Nevada Charter School

Operation Manual

Nevada State Public Charter School Authority

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**Nevada State Public Charter School Authority**

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Introduction

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

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

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

The 2011 Nevada Legislature created the State Public Charter School Authority (SPCSA; NRS 386.509-386.515). The Authority is the primary sponsor of new charter schools in Nevada.

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

Charter School Operation

**Administrative Costs/Sponsorship Fee Reimbursement**

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

**Amendment of a Charter (NRS 386.527)**

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

If a charter school wishes to change any aspect of its operation that is addressed in the school's charter (the charter consists of the charter school application as approved by the sponsor along with a “written agreement” signed by the school and sponsor), it must request of the school's sponsor amendment of the charter. The following is a *partial* list of matters addressed in the charter:

* Governing Body bylaws/rules of governance;
* Courses offered;
* Grades served;
* Contracts the school has entered into;
* School facility;
* Plan for provision of services to disabled pupils;
* Financial plan;
* Insurance;
* Truancy/absence rules;
* Etcetera.

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

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

To request amendment of the charter to add grade levels see NAC 386.326:

 NAC 386.326  Amendment of written charter: Request to expand instruction to grade levels of pupils other than those for which charter school is currently approved. ([NRS 386.527](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec527), [386.540](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec540))

1.  If the governing body of a charter school wishes to amend its written charter pursuant to [NRS 386.527](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec527) to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels does not change the kind of school, as defined in [NRS 388.020](http://www.leg.state.nv.us/NRS/NRS-388.html#NRS388Sec020), for which the charter school is authorized to operate, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment to the written charter not later than 90 days before the date on which the governing body proposes to operate the expanded grade levels.

2.  The written request must include, without limitation:

(a) Each grade level for which the charter school is requesting the amendment and the anticipated enrollment in each grade level for the first year during which the grade level is to be operated.

(b) The proposed curriculum for each grade level for which the charter school is requesting the amendment.

(c) A list of the courses that will be offered at the charter school, including, without limitation:

(1) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(2) A designation of the courses that a pupil must complete for promotion to each grade level and, if applicable, graduation.

(d) A schedule of classes to be offered which must meet the requirements for prescribed courses and required courses of study as set forth in [chapter 389](http://www.leg.state.nv.us/NRS/NRS-389.html#NRS389) of NRS and [chapter 389](http://www.leg.state.nv.us/NAC/NAC-389.html#NAC389) of NAC.

(e) A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(1) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(2) Meet the requirements of [chapter 389](http://www.leg.state.nv.us/NRS/NRS-389.html#NRS389) of NRS and other applicable federal, state and local laws and regulations.

(f) The qualifications of each person who will provide instruction in each grade level.

(g) A list of textbooks that will be used for the courses described in paragraph (c).

(h) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first year in which the charter school enrolls pupils in the expanded grade levels.

3.  The sponsor of the charter school shall review the written request submitted pursuant to subsection 1 to determine if the written request:

(a) Complies with [NRS 386.500](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec500) to [386.610](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec610), inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with regulations of the Department.

4.  Within 30 days after receipt of the written request submitted pursuant to subsection 1, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings pursuant to subsection 3, including any items that are incomplete or noncompliant. Written notice informing the governing body of a charter school that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5.  If the sponsor of the charter school denies a written request submitted pursuant to subsection 1, the governing body of the charter school may correct any deficiencies and resubmit the written request within 30 days after receipt of the written notice of denial for review pursuant to subsection 4.

6.  If the sponsor of the charter school finds pursuant to subsection 3 that the written request is compliant and complete, the sponsor may approve the request.

(Added to NAC by Dep’t of Education by R071-10, eff. 10-15-2010)

Regarding NAC 386.326:

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

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

 NAC 386.3265  Amendment of written charter: Request to occupy new or additional facility. ([NRS 386.527](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec527), [386.540](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec540))

1.  If the governing body of a charter school wishes to amend its written charter pursuant to [NRS 386.527](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec527) to occupy a new or additional facility, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment to the written charter not later than 15 days before the date on which the charter school proposes to occupy the facility.

2.  The written request must include, without limitation:

(a) The address of the facility.

(b) The type of facility.

(c) A floor plan of the facility, including a notation of the size of the facility which is set forth in square feet.

(d) The name and address of the owner of the facility.

(e) If the facility will be leased or rented, a copy of the proposed lease or rental agreement.

(f) A copy of the certificate of occupancy for the facility.

(g) Documents which indicate that the facility has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.

(h) Evidence which demonstrates that the governing body of the charter school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

(i) Documentation which demonstrates that the governing body of the charter school has obtained the insurance required by [NAC 386.215](http://www.leg.state.nv.us/NAC/NAC-386.html#NAC386Sec215) for the proposed facility.

3.  The sponsor of the charter school shall:

(a) Perform a physical inspection of the proposed facility or assign a designee to perform the inspection.

(b) Review the written request submitted pursuant to subsection 1 to determine if the written request:

(1) Complies with [NRS 386.500](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec500) to [386.610](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec610), inclusive, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department.

4.  Within 10 days after receipt of the written request submitted pursuant to subsection 1, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings pursuant to subsection 3, including any items that are incomplete or noncompliant. Written notice informing the governing body of a charter school that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5.  If the sponsor of the charter school finds pursuant to subsection 3 that the written request is compliant and complete, the sponsor may approve the request.

6.  The governing body of a charter school shall not occupy the proposed facility until the governing body has received written notice of approval of the written request from the sponsor of the charter school.

(Added to NAC by Dep’t of Education by R071-10, eff. 10-15-2010)

Note the “proposed lease” required by 2(e), above, must be unsigned.

Amendment of governing body bylaws/rules of governance

To amend its bylaws/rules of governance, the governing body must, in an open meeting, take action to request of the sponsor amendment of the charter, and to identify the requested changes. The agenda and minutes of the meeting must indicate and describe these action items. Proposed bylaws/rules of governance must be reasonable and consistent with good public body practice. The following must be submitted to the sponsor as the request for amendment of the bylaws/rules of governance:

1. The date of the governing body meeting at which action was taken to request amendment of the bylaws/rules of governance, as discussed above;
2. The pre-amendment bylaws/rules of governance, in their entirety, with the language deleted by the amendment “~~struck through~~,” and language to be added by the amendment in ***bold italics***.
3. A cover letter addressed to the sponsor and signed by the governing body president. The letter must specifically request amendment of the charter as specified in the bylaws document discussed above.

Until the sponsor approves the amendment request, the revised bylaws/rules governance may not take effect.

Request to amend the charter to add courses

To request amendment of the charter to add courses, the following must be submitted by a charter school sponsored by the State Public Charter School Authority:

1. A written request addressed to the sponsor and signed by the charter school’s governing body president. The letter must specifically request amendment of the charter, and must identify the courses to be added by the amendment;
2. The date of the governing body meeting at which action was taken to 1) request amendment of the charter to add courses, and 2) identify the courses to be added by the amendment;
3. Pursuant to NRS 386.520(2)(g), the curriculum (what will be taught and how it will be taught) for the courses added;
4. Pursuant to NRS 386.520(2)(h), the textbooks for the courses to be added;
5. Pursuant to NRS 386.520(2)(i), the qualifications for the teachers of the courses to be added;
6. Pursuant to NAC 386.150(5), the name and a description of each of the courses to be added, including grade level at which the course will be offered; and a statement of whether each course to be added must be completed for graduation or for promotion to the next grade level;
7. Pursuant to NAC 386.150(6), a schedule of classes that includes the courses added.

Until the sponsor approves the submitted material, the charter school may not provide instruction in the courses proposed to be added by the amendment.

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

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

**Application Submission**

All applications to form a charter school must be submitted to the proposed sponsor (a school district, public college or university, or the State Public Charter School Authority) in the format and by the due dates prescribed in the Charter School Application Packet (see <http://www.doe.nv.gov/SD_CharterSchools.htm>) , and must include Assurances (see<http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm>) that are signed by a member of the committee to form the school and are notarized. A letter of intent (see this section of this Operation Manual) to submit an application must precede the application.

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

Nevada law makes a distinction between charter schools serving primarily "at-risk" pupils, and those not serving primarily at-risk pupils, for example, in NRS 386.580(2). The committee to form a charter school declares whether the proposed school will be an at-risk or a non at-risk charter school in its initial application. An application for an at-risk charter school must describe how the school will recruit pupils who are at risk; serve the specific needs of pupils who are at risk; and measure the success of the school in providing an education to at-risk pupils. Operators of charter schools that have been identified as serving at-risk students must ensure that the educational programs and services provided by the school are appropriate and carried out effectively.

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

**Calendar**

The charter school must provide, at a minimum, 180 days of instruction each school year; NRS 386.550(1)(f) does, however, allow schools to request a waiver from this requirement. When a charter school applicant has been granted a charter by a sponsor, the Nevada Department of Education must be provided with a final calendar from the charter school. The calendar must indicate that the charter school's count day is the same as the count day for the school district in which the charter school is located and must account for twenty days in the first school month; see NAC 386.355.

**Charter Schools Program (CSP) Federal Grant**

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

**Committee to Form a Charter School and Governing Body**

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

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

The minimum number of committee to form and governing body (board) members is **five**; the maximum number of committee to form members is **nine**:

1. Person licensed pursuant to chapter 391 of NRS (a Nevada-licensed teacher)

**or**

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

1. Person licensed pursuant to chapter 391 of NRS (a Nevada-licensed teacher)

**or**

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

**or**

Person who is a school administrator with an out of state license

**or**

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

1. Person who is a parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.
2. A person who possesses knowledge and experience in one or more of the following areas:
* Accounting
* Financial services
* Law
* Human resources
1. A person who possesses knowledge and experience in one or more of the following areas:
* Accounting
* Financial services
* Law
* Human resources

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

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

In addition to the requirements stated above for required membership of the board and committee are restrictions addressing who may *not* be on the board and committee:

NAC 386.345:

1. A majority of the members of the governing body of a charter school must reside in the county in which the charter school is located.

2. The membership of the governing body of a charter school shall not include:

(a) An employee of the governing body or charter school, including, without limitation, an administrator or teacher.

(b) Except as otherwise provided in this paragraph, any person who:

(1) Owns, operates, is employed by or receives compensation from a corporation, business, organization or other entity that enters into a contract with the governing body or charter school; or

(2) Is related by blood or marriage to a person described in subparagraph (1).

 Pursuant to the requirements of NRS 332.800, a person described in this paragraph may serve on the governing body if he has entered into a contract with the governing body to provide goods or services to the charter school without profit or at no cost to the charter school. The governing body shall maintain documentation of the terms of such a contract.

3. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, not more than one other member of the governing body may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business. In no event may representatives of the same organization or business serving on the governing body constitute a majority of the members of the governing body.

NAC 386.130(4):

4.  Pursuant to [NRS 386.520](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec520) and [386.525](http://www.leg.state.nv.us/NRS/NRS-386.html#NRS386Sec525), only a committee to form a charter school may submit an application to form a charter school. The Department will not accept an application from a committee whose membership includes a:

     (a) Potential contractor of the proposed charter school;

     (b) Potential lessor of a facility that the proposed charter school may lease; or

     (c) Representative of an educational management organization with which the proposed charter school may contract.

 The State Board of Education, a college or university within the Nevada System of Higher Education or the board of trustees of a school district shall not accept an application from a committee to form a charter school whose membership includes a person or entity described in paragraph (a), (b) or (c).

More on the committee/board:

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

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

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

Upon approval of the charter application for either a NRS 386.527(5) or (7) charter, the committee to form the school ceases to exist, and a governing body must be formed. All statute and regulation pertaining to governing bodies, including the requirement for at least quarterly, open meetings, takes effect upon approval of either kind of charter. The school must submit to the sponsor the names and resumes of the governing body members. It must also submit a signed, notarized "Affidavit for Service as a Member of the Governing Body of a Charter School" for each member (see Affidavit Form at <http://www.doe.nv.gov/SD_CharterSchools_Forms.htm>). Affidavits need not be submitted prior to approval of a charter.

**Commencement of Operation (NAC 386.355) /Failure to Become Operational (NAC 386.230)**

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

The question is often asked, "When's the very latest that a school can get its charter approved and still become operational in any particular year?" A school must have an approved "full" charter (charter approved pursuant to NRS 386.527(5)) before it may begin operation ("the first day of school"); and it must have a Certificate of Occupancy from local building authorities, and approved inspections from fire, asbestos and health authorities before it can get a full charter. To determine the date of "the first day of school," note the following:

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

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

Individual students must be enrolled and attend at least one day of school before count day in order to be included in the enrollment count, but the charter school itself must account for twenty days of operation before count day.

Applicants are advised that a meeting of the proposed sponsor's board is required to approve a charter. They should coordinate timelines with the proposed sponsor regarding the sponsor's board's meeting dates.

If a charter school applicant is awarded a "full" charter, but does not become operational, it will need to resubmit a new application if it wishes to become operational in the future. For this reason, it is sometimes advisable for a school with a Subsection 7 Charter (see “Subsection 7 Charter” in this manual), that doesn't plan to become operational in the upcoming school year, to maintain its Subsection 7 Charter rather than immediately seeking conversion of the Subsection 7 Charter to a full charter. Charter school operators need to consider the expiration date of the Subsection 7 Charter when making these decisions.

**Criminal Histories (NRS 386.588)**

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

Each applicant for employment in a position with a charter school that does not require a license issued by the Superintendent of Public Instruction is required to submit to the governing body of the charter school a complete set of his fingerprints and written permission authorizing the forwarding of the fingerprints to the Central Repository for Nevada Records of Criminal History

(Nevada Department of Public Safety, Records and Technology Division, 775-684-6262;

[http://www.nvrepository.state.nv.us/,](http://www.nvrepository.state.nv.us/) click on "useful information") and to the Federal Bureau of Investigation as a condition of employment. If a report on the criminal history indicates that the applicant has been convicted of a felony or an offense involving moral turpitude, and the governing body does not disqualify the applicant from further consideration of employment, the governing body must, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his written authorization to forward a copy of the report, the charter school shall not employ the applicant.

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

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

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

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

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

Also see NRS 388.820 -.874 and NAC 388.800 -.860.

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

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

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

Resources regarding ESPs/EMOs/CMOs:

[http://www.newschools.org/portfolio/ventures](http://www.newschools.org/portfolio/ventures%20%20)

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

[http://www.csrq.org/espreport.asp](http://www.csrq.org/espreport.asp%20)

<http://www.csrq.org/documents/CSRQConsumerGuide08-01-06.pdf>

An “ESP Toolkit” is also available from the State Public Charter School Authority.

**Employee Records**

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

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

**Enrollment Procedures and Lotteries**

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

Charter schools, like other public schools, are expected to enroll pupils who wish to enroll, regardless whether count day has passed and regardless how far the school year has progressed. The only exceptions to this are stated in NAC 386.353. If a charter school loses pupils at any time during the school year, the school is expected to replace those pupils from the school's enrollment waiting list, using a lottery.

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

Enrollment Lottery Guidance

Enrollment Lottery (NRS 386.580, NAC 386.353)

Below are the first two subsections of NRS 386.580:

NRS 386.580  Application for admission; determination of enrollment; discrimination prohibited; exception for charter school that provides education for certain pupils; participation in class or extracurricular activity by pupil enrolled in another school or homeschooled child.

1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to [NRS 388.040](http://www.leg.state.nv.us/NRS/NRS-388.html#NRS388Sec040), the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2.  Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

      (a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

      (c) Is a child of a person employed in a full-time position by the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Guidance:

As long as the school’s enrollment is less than the school can accommodate, the school “shall enroll pupils…in the order in which applications are received.” “…[I]f more pupils…apply for enrollment…than the number of spaces which are available…” the school shall use a lottery.

Lottery exemptions in NRS 386.580(2) are for “at-risk charter schools” only.

NAC 386.353 identifies the method for closing, capping or limiting enrollment in a charter school. In general, charter schools, as public schools, may not close/cap/limit enrollment, and must continue to enroll pupils throughout the school year. A school’s “capacity” is identified through NAC 386.353(1)(a), (b), or (c).

Suggested lottery method for:

* Schools approaching the first year of operation;
* Schools adding a new grade; and
* Enrollment annually in the school’s lowest grade.

**For the situations identified above, only, a school** **shall establish and advertise an enrollment window** (of reasonable duration) during which it will accept applications. The opening and closing date of the window must be identified in the charter school application and in advertisements informing the community of the availability of the school. This guidance also discusses selecting and enrolling pupils from the school’s enrollment waiting list:

1. If the number of applications received during the window does not exceed the number of spaces available, including by grade, all pupils who applied shall be enrolled in the school.

1. If the number of applications received during the window exceeds the number of spaces available, including by grade, **all** enrollment applications received during the window are subject to the lottery. The lottery is conducted immediately after the close of the enrollment window.
2. Pupils whose applications are not selected by the lottery, if they wish, are placed on an enrollment waiting list **in the order determined by the lottery**.
3. Pupils who seek enrollment after the lottery in 2 and 3, above, is conducted (after the window closes) are added to the enrollment waiting list, **but are not immediately assigned an enrollment order number;** **instead, another lottery is conducted only when all the pupils assigned enrollment order numbers by the first lottery have been enrolled in the school.**
4. An enrolled pupil shall not be required to re-enroll. That is, once a pupil has been enrolled, they must be able continue their schooling at the school. It’s reasonable for a school to ask for some sort of assurance from a pupil that the pupil intends to return to the school for the next grade, but pupils may not be denied the opportunity to return to the school for the next grade level, once enrolled in the school.
5. Any pupil seeking enrollment but denied enrollment due to lack of space shall be offered the opportunity to be added to an enrollment waiting list.
6. As space becomes available, pupils from the waiting list shall be enrolled in the school.
7. The waiting list enrollment order shall be determined by lottery.
8. A pupil seeking enrollment in a school/grade that is not full shall be enrolled immediately; the pupil’s enrollment may not be delayed until some future time, including until a semester break or the next school year.
9. A pupil who is the first on a waiting list shall be enrolled immediately upon the creation of space in the school/grade; the pupil’s enrollment may not be delayed until some future time, including until a semester break or the next school year.
10. Schools may not “close enrollment” except as described in NAC 383.353. Enrollment is always “open” in that the school shall always accept enrollment applications. Applications received after an enrollment window closes are placed on an enrollment waiting list if the school or grade is “full” per NAC 386.353. Pupils are chosen for enrollment from the waiting list as described above.
11. The NRS 386.520 and NRS 386.549 requirements for a parent on the committee and the board are problematic given NRS 386.580.  How does a Committee to Form the School or the first governing body of the school obtain a parent before they even know who is going to be enrolled?  A Committee to Form a Charter School should obtain a person who intends to enroll their child in the school, knowing that the luck of the lottery may preclude his/her child’s enrollment; the same applies to the school’s first governing body which will be formed before the school’s first enrollment will be determined. If the lottery determines that the person’s child can’t get into the school, the governing body will need to add the parent of a child who did make it into the school.  The first “parent” need not necessarily leave the board, all other requirements considered, but a board will need the parent of an enrolled child on the board once the board knows who is enrolled in the school.
12. For a school that is adding new, higher grades, the pupils in the school’s formerly highest grade would automatically be enrolled in the school’s new next grade.  Example:  A K-2 school adds 3rd grade.  3rd grade can accommodate 20 pupils.  15 pupils from the school’s 2nd grade choose to continue in the 3rd grade; they are automatically enrolled.  A 3rd grade enrollment window is established; 18 kids apply during the window.  The first 5 chosen by the lottery are enrolled, and the remaining 13 are put on a waiting list in the order determined by the lottery.

Enrollment Lottery Example:

A K-5 school for its first year of operation has, in addition to other classrooms, one 5th grade classroom; the classroom can accommodate 20 pupils.  23 fifth graders apply for enrollment **during the enrollment window.**  Because the number of enrollment seekers is greater than the number of pupils the classroom can accommodate, **all 23 applications are subject to a lottery**.  The lottery is conducted immediately after the close of the enrollment window to identify the 20 pupils who will be enrolled **and the waiting list enrollment order** of the remaining 3 pupils:  Joey (first on the list for enrollment when space becomes available in the classroom), Johnny (2nd on the list) and Judy (3rd on the list).

Meanwhile, three 5th grade pupils **who did not apply during the enrollment window** submit applications (Susy, Betty, Billy).  Their names are added to the enrollment waiting list, but are not assigned enrollment order numbers.  Only after Joey, Johnny, then Judy, are enrolled in the school (in that order) is another lottery conducted to determine the enrollment order numbers of Susy, Betty, and Billy. Billy may be number 1 of the second lottery batch, Betty number 2 and Susy number 3.

Meanwhile, two more 5th grade pupils seek enrollment **after the second lottery has been conducted**.  Their names are put on the enrollment waiting list, but are not assigned enrollment order numbers.  Only after Billy, Betty and Susy are enrolled in the school (in that order) is another lottery conducted, and so on.

Enrollment Lottery Example:

Same school as above; Eighteen 5th grade pupils apply for enrollment during the enrollment window.  The first two pupils to apply after the window closes are enrolled in the school’s 5th grade.  Another pupil applies for enrollment and is put on the enrollment waiting list, then another and another (3 now on the waiting list).  Eventually, a pupil leaves the 5th grade, and a lottery is conducted to determine who on the waiting list gets the open spot, **and also to determine the enrollment order for the remaining two pupils on the waiting list.**

After the lottery is conducted, more pupils seek enrollment.  They are put on a waiting list, but not assigned enrollment order numbers.  Only after the 3 on the waiting list referred to above are enrolled is another lottery conducted; that lottery determines the enrollment order for the pupils currently on the waiting list, and so on.

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

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

Not later than 30 days before the first apportionment is made pursuant to NRS 387.124 to a charter school in its first year of operation, the governing body of the charter school shall submit to the Department:

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

Be advised that no state funds will be available to a charter school that has not yet obtained a “full” charter pursuant to NRS 386.527(5).

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

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

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

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

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

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

A school, including a distance education school, that has reached capacity pursuant to NAC 386.353 must place pupils who seek enrollment on an enrollment waiting list. Pupils who withdraw from a school that had reached capacity must be replaced with new pupils from the school's waiting list. If a school with no waiting list drops below capacity and a pupil seeks enrollment, the pupil must be enrolled.

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

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

**Facilities**

A charter school should never sign a facility lease or purchase agreement without the prior approval of the school's sponsor. A lease agreement for a Public Charter School Authority-sponsored charter school or proposed charter school will be reviewed by the Authority for the following:

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

Responses to NAC 386.140, 386.170(3, 4) and 386.205 must be submitted for all facilities the school uses. Sponsors shall not grant full, NRS 386.527(5) charters to applicants who are missing the facility inspection and approval items (including a Certificate of Occupancy) required by NAC 386.140, NAC 386.170 and NAC 386.205.

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

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

Facility Inspections by Health Authorities

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

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

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

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

NAC 444.56818  Submission and approval or denial of plans and specifications for construction. ([NRS 439.200](http://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec200), [444.335](http://www.leg.state.nv.us/NRS/NRS-444.html#NRS444Sec335))

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

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

     (b) The location, size and type of:

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

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

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

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

**Fees for Charter School-Related Programs**

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

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

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

**Financial Software**

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

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

**Governing Bodies/Boards (NRS 386.549)**

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

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

Law Manual, see the Nevada Attorney General's website: <http://www.ag.state.nv.us/opengovt/oml/omlmanual.pdf>

Responsibilities of Charter School Governing Bodies

**Statutory and Regulatory Responsibilities of Charter School Governing Bodies (Boards) Requiring Board Action** (or a non-action agenda/minutes item, as applicable) **in an Open Meeting**

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

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

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

“Suggested agenda…wording” below is wording that would be deemed acceptable by Authority staff in staff’s review of governing bodies’ agendas.

**Non-Annual Responsibilities**

**NAC 387.770(3),** Inventory

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

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

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

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

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

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

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

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

**NRS 386.583,** Rules for academic retention

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

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

**NRS 386.585,** Rules of behavior and punishments

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

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

**Annual Responsibilities**

**NAC 386.410(5),** Evaluate contractors

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

This should be done at least annually for each entity.

**NAC 387.720,** Tentative budget

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

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

**NAC 387.725,** Final budget

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

This must be done annually not later than June 8.

**NRS 386.605,** Annual report of accountability

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

This must be done annually, before August 31.

**NAC 387.775(5),** Annual audit

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

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

**NAC 387.775(9),** Annual audit

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

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

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

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

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

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

**NRS 386.600,** Annual report of budget

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

This must be done annually, before November 15.

**Odd-Numbered Year Responsibilities**

**NRS 386.552,** Implementing new statutes

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

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

**One Time Responsibility after the Third Year of the School’s Operation**

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

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

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

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

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

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

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

**NAC 386.405(5),** EMO’s performance

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

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

**NAC 386.405(6),** EMO’s financial report

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

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

**Health-Related Matters**

A charter school must address the provision of health services to pupils in its charter school application; see Required Elements 2 and 3 for application item C.4 of the Nevada Charter School Application Packet.

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

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

**Home Schooling and Charter Schools**

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

**Identification Number for School**

One of the first things a charter school must do upon approval of a full charter by the school’s sponsor is obtain a unique school identification number for the Student Accountability System (SAIN). To obtain the number, visit the Bighorn system at <https://bighorn.doe.nv.gov/Bighorn/User%20Management/Membership%20Request.aspx>

Complete the form provided at the site. For “Affiliation,” please choose “district.” Charter schools are treated as individual school districts in this portion. When this is completed you will receive a computer-generated password. You will be able to change it after your first Bighorn login.

When you have submitted this, NDE will issue the school number. Please inform the school’s sponsor when this has been completed.

**Immunization of Pupils**

Charter Schools must comply with state law and regulation regarding pupil immunization in public schools. See Appendix G for more information.

**Insurance (NAC 386.215, NAC 386.350 (5))**

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

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

The types and amounts of coverage required for schools are stated in NAC 386.215 and in the

Affidavit for Provision of Insurance Coverage for a Public Charter School found at

<http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm> . Charter school applicants must submit the signed (by the insurance provider) and notarized Affidavit along with a copy of the school's certificate of insurance before a full charter will be approved. Applicants need not submit the affidavit and certificate if they do not yet have a facility; only when they get a facility, and are attempting to get a full charter, will they need to submit the affidavit and certificate.

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

**Law and Regulation, Including Title 9**

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

1. Nevada Revised Statues (NRS) 386.490 to 386.610; and
2. Nevada Administrative Code (NAC) 386.010 to 386.445, and 387.600-387.780
3. NRS Chapters 385-395 and Chapter 399
4. NRS Chapters 63, 288, 332, 354;
5. NRS Sections 49.290 and 49.291; and 218.5351 to 218.5356; and
6. NAC Chapters 385 to 395.

Also see <http://www.doe.nv.gov/SD_CharterSchools_Forms.htm> for budget forms, model governing body bylaws, school policies, Title IX documents, and other forms and information. Note however, that model policies and bylaws should not be wholly, automatically adopted by any school; they are provided for guidance only.

**Legal Counsel**

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

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

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

**Letter of Intent to Submit an Application**

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

1. The name of the county school district in which the proposed school will be located;
2. Whether or not the proposed school is intended to serve primarily at-risk students;
3. Whether or not the proposed school is exclusively for the enrollment of students who will receive special education;
4. Whether or not the proposed school is a private school conversion to a charter school;
5. The proposed starting date for the school;
6. Whether the proposed sponsor is the Public Charter School Authority, a college or university within the Nevada System of Higher Education (Which one?), or the school district identified in 1, above; and
7. Name and contact information (email, phone, fax, complete mailing address) of the committee’s liaison with the proposed sponsor of the school. The liaison must be a member of the committee.

**No Child Left Behind (NCLB)**

Both state and federal laws require public schools to move 100% of their students to "proficient" or better levels of performance by the 2013-2014 school year. School performance is evaluated based on test scores of the students and on different subgroups within the entire student population of the school. These groups include students who are economically disadvantaged, disabled, limited English proficient and from each major ethnic group. Other criteria such as the percentage of students taking the tests, their attendance and graduation rates are also considered.

If one of these subgroups does not meet its performance target, the school will be identified as not having made adequate yearly progress (AYP). Every school is required to make AYP annually. If a school does not make AYP for one year, it is placed on a "watch list." If a school does not make AYP for two or more consecutive years, in the same subject, it will be identified as "in need of improvement." Once a school has this designation, it must make AYP for two consecutive years to be removed from the list.

**Policies: Student, Personnel, Financial**

The NDE provides model student, financial, and personnel policies to which charter school planners and operators may refer and, if appropriate, adopt. Note that a charter school should seek its own legal counsel before adopting any such policies, and should never automatically adopt policies developed by others. Also, charter school policies must comply with applicable statute and regulation. Draft policies can be found at: <http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm>

**Private Schools Reopening as Charter Schools**

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

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

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

<http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm>

**PERS (Public Employees Retirement System)**

Employees of charter schools (but not employees of educational management organizations) are considered public employees. Because of this, charter schools are required to apply for membership in the Nevada Public Employee Retirement System (PERS) and enroll their employees in PERS.

**Purchasing (NRS 332.039-.148)**

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

**Records Retention**

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

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

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

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

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

**Renewal of Charter**

Pursuant to NRS 386.530, and NAC 386.300-.320 a charter school may apply to its sponsor for renewal of its charter. An application for charter renewal may be submitted to the sponsor of the charter school not less than 120 days before the expiration of the charter. A charter renewal application for Charter School Authority-sponsored charter schools may be found at:

<http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm>

**Reporting Requirements**

Charter school operators are required to complete and submit to a variety of recipients periodic reports. A description of many, but not all, of the required reports may be found in NRS 386.600 -NRS 386.610 (Reports Required of Governing Body and Sponsor) and in NAC 387.600-387.780. A more thorough discussion of reporting requirements can be found in the "Charter School Reporting Requirements" manual, available at<http://nde.doe.nv.gov/SD_CharterSchools_Forms.htm>.

SPCSA-sponsored charter schools should refer to the Reporting Requirements Manual & AOIS: Submitting Documents into the Permanent Files and Criteria for Complete and Accurate Findings for AOIS-Submitted Material & AOIS: Submitting Documents into the Permanent Files for more guidance regarding reporting.

**Revocation of a Charter (NRS 386.535, NAC 386.330)**

The sponsor of a charter school may revoke a written charter prior to the expiration date if the charter school, officers, or employees fail to comply with:

1. Terms or conditions of the written charter;
2. Generally accepted standards of accounting and fiscal management; or
3. The provisions of NRS 386.490 to 386.610 or any other statutes that apply to charter schools.

Additionally, a written charter may be revoked if the charter school has filed for a voluntary bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate. A charter may also be revoked if there is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled or of the persons who are employed by the charter school.

**Rights of Pupils and Families**

The Family Educational Rights and Privacy Act, The Protection of Pupil Rights Amendment, and the Military Recruiter Provisions of the No Child Left Behind Act of 2001 all clarify rights of families and pupils enrolled in public schools, including charter schools. See Appendix F for more information.

**Safety**

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

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

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

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

US Department of Homeland Security (<http://www.fema.gov/kids/schdizr.htm>)

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

Also see Appendix E.

**SAIN Automated Student Information System/PowerSchool**

1. NRS 386.650 specifically requires charter school participation in the SAIN/Powerschool system.
2. NAC 386.365 clarifies that a charter school must report data required by NRS 386.650 to its sponsor by the beginning of the charter school’s first year of operation. This means that data must be in the state student information system by the first day of instruction for the school.
3. A charter school should use software, hardware and telecommunications that are compatible with its sponsor to fulfill data transfer requirements between the charter school and the sponsor. Charter school applicants should contact the proposed sponsor very early in the application process to learn about SAIN/PowerSchool requirements and to obtain an estimate of the startup and ongoing costs associated with SAIN/ PowerSchool. These costs should be included in the Year 1 budget that is submitted with the application.
4. All enrolled pupils must be entered into the SAIN system no later than the last day of the first school month of the school year.

**School District Authorization to Sponsor Charter Schools**

NRS 386.515 requires a school district to obtain authorization from the Nevada Department of Education (NDE) before the district may sponsor a charter school. It does not require a district that chooses not to sponsor charter schools to seek authorization; it only requires a district that chooses to sponsor charter schools to obtain authorization. In other words, if a school district chooses not to sponsor charter schools, it is not required to sponsor charter schools. The following are the only counties in Nevada that have obtained authorization to sponsor charter schools and will consider new charter school applications for sponsorship:

* Carson City
* Churchill County
* Mineral County

If a charter school applicant wishes to establish a charter school in a county other than those listed above, the applicant could ask the Board of Trustees of the school district in which the school would be located to obtain authorization to sponsor charter schools. Alternatively, the applicant could submit the application to the State Public Charter School Authority for sponsorship by the Authority, or to a college or university within the Nevada System of Higher Education for sponsorship by the college or university.

**Subsection 7 Charter (NRS 386.527(7)) (NAC 386.240)**

An applicant may be granted a "Subsection 7 Charter" instead of a "full" (NRS 386.527(5)) charter if the applicant is not yet ready to begin operation. The holder of such a charter may not begin operation of the school, and is not eligible to receive state funding for the school. The Subsection 7 charter is usually used when an applicant has submitted an otherwise complete, compliant application, but has not yet obtained a facility that has been inspected and approved for use as a public school. An applicant who has not yet obtained a Certificate of Occupancy and required inspections for the facility the proposed school will use can expect to be granted a Subsection 7 charter rather than a full, regular charter. A draft sample Subsection 7 Charter School Agreement can be found in Appendix B.

**Tax Exemptions**

For Charter School Property (NRS 361.096)

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

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

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

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

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

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

Charter School Tax Exempt Documentation

The Nevada Department of Taxation does not issue tax exemption identification numbers but will provide other documentation that charter schools, as public schools, may use to demonstrate their tax exempt status. A form that charter schools may use to obtain tax exempt status documentation from the Nevada Department of Taxation can be found in Appendix D. The form is also available from the Department of Taxation's website: [http://www.tax.state.nv.us/.](%20http%3A//www.tax.state.nv.us/.%20)

**Truancy**

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

Also see NRS 386.585, adoption of rules for truancy.

**Vendor Registration for Payment**

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

1. Download and complete the State of Nevada Registration Substitute IRS Form W-9 found at the following link: <http://controller.nv.gov/VendorServices/Forms/KTLVEN-01_Registration_Substitute_IRS_Form-W-9.pdf>
	1. All information provided in this form MUST match the information you submitted to the IRS
	2. You MUST select Yes, Electronic Funds Transfer.
		1. Imprinted checks only.
		2. If you do not have an imprinted check (i.e., only temporary checks) then you MUST submit your bank information on official school letterhead.
2. Fax or mail documents to the address or fax number on the form. Electronic submissions are not accepted.
	1. Current turnaround time is 24-48hrs.
3. Notify Allyson Kellogg (akellogg@doe.nv.gov) when you submit your documents.
	1. You will NOT receive notice from the State Controller’s when your vendor number has been assigned.
	2. My office will search the State intranet 24-48hrs after you notify us of your submission to find your number.
	3. We will notify you of your vendor number as well as the DSA Administrator at NDE so that your DSA payment may be processed.

Erica at the State Controller’s Office was very helpful. She volunteered her direct line to answer any questions a school may have after a thorough read of the instructions. Her number is 702.486.3856.