

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

LCB File No. R080-24

June 4, 2024

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

AUTHORITY: §§ 1-4 and 6, NRS 388A.168; § 5, NRS 388A.168 and 388A.258; § 7, NRS 388A.080; § 8, NRS 388A.168 and 388A.438.

A REGULATION relating to charter schools; reorganizing certain provisions relating to the process for the State Public Charter School Authority to approve an application to form a charter school or request to amend a charter contract; revising provisions relating to a request to amend a charter contract; revising the terms for which the Authority may renew a charter contract; repealing authority for the Executive Director of the Authority to develop an abbreviated application to form a charter school; repealing provisions relating to the use of certain gifts, grants, bequests or donations; making various other changes to charter schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Public Charter School Authority to adopt regulations that prescribe: (1) the process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application; (2) the process for submission to the Authority of an application to renew a charter contract, and the contents of such an application; (3) the process for submission to the Authority of an amendment to a charter contract, and the contents of the application; and (4) the procedure for the investigation that the Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the Authority will use to evaluate such applications.

Existing regulations provide that: (1) the Authority may specify additional conditions when approving an application to form a charter school or a request to amend a charter contract for certain purposes; and (2) if an applicant or charter school fails to comply with the additional conditions specified by the Authority, the Executive Director may prohibit the charter school from beginning or continuing to operate as a charter school. (NAC 388A.410) **Sections 3-5** of this regulation reorganize these provisions into existing regulations that set forth the application requirements to form a charter school or amend a charter contract. **Section 4** of this regulation further provides that the Authority may specify additional conditions when approving any request to amend a charter contract, not just requests to amend a charter contract for the purpose of occupying additional facilities.

Existing regulations require a charter school sponsored by the Authority that wishes to amend the material terms of its charter contract to submit, with certain exceptions, a request to amend its charter contract to the Authority or the Executive Director: (1) on or after April 1 and on or before April 15; or (2) on or after October 1 and on or before October 15 of each year. (NAC 388A.400) **Section 4** eliminates these application deadlines. **Section 4** also eliminates a regulation that authorizes, under certain circumstances, the Executive Director to recommend that the Authority require the charter school to submit a comprehensive, restated application to form a charter school for review and approval by the Authority.

Existing regulations provide that, under certain circumstances, the Authority will not approve a request to amend the terms of a charter contract to convert the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school. (NAC 388A.400) **Section 4** eliminates such circumstances.

Existing regulations authorize, with the approval of the Executive Director, the governing body of a charter school to submit external evaluations of academic data in an application to renew its charter contract. (NAC 388A.415) **Section 6** of this regulation eliminates the requirement that the Executive Director approve the submission of such data.

Existing regulations provide that the Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract, renew the charter contract for a term of 6 years. (NAC 388A.415) **Section 6** provides instead that such renewal be for a term of not less than 3 years and not more than 10 years.

Existing regulations authorize the Executive Director to develop an abbreviated application for submission by prospective applicants that do not have experience operating a charter school. The Authority may, at its discretion, invite a prospective applicant who submits such an abbreviated application to submit an application to form a charter school. (NAC 388A.255) **Section 8** of this regulation repeals these provisions from the Nevada Administrative Code.

Existing regulations provide that if a gift, grant, bequest or donation which requires the use of criteria, timelines, interest rates or repayment terms which differ from those established by the Authority, results in the deposit of money from a source other than the State General Fund into the Account for Charter Schools, the Authority is required, to the extent permitted by law, to expend the money in accordance with the terms of the gift, grant, bequest or donation. (NAC 388A.680) **Section 8** repeals these provisions from the Nevada Administrative Code. **Sections 1, 2 and 7** of this regulation make conforming changes to eliminate internal references to this repealed regulation.

Section 1. NAC 388A.010 is hereby amended to read as follows:

388A.010 As used in NAC 388A.010 to ~~388A.680~~, **388A.675**, inclusive, unless the context otherwise requires, the words and terms defined in NAC 388A.015 to 388A.039, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NAC 388A.250 is hereby amended to read as follows:

388A.250 As used in NAC ~~388A.250 to 388A.270, inclusive,~~ *388A.260 and 388A.270*, unless the context otherwise requires, “applicant” means a charter management organization or a committee to form a charter school which submits an application to form a charter school to the State Public Charter School Authority.

Sec. 3. 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 between April 15 and 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 90 days before submitting the application. The 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 of 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.

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.

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

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.

7. The members of the application review panel established pursuant to subsection 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.

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 9;

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

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

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.

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.

11. *The State Public Charter School Authority may specify additional conditions when approving an application to form a charter school. If an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority,*

the Executive Director may prohibit the charter school from beginning to operate as a charter school.

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

~~H2.1~~ 13. 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.

Sec. 4. NAC 388A.400 is hereby amended to read as follows:

388A.400 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its charter contract pursuant to NRS 388A.276 shall submit a request to amend its charter contract to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. ~~Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the Executive Director on or after April 1 and on or before April 15 or on or after October 1 and on or before October 15 of each year.~~ A charter school must submit a written notice of intent to submit a request to amend its charter contract to the State Public Charter School Authority or the Executive Director not less than 45 days before submitting the request. The State Public Charter School Authority or the Executive Director may, upon request and for good cause shown, accept a request to amend a charter contract at any time.

2. A request to amend the terms of a charter contract relating to:
 - (a) The districts specified in the charter contract;
 - (b) The maximum enrollment of the charter school;
 - (c) The grades served by the charter school;
 - (d) A contractual relationship with an educational management organization which provides or plans to provide substantially all the educational services offered by the charter school;
 - (e) The acquisition and occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;
 - (f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;
 - (g) The conversion of the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school;
 - (h) A consolidation of the charter contract for one or more charter schools;
 - (i) A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740;
 - (j) A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils;
 - (k) A change to the mission statement of the charter school not described in paragraph (i) or (j); or

(l) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the charter contract, as applicable, including, without limitation:

(1) A change from a virtual or cyber school model to a blended model or classroom-based instructional model;

(2) A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or

(3) A change from a classroom-based instructional model to a virtual or cyber school model or blended model,

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

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

(a) The name of the charter school;

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

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

(d) The discipline policy of the charter school;

(e) The suspension policy of the charter school;

(f) The bylaws of the charter school or its governing body;

(g) The membership of the governing body of the charter school;

(h) The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;

- (i) The accountability plan for the charter school, including, without limitation, any improvement plan required by state or federal law or the State Public Charter School Authority;
 - (j) The enrollment policy of the charter school and its application for admission; or
 - (k) The expulsion policy of the charter school,
- ↪ must be submitted to the Executive Director for approval on a form prescribed by the Executive Director.

4. The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval.

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

~~6.1~~ A charter school may not request an amendment to its charter contract unless the amendment has been voted on and approved by the governing body of the charter school pursuant to NAC 388A.305. A charter school may not implement an amendment to its charter contract unless the amendment has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.

~~7.1~~ 6. The State Public Charter School Authority will publish each request to amend a charter contract received by the State Public Charter School Authority or the Executive Director

on the Internet website maintained by the State Public Charter School Authority. The versions of the documents published pursuant to this subsection must comply with NAC 388A.405.

~~{8.}~~ 7. The State Public Charter School Authority and the Executive Director may consider a charter school's compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its charter contract.

~~{9.}—The State Public Charter School Authority will not approve a request to amend the terms of a charter contract pursuant to paragraph (g) of subsection 2 unless:~~

~~—(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and~~

~~—(b) For a charter school requesting conversion from a single-campus school to a multi-campus school, the charter school agrees to include provisions in its charter contract which:~~

~~——(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;~~

~~——(2) Allow pupils from one campus of the charter school to matriculate to another campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;~~

~~— (3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;~~

~~— (4) Identify the name, group of grade levels to be served and location of each campus; and~~

~~— (5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.~~

~~— 10. A charter school which submits a request to amend the terms of its charter contract which will come into effect within 18 months before the expiration of its existing charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract in support of the application for renewal of its charter contract.~~

~~— 11. If the Executive Director denies or, within 60 days after the date upon which the request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.~~

~~— 12.} 8. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a charter contract is a final decision.~~

~~13.} 9. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a charter contract, the charter school must:~~

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

~~(b) Execute a charter contract within 45 days after approval of its request to amend its written charter or charter contract. The State Public Charter School Authority may revoke approval of a~~

request to amend a written charter or charter contract if the charter school fails to comply with this paragraph.

~~14.~~ *10. The State Public Charter School Authority may specify additional conditions when approving a request to amend a charter contract. If a charter school fails to comply with the additional conditions specified by the State Charter School Authority, the Executive Director may prohibit the charter school from implementing the proposed amendment.*

11. As used in this section:

(a) “Multi-campus school” means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which may serve the same group of grade levels or differing groups of grade levels, under one charter contract.

(b) “Single-campus school” means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.

Sec. 5. NAC 388A.410 is hereby amended to read as follows:

388A.410 ~~11.—The State Public Charter School Authority may specify additional conditions when approving an application to form a charter school or a request to amend a charter contract for the purpose of occupying additional facilities. If such an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director may prohibit the charter school from beginning or continuing to operate as a charter school.~~

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

~~(a)~~ 1. If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;

~~(b)~~ 2. The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for the recruitment and retention of pupils;

~~(c)~~ 3. The criteria and procedures for the suspension and expulsion of pupils;

~~(d)~~ 4. Written documentation demonstrating that criminal background checks have been performed as required by state law;

~~(e)~~ 5. Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;

~~(f)~~ 6. Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;

~~(g)~~ 7. If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and

~~(h)~~ 8. Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.

Sec. 6. NAC 388A.415 is hereby amended to read as follows:

388A.415 1. The governing body of a charter school sponsored by the State Public Charter School Authority that wishes to renew its charter contract shall submit an application for renewal to the State Public Charter School Authority on a form prescribed by the Executive Director. Except as otherwise provided in this section, an application for renewal must be submitted to the State Public Charter School Authority on or after October 1 and on or before October 15. The governing body must submit a written notice of intent to submit an application for renewal to the Executive Director not less than 45 days before submitting the application for renewal. The Executive Director may, upon request and for good cause shown, accept an application for renewal at any time. The application for renewal must include, without limitation:

(a) A summary of the academic performance of the charter school as reported by the statewide system of accountability for public schools and any predecessor or successor accountability system and the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(b) A summary of the organizational performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for organizational performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(c) A summary of the financial performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority; and

(d) A summary of the anticipated enrollment of the charter school for the term of the renewed charter contract.

2. The governing body of a charter school that has received:

(a) Within the immediately preceding 3 consecutive school years, the highest rating of performance pursuant to the statewide system of accountability for public schools; and

(b) No notices of concern or notices of breach for academic, organizational or financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract of the charter school or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority,

↪ may request a waiver from the requirements of subsection 1 for the purpose of expedited renewal which may be granted by the State Public Charter School Authority for good cause shown.

3. In addition to the material required to be submitted pursuant to subsection 1, the governing body of a charter school:

(a) Shall submit any additional material or information requested by the Executive Director; and

(b) May ~~with the approval of the Executive Director,~~ submit external evaluations of academic data. The data included in an external evaluation must be independently audited and verified by the person performing the evaluation. The governing body shall ensure that the external evaluation and the data included in the evaluation are provided directly to the State Public Charter School Authority. If the State Public Charter School Authority cannot validate the data or replicate the calculations used to generate the external evaluation, the State Public Charter School Authority will direct the school to enter into a contract for a separate independent evaluation of the data and calculations by a vendor selected by the Executive Director.

4. An application for renewal of a charter contract must not contain a material change from the existing charter contract. A governing body which wishes to both renew a charter contract and materially change the terms of the charter contract must first apply for renewal pursuant to this section and subsequently request to amend the charter contract pursuant to NAC 388A.400.

5. The Executive Director shall notify the governing body of a charter school upon receipt of an application to renew a charter contract and may, in his or her discretion, arrange for a site visit of the charter school to be conducted to obtain information relevant to the application for renewal of the charter contract. If a site visit is conducted pursuant to this subsection, the Executive Director or his or her designee shall prepare a report of the site visit.

6. The Executive Director shall review each application for renewal of a charter contract using the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract and prepare and submit to the State Public Charter School Authority a recommendation regarding the application. When making a recommendation pursuant to this subsection, the Executive Director shall consider the evidence and data gathered relating to the past performance of the charter school, including, without limitation:

- (a) The information contained in the application for renewal;
- (b) Any information relating to the site visit and site visit report;
- (c) The annual reporting results of the charter school, including, without limitation, those relating to the academic achievement of pupils; and
- (d) Any other information that the Executive Director determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

7. If the Executive Director determines that he or she will recommend that the charter contract of a charter school should not be renewed, he or she shall give notice of his or her recommendation to the governing body of the charter school and the State Public Charter School Authority. The governing body of the charter school may request that the State Public Charter School Authority postpone consideration of its application for renewal of the charter contract to allow the governing body to prepare a response to the recommendation of the Executive Director. The governing body of the charter school may, within 7 calendar days after receipt of the Executive Director's notice, submit a written response to the State Public Charter School Authority, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument.

8. The State Public Charter School Authority will publish each application for renewal of a charter contract received by the State Public Charter School Authority pursuant to this section, each written response received pursuant to subsection 7 and each written response and request

for reconsideration received pursuant to subsection ~~H4~~ 13 on the Internet website maintained by the State Public Charter School Authority. The versions of the documents published pursuant to this subsection must comply with NAC 388A.420.

9. When determining whether to grant an application for renewal of a charter contract, the State Public Charter School Authority will consider the totality of the evidence presented to the State Public Charter School Authority, including, without limitation:

- (a) The information contained in the application for renewal;
- (b) Any information relating to the site visit and site visit report;
- (c) The recommendation of the Executive Director;
- (d) Any information in the written response of the governing body of the charter school to the recommendation of the Executive Director, if any, which the State Public Charter School Authority determines is relevant; and

(e) Any other information that the State Public Charter School Authority determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

10. The State Public Charter School Authority, when considering an application for renewal of a charter contract pursuant to this section:

- (a) May accept or reject, in whole or in part, the recommendation of the Executive Director;

and

- (b) Will not give any one factor more weight than the academic performance of pupils. ~~;~~ *and*

~~(e) Will, on each subsequent application for renewal, give the academic performance of pupils a greater weight than that assigned to it on the first renewal.~~

11. The State Public Charter School Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract pursuant to NRS 388A.300, in its sole discretion:

(a) Renew a charter contract for a term of ~~16~~ *not less than 3 and not more than 10* years;

(b) Renew a charter contract for a term of ~~16~~ *not less than 3 and not more than 10* years with a provision for a high stakes review under terms prescribed by the State Public Charter School Authority which may result in the termination of the charter contract before its expiration;

(c) Renew a charter contract for a term of ~~16~~ *not less than 3 and not more than 10* years with any additional provisions, requirements or restrictions which the State Public Charter School Authority determines are appropriate, including, without limitation, the termination of a management agreement or the renegotiation of a management agreement on terms satisfactory to the State Public Charter School Authority or the Executive Director;

(d) Deny the renewal of a charter contract for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 and assigning the charter contract to a charter management organization or a new governing body which may include, without limitation, the governing body of another charter school or a governing body assembled by the Executive Director;

(e) Deny the renewal of a charter contract for the purpose of restarting the charter school and issuing a new charter contract pursuant to NRS 388A.300 to a charter management organization

or a new governing body, including, without limitation, the governing body of another charter school, which will inherit any assets of the charter school which remain following dissolution; or

(f) Deny the renewal of a charter contract for the purpose of closing the charter school.

12. Each charter contract renewed pursuant to this section shall contain the performance benchmarks set forth in the performance framework adopted by the State Public Charter School Authority as part of the oversight plan for the charter school.

13. ~~{The Executive Director may request the State Public Charter School Authority to reclassify a denial pursuant to paragraph (d), (e) or (f) of subsection 11 to a denial pursuant to a different paragraph of that subsection. The State Public Charter School Authority may reclassify such a denial if it determines that a different outcome is more practical or more beneficial to the interests of this State and the public, including, without limitation, pupils enrolled at the charter school.~~

~~—14.}~~ If the Executive Director recommends that the State Public Charter School Authority grant an application for renewal of a charter contract but the State Public Charter School Authority decides to deny the application, the State Public Charter School Authority must provide written notification to the governing body of the charter school of the decision of the State Public Charter School Authority and the reasons therefor and of the right of the governing body to request reconsideration. The governing body of the charter school may request reconsideration by, within 5 days after receipt of the written notification from the State Public Charter School Authority, notifying the Executive Director in writing that the governing body intends to request reconsideration and, within 30 days after receipt of the written notification from the State Public Charter School Authority, submitting a written response and request for reconsideration, which may include supporting affidavits, exhibits, any other documentary

evidence and a written legal argument, to the Executive Director for transmission to the State Public Charter School Authority. If no previous request for reconsideration has been made on an application for renewal of a charter contract, upon receipt of a written response and request for reconsideration, the State Public Charter School Authority may reconsider the application for renewal.

~~15.1~~ **14.** The decision of the State Public Charter School Authority on whether to grant an application for renewal, unless reconsidered pursuant to subsection ~~14.1~~ **13**, is a final decision. The decision of the State Public Charter School Authority on reconsideration of an application for renewal pursuant to subsection ~~14.1~~ **13** is a final decision.

~~16.1~~ **15.** If the State Public Charter School Authority approves an application for renewal of a charter contract pursuant to this section, the governing body of the charter school must execute a charter contract within 45 days after approval of its application for renewal. The State Public Charter School Authority may revoke approval of an application for renewal of a charter contract if the governing body of the charter school fails to comply with this subsection.

Sec. 7. NAC 388A.650 is hereby amended to read as follows:

388A.650 As used in NAC 388A.650 to ~~388A.680.1~~ **388A.675**, inclusive, unless the context otherwise requires, the words and terms defined in NAC 388A.655 and 388A.660 have the meanings ascribed to them in those sections.

Sec. 8. NAC 388A.255 and 388A.680 and are hereby repealed.

TEXT OF REPEALED SECTIONS

388A.255 Abbreviated application to form charter school. (NRS 388A.168, 388A.258)

The Executive Director may develop an abbreviated application for submission by prospective applicants that do not have experience operating a charter school. The State Public Charter School Authority may, at its discretion, invite a prospective applicant who submits such an abbreviated application to submit an application to form a charter school.

388A.680 Use of gift, grant, bequest or donation. (NRS 388A.438) Notwithstanding the provisions of NAC 388A.650 to 388A.680, inclusive, if a gift, grant, bequest or donation which requires the use of criteria, timelines, interest rates or repayment terms which differ from those established by the State Public Charter School Authority results in the deposit of money from a source other than the State General Fund into the Account, the State Public Charter School Authority shall, to the extent permitted by law, expend the money in accordance with the terms of the gift, grant, bequest or donation.