



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption of Regulations
LCB FILE NO. R043-21**

The Nevada State Public Charter School Authority will conduct a regulatory hearing on November 5, 2021, beginning at 9:00 a.m., at the following location:

Nevada Department of Education
Board Room
2080 East Flamingo Road
Las Vegas, Nevada

Members of the public may also view the regulation hearing online via the link on the SPCSA Public Notice web page: http://charterschools.nv.gov/News/Public_Notices/.

This public hearing will be conducted in accordance with Nevada's Open Meeting Law, NRS 241.020, and NRS Chapter 233B.

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Nevada Administrative Code 388A.260.

The following information is provided pursuant to the requirements of Nevada Revised Statute 233B.0603:

1. The need and the purpose of the proposed regulations and/or amendments:

The proposed regulatory changes seek to amend NAC 388A.260 to streamline the process by which new charter school applications are submitted to the State Public Charter School Authority, as well as proposes to make changes to the letter of intent required by NAC 388A.260.

2. Description of the proposed regulation, or the subjects and issues involved:

NRS 388A.168 and NRS 388A.258 provide the SPCSA with limited regulatory authority to adopt regulations related to, among other things, the timelines, processes, and contents related to new charter school applications that are submitted to the SPCSA. Nevada Administrative Code 388A.260 currently provides that a letter of intent to submit a new charter school application be submitted to the SPCSA no less than 120 days prior to the submission to the SPCSA of a new charter school application. NAC 388A.260 also currently provides for two application "windows" whereby new charter school applications must be submitted to the SPCSA between January 1 and January 15 or between July 1 and July 15.

The proposed changes to NAC 388A.260 shorten the timeline by which letters of intent must be submitted to the SPCSA to 90 days prior to the submission of a new charter school application, as well as adds additional detail to NAC 388A.260 regarding the contents required to be included in the letter of intent. The proposed regulatory changes also seek to amend NAC 388A.260 to provide for one application window per year (between April 15 and April 30 of each year) instead of two application windows each year.

- 3. Estimated economic effect of the regulation on the business it is to regulate and on the public:**
There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:**
Small businesses are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:**
There are no costs to the agency for enforcement of the proposed regulatory changes.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:**
There are no duplicative or overlapping regulations of other state or local government agencies.
- 7. Is the regulation required by federal law?**
No.
- 8. Does the regulation include provisions more stringent than a federal regulation regarding the same activity?**
No.
- 9. Does the proposed regulation establish a new fee or increase an existing fee?**
No.

Persons wishing to comment upon the proposed action of the Nevada State Public Charter School Authority may submit written comment to the State Public Charter School Authority via email at publiccomment@spsca.nv.gov, and any such public comment received prior to or during the agenda item regarding the regulation hearing will be provided to the Authority and included in the written minutes of the meeting.

Time for public comment will be provided at the beginning of the meeting, during the agenda item regarding the regulation hearing, and may be taken again before the adjournment of the meeting on any matter within the jurisdiction of the State Public Charter School Authority. See NRS 241.020(2)(d)(3)(I).

Public comment may be provided in-person or telephonically by utilizing the following conference call line: 1-312-584-2401; extension 3952176#.

A time limit of three (3) minutes, subject to the discretion of the Authority Chair, will be imposed on public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Authority. Public comment will not be restricted based on viewpoint.

The Authority is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the regulation hearing. If special arrangements for the regulation hearing are necessary, please notify the Authority, in writing, at 1749 North Stewart Street Suite 40, Carson City, Nevada 89706 or via email at dpeltier@spsca.nv.gov or by phone at 775-687-9178.

Supporting materials for items listed on the above-referenced agenda are available, at no charge, at the State Public Charter School Authority's website, <http://charterschools.nv.gov/>, or by contacting Danny Peltier, Board Secretary, 1749 North Stewart Street, Suite 40, Carson City, Nevada 89706; or by phone at (775) 687-9178.

A copy of this notice and the regulation to be adopted has been posted on the State Public Charter School Authority's website at https://charterschools.nv.gov/News/Public_Notices/. The notice can also be found on Nevada's Public Notice site at <https://www.notice.nv.gov> or by contacting Danny Peltier, Board Secretary, 1749 North Stewart Street, Suite 40, Carson City, Nevada 89706; or by phone at (775) 687-9178.

In accordance with Nevada's Open Meeting Law and NRS Chapter 233B, this public notice and agenda has been posted on or before October 6, 2021 as follows:

At the State Public Charter School Authority's website, <http://charterschools.nv.gov/>,
At the State of Nevada's official website, <https://notice.nv.gov/>, and
<https://www.leg.state.nv.us/app/notice/a/>.

At the following locations:

The State Public Charter School Authority, 2080 East Flamingo, First Floor and Suite 230, Las Vegas, Nevada 89119;

The State Public Charter School Authority, 1749 North Stewart Street, Suite 40, Carson City, Nevada 89706;

A copy of this notice has also been provided to every person on the State Public Charter School Authority's mailing list for receipt of proposed regulations and electronically submitted to the Legislative Counsel Bureau.

NOTICE REQUIRED BY NRS 233B.064 AND NRS 233B.060(1):

UPON ADOPTION OF ANY REGULATION, THE AGENCY, IF REQUESTED TO DO SO BY AN INTERESTED PERSON, EITHER BEFORE ADOPTION OR WITHIN 30 DAYS THEREAFTER, WILL ISSUE A CONCISE STATEMENT OF THE PRINCIPAL REASONS FOR AND AGAINST ITS ADOPTION AND INCORPORATE THEREIN ITS REASON FOR OVERRULING THE CONSIDERATION URGED AGAINST ITS ADOPTION.

THE REGULATION THAT IS POSTED ON THE SPCSA'S WEBSITE WILL BE THE REGULATION CONSIDERED.

DECLARATION OF POSTING

Pursuant to NRS 53.045, I declare under penalty of perjury that the following is true and correct:

That on or before October 5, 2021, 2021, this Public Notice and Agenda was posted at the above-referenced websites and locations.



State Public Charter School Authority

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

LCB File No. R043-21

October 6, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 388A.168 and 388A.258.

A REGULATION relating to charter schools; revising the time period to submit an application to form a charter school to the State Public Charter School Authority; revising the time period to submit a written notice of intent to submit an application to form a charter school to the Executive Director of the State Public Charter School Authority; prescribing the required contents of such a written notice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

Existing regulations provide that: (1) an application to form a charter school must be submitted to the State Public Charter School Authority during one of two application windows in January and July of each year; and (2) a written notice of intent to submit an application to form a charter school must be submitted to the Executive Director of the State Public Charter School Authority not less than 120 days before submitting the application. (NAC 388A.260) This regulation revises the period during which an application to form a charter school must be submitted to the State Public Charter School Authority by eliminating the biannual application periods and establishing a single application period in April of each year. This regulation also revises the time period to submit the requisite notice of intent to not less than 90 days before submitting the application and establishes the contents required in the notice of intent.

Section 1. NAC 388A.260 is hereby amended to read as follows:

388A.260 1. Except as otherwise provided in this section and NAC 388A.270, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant ~~[on or after January 1 and on or before January 15 or on or after July 1]~~ *between April 15* and ~~[on or before July 15]~~ *April 30* of each year. *The State Public Charter School Authority may, upon request and for good cause shown, accept an application to form a charter school at any time.*

2. A prospective applicant must submit a written notice of intent to submit an application to form a charter school to the Executive Director, in the manner prescribed by the Executive Director, not less than ~~[120]~~ *90* days before submitting the application. The ~~[State Public Charter School Authority may, upon request and for good cause shown, accept an application to form a charter school at any time.]~~ *notice of intent must include:*

- (a) The proposed name of the proposed charter school;*
- (b) The name, address, telephone number and electronic mail address of the person appointed pursuant to NAC 388A.115 to act as liaison between the committee to form the proposed charter school and the proposed sponsor;*
- (c) The name of the county and, if applicable, the address or zip code in which the proposed charter school will be located;*
- (d) The zip codes that the proposed charter school seeks to serve;*
- (e) The grade levels that the proposed charter school seeks to serve;*
- (f) The number of students in each grade level that the proposed charter school seeks to serve;*
- (g) Whether the proposed charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk;*

- (h) Whether the proposed charter school will provide a program of distance education;*
- (i) The date and school year on which the proposed charter school will begin operation;*
- (j) Whether the committee to form the proposed charter school intends to contract or is considering contracting with an educational management organization or a charter management organization to provide services to the charter school and, if so, the name of the educational management organization or charter management organization; and*
- (k) Any other information requested by the Executive Director.*

3. An application to form a charter school must comply with NAC 388A.265 and be submitted on a form prescribed by the Executive Director which must include, without limitation:

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

~~2.1~~ 4. The State Public Charter School Authority will examine each application submitted pursuant to this section. If the State Public Charter School Authority determines that an application is incomplete or does not satisfy the requirements of this chapter or chapter 388A of NRS, the State Public Charter School Authority will not process the application. The failure of the State Public Charter School Authority to identify or notify an applicant of a deficiency during

its review of an application does not constitute a waiver of the appropriate requirement. Each applicant shall ensure that its application is complete and satisfies the requirements of this chapter and chapter 388A of NRS at all times during which the application is under review by the State Public Charter School Authority.

~~[3.]~~ 5. An applicant may withdraw an application to form a charter school by providing written notice to the State Public Charter School Authority.

~~[4.]~~ 6. The State Public Charter School Authority will establish an application review panel composed of experts selected by the Executive Director who are not employed by the State Public Charter School Authority and employees of the State Public Charter School Authority to the extent such employees are available and appropriate to serve on the panel. After the State Public Charter School Authority has determined that an application is complete, the State Public Charter School Authority will:

(a) Publish on the Internet website maintained by the State Public Charter School Authority the version of the application which complies with NAC 388A.265; and

(b) Submit the application to the application review panel to:

(1) Review and score the application in accordance with the criteria described in the application; and

(2) Conduct an interview with the applicant to assess the qualifications of the applicant and the ability of the applicant to establish a high-quality charter school which may include, without limitation, one or more interviews with members of the applicant or with any proposed school leader, educational management organization or other party identified in the application.

Any person interviewed pursuant to this subparagraph shall not disclose the contents of the interview to any other person.

~~{5:}~~ 7. The members of the application review panel established pursuant to subsection ~~{4:}~~ 6:

(a) Shall not discuss applications with any person other than the members of the application review panel or the State Public Charter School Authority and its employees;

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

(c) Shall immediately disclose to the State Public Charter School Authority the discovery of any past or present relationship with an applicant, including, without limitation, with any current or prospective employee, agent, officer or director of the sponsor of the proposed charter school, any affiliated entity or any other person with an interest in the application; and

(d) Shall complete a questionnaire regarding conflicts of interest prescribed by the Executive Director to ensure that each member has no pecuniary interest in the approval or denial of any application which he or she may review.

~~{6:}~~ 8. After the application review panel reviews and scores an application and conducts an interview with the applicant, the panel must submit its recommendation and supporting information to the Executive Director. The Executive Director or his or her designee shall consider the recommendations of the application review panel, draft a staff recommendation and forward the staff recommendation and the application to the State Public Charter School Authority for review. The State Public Charter School Authority:

(a) Will review and evaluate all application materials according to the criteria established in subsection ~~{7:}~~ 9;

(b) May consider the score given to the application by the application review panel and consider the staff recommendation forwarded pursuant to subsection ~~{6:}~~ 8; and

(c) Will determine whether to approve the application to form a charter school.

~~[7.]~~ **9.** The State Public Charter School Authority will consider, without limitation, whether the applicant has demonstrated the capacity to:

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Effectively administer its educational programs, school operations and finances in accordance with state and federal laws and regulations and the provisions of any applicable federal grant for charter schools;

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

(n) Develop an enrollment policy consistent with federal laws and regulations, this chapter and chapter 388A of NRS;

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

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

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

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

~~18.1~~ **10.** If an applicant, any person who is a member of a group comprising an applicant, any vendor or educational management organization which is proposed to contract with the charter school or any person proposed to be employed by the charter school or by a vendor or educational management organization which is proposed to contract with the charter school has a current or previous relationship with a charter school in this or any other state, the State Public Charter School Authority and the Executive Director may consider all information relating to the performance of such a charter school when evaluating the application of the applicant, including, without limitation, any information reported to the general public or the State Public Charter School Authority by other sponsors of charter schools or by other clients of the vendor or educational management organization.

~~19.1~~ **11.** The decision of the State Public Charter School Authority on whether to approve an application to form a charter school is a final decision.

~~110.1~~ **12.** If the State Public Charter School Authority approves an application to form a charter school pursuant to this section, the applicant must:

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

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