is estimated to be more than \$10, the requester will be notified in advance and records will not be produced until payment is received, unless a decision to waive fees has been made by the Executive Director.
2. Fees may be charged as listed below:
  - a. Black & white copies up to 8 ½" x 14" @ \$0.10 per page
  - b. Color copies up to 8 ½" x 14" @ \$0.50 per page
  - c. Records sent via email are free but shall be limited to 10MB in total file size.
  - d. Electronic media @ actual state cost
  - e. All postage or shipping will be by United States Postal Service (USPS) First-Class Mail or Retail Ground unless otherwise requested. Actual costs will be reimbursed by the requester.
  - f. No fees will be assessed for inspection of existing records.
3. Pursuant to NRS 239.055, a fee may be charged for extraordinary use of personnel or technological resources. A request that is reasonably estimated to take more than 30 minutes of staff time is deemed extraordinary. If a request is deemed extraordinary, fees will be calculated based on \$0.50 per page copied or placed on electronic media, in addition to the fees listed directly above.
4. Payment may only be made by check or money order, payable to "State Public Charter School Authority."

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## **PUBLIC RECORDS REQUEST PROCEDURE**

1. As required by NRS 239.008, the SPCSA has designated a Records Official.
2. The Records Official may assign an assistant to help the Records Official log and respond to public records requests. All records requests received by the Agency should be forwarded *immediately* to the Records Official. The Records Official should then work with the Executive Director (or designee) for the response timeline as well as the content of the response. In handling the records request, the Records Official shall follow the procedure outlined herein.
3. The Records Official may require the request be submitted on a form prescribed by the State Library, Archives and Public Records Administrator pursuant to NRS 239.008.
4. Request for reproduction of public records should be in writing and may be faxed, emailed, hand-delivered, mailed or submitted in person. The Public Records Request Form can be found on the Agency's website. This form should be utilized to obtain requestor's name, address, contact information and specific documents requested. However, if the requestor is unwilling to provide the request in writing, staff may complete a Public Records Request Form on behalf of the requestor.
5. The Records Official or designee shall acknowledge receipt of the request in writing to the requester. If the request is received by e-mail, this acknowledgement may be sent by e-mail.
6. The Records Official or designee will forward the request to the person who may best be able to respond and/or where the records are maintained.
7. The Records Official will ensure that, within five (5) business days from receipt of the request, one of the following occurs:
  - a. The requester is allowed to inspect the record or receives copies of the record, as requested;
  - b. If the Agency does not have a legal custody of the record, written notice of that fact and the name and address of the governmental entity that has legal custody of the record, if known, is provided to the requester;
  - c. If the record has been destroyed pursuant to the Agency's records retention schedule, written notice of that fact is provided to the requester;
  - d. If the Agency is unable to provide the record by the end of the fifth business day after the request is received, written notice of that fact and a date and time after which the record will be available for the person to inspect or copy is provided to the requester. If this is known at the time the acknowledgment is sent to the requester, this information may be included with the acknowledgment sent by the Records Official or designee; or
  - e. If the request must be denied because the record is confidential, written notice of that fact and a citation to the specific statute or other legal authority that makes the record confidential is provided to the requester.
8. The requester must be advised, in advance, of the volume or list of records encompassing the request and the potential cost to provide the records if applicable. Copies of records shall be furnished upon payment of associated fees (Refer to the Fee Schedule).
9. The SPCSA may determine that fulfilling the request will require significant use of personnel or technological resources, in which case the request may be deemed an



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- Extraordinary Public Record Request. Fees for Extraordinary Public Records Requests will be charged pursuant to NRS 239.055 and in accordance with the SPCSA Fee Schedule.
10. Requests for copies of transcripts of administrative proceedings will be directed to the court reporter or transcriptionist.
  11. All public records, unless declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be copied.
  12. Original public records must not be removed, disassembled, or altered during inspection by members of the public and the inspection must be monitored by an employee while any review is being conducted.
  13. If a record contains information deemed confidential, the record may not be made available for inspection or copying until it has been properly redacted. If the entire record is confidential by law, it must not be made available for inspection by the public or copied.
  14. A request to inspect or copy the record being reviewed cannot be denied if the confidential information can be redacted, deleted, concealed, or separated from the record, so the remainder of the record can be inspected or copied.
  15. Public records must be provided in any medium in which they are readily available. The custodian of the record shall not refuse to provide a copy of the record in a readily available medium because he has already prepared or would prefer to provide the copy in a different medium.
  16. If there is an issue regarding inspection or reproduction of a requested document, the Records Official or designee should consult the Attorney General's Office. The Deputy Attorney General will assist with the issues of whether:
    - a. The item requested is actually a public record, available for review and reproduction; or
    - b. The item requested is a public record which some special legal considerations dictate should not be made available for inspection and reproduction. This item requires a legal balancing test. If a balancing test is to be performed, the requestor should be informed and then notified as soon as a decision has been made. Balancing tests should be performed without delay.
  17. Copyrighted materials may be duplicated without risk of infringement when reproduction is for the specific purpose of: "criticism, comment, news reporting, teaching, scholarship, or research" (17 U.S.C.A. Sec. 107). When the custodian is aware that some other use is intended, consultation with the Attorney General's Office may be necessary to insure there is no infringement by reproduction of copyrighted material.
  18. Confidential records of charter schools and federal, state, and local governments shared with the Agency MUST NOT be disclosed without prior written authorization from that charter school or government agency.
  19. The criteria above are guidelines which may be expanded depending upon the circumstances of the request.