

Nevada Charter School Operation Manual



Nevada Department of Education

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Nevada State Board of Education

Nevada State Board for Career and Technical Education

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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.

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 386.500 to 386.610) and the Nevada Administrative Code (NAC) relating to charter schools (NAC 386.010 to 386.445; and NAC 387.600 to 387.780). NRS and NAC can be found on the Nevada Legislature's website (see Law Library) at <http://www.leg.state.nv.us/>. Also see:

- http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB212_EN.pdf
- http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB171_EN.pdf

Charter School Application Process and Timeline

The following identifies critical steps in the application process and provides the applicant with a quick overview of important dates and procedures. Additional detail is provided in the Nevada Charter School Application Packet available at http://www.doe.nv.gov/SD_CharterSchools.htm and elsewhere in this manual. The NRS (Nevada Revised Statutes) and NAC (Nevada Administrative Code) cited below may be read on the Nevada Legislature’s website: www.leg.state.nv.us See also SB (Senate Bill) 212 and AB (Assembly Bill) 171 (enrolled versions) from the 2011 Nevada Legislature:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB212_EN.pdf

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB171_EN.pdf

Initial Step	Establish a Committee to Form a Charter School (NRS 386.520). See “Committee to Form a Charter School” in this manual.
Letter of Intent	A letter of intent to form a charter school must be submitted in the same fiscal year (July 1 through June 30) in which the application is submitted, and must be received by the proposed sponsor of the school no fewer than 15 days before the application is received. (NAC 386.125)
September 1	<p>Consistent with NAC 386.130(2), an application may be submitted to a proposed sponsor at any time. In Nevada, local school districts and public colleges and universities may sponsor charter schools, but the usual sponsor of new charter schools is the State Public Charter School Authority, Dr. Steve Canavero, Director (775-687-9160).</p> <p>An application must be received by the proposed sponsor by 5:00 PM on September 1 of any year if the intended startup date of the school is fall of the following year. Six (6) copies of the application, the original application, and an electronic version are required; see the Charter School Application Packet for complete details. An application may not be submitted earlier than two fiscal years immediately preceding the fiscal year in which the school will begin operation. (NAC 386.130)</p> <p>The application will be reviewed by the proposed sponsor (or the Nevada Department of Education if the proposed sponsor requests it) to determine if the application meets the standards identified in the Charter School</p>

Application Packet. If the review by the proposed sponsor or Department reveals that the application failed to meet the standards, the applicant may revise and resubmit the application within 30 days of being informed of the application's failure to meet the standards.

An application may be revised and resubmitted not more than once in a fiscal year (NAC 386.195(3)). If the one application resubmission allowed by statute and regulation is deemed inadequate, the application will be denied and becomes inactive.

If the applicant wishes to continue pursuing the charter application and approval process, he/she may submit another application to the proposed sponsor, but not until expiration of the fiscal year. For example: If an application submitted by September 1, 2008, for a fall, 2009, startup were denied because it failed to meet the standards, and was resubmitted and again failed to meet standards, it could not be resubmitted until July 1, 2009. At this point, the application could no longer be for a fall, 2009, startup. The earliest the school could start up would be fall, 2010.

Charter School Operation

Administrative Costs/Sponsorship Fee Reimbursement

NRS 386.570 gives permission to charter school sponsors to request 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; this should be budgeted for.

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 agenda item for an open meeting, the governing body identifies the amendment it desires, and as another agenda item, *it requests of the sponsor* amendment of the charter. A written request to amend the charter signed by the charter school's governing body president must be submitted to the sponsor; it must be accompanied by the agenda and minutes of the governing body meeting at which 1) action was taken to identify the amendment, and 2) action was taken to request of the sponsor amendment of the charter. 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.

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

Amendment of governing body bylaws/rules of governance

To amend its bylaws/rules of governance, the governing body must, in an open meeting, 1) take action to request of the sponsor amendment of the charter, and 2) take action 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:

- A. The agenda and minutes of the governing body meeting at which action was taken to request amendment of the bylaws/rules of governance, as discussed above;
- B. 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***.
- C. 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 Board of Education to the Department of Education:

- A. 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;
- B. The agenda and minutes 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;
- C. Pursuant to NRS 386.520(2)(g), the curriculum (what will be taught and how it will be taught) for the courses added;
- D. Pursuant to NRS 386.520(2)(h), the textbooks for the courses to be added;
- E. Pursuant to NRS 386.520(2)(i), the qualifications for the teachers of the courses to be added;
- F. 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;
- G. 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 agenda and minutes 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. In addition to the signed original, six copies of the application and an electronic version must be submitted to the proposed sponsor. Applications transmitted via FAX will not be accepted.

At-Risk Charter Schools (NRS 386.500) (NAC 386.410(6)) (NRS 386.520(2)(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 assure that the educational programs and services provided by the school are appropriate and carried out effectively.

Charter school applicants 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 NDE 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

AB171 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.
2. Person licensed pursuant to chapter 391 of NRS (a Nevada-licensed teacher)
or
Person who previously held such a license **and** is retired
or
Person who is a school administrator with an out of state license
or
Person who previously held such a license **and** is retired
3. Person who is a parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.
4. A person who possesses knowledge and experience in one or more of the following areas:
 - Accounting
 - Financial services
 - Law
 - Human resources

5. A person who possesses knowledge and experience in one or more of the following areas:
 - Accounting
 - Financial services
 - Law
 - Human resources

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

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

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

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](#) and [386.525](#), 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).

Timeline for bringing existing boards into compliance with AB171 regarding membership of the committee and board:

AB171 became effective on July 1, 2011. All charter school governing boards must comply with its revision of NRS 386.549 by July 1, 2012.

A charter school application received by a proposed sponsor after September 1, 2011, must identify a committee to form the school that complies with the AB 171 revision of NRS 386.520. The governing board that is created subsequent to such a committee receiving approval for a NRS 386.527(5) or (7) charter must comply with the AB 171 revision of NRS 386.549.

In the event the Nevada Department of Education's application for a federal Charter Schools Program (CSP) grant is approved, compliance of a committee to form the school or governing board, as applicable, with AB 171 shall be a condition of eligibility for a subgrant from the Department's grant, regardless whether the charter school application was submitted to a proposed sponsor before or after September 1, 2011.

More on the committee/board:

The teachers 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, representatives of nonprofit organizations, or representatives of a college or university within the University and Community College System of Nevada. 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 practically all members are of a single ethnic or racial group, or are parishioners of a particular 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 nonlicensed applicants, charter schools must establish an account with the Nevada Department of Public Safety (contact information below). The "applicable NRS" to use when establishing the account and submitting fingerprints to Public Safety is NRS 386.588.

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

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

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

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

If a proposed charter school wishes to provide distance education courses or programs, the applicant must complete a separate distance education application to be submitted at the same

time as the charter school application. Information about distance education can be found on the NDE'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 NDE. 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 and CMOs

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 SB 212, Section 35.7. Also in that section can be found rules regarding EMO contracts.

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

Resources regarding ESPs/EMOs/CMOs:

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

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

<http://www.csrq.org/espreport.asp>

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

An "ESP Toolkit" is also available from NDE.

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.

NRS 386.580(1) states "...a charter school shall enroll pupils...in the order in which the applications are received...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...on the basis of a lottery system."

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)).

Suggested Lottery Method

The school enrolls pupils in the order in which pupils' applications are received, up to the point at which the school reaches its maximum capacity per grade as determined by NAC 386.353. The names of pupils who submit enrollment applications that are received after the grade's capacity has been reached are put on a waiting list. As spaces become available in a particular grade due to pupils leaving the school, pupils on the waiting list for enrollment in that grade are chosen by lottery. If there is a waiting list, the school is expected to fill vacancies as they are created. A lottery is not conducted until the school has reached capacity per grade (per NAC 386.353), and then the only pupils who are subject to the lottery are the ones on the waiting list.

Example: A charter school that, per NAC 386.353, will accommodate 30 pupils in the fifth grade: The first 30 fifth grade students who submit an enrollment application are admitted. If 10 more fifth grade pupils submit enrollment applications, the names of those 10 pupils are placed on a waiting list. When a vacancy is created in the fifth grade because a pupil leaves the school, a lottery is conducted to choose who from the 10 pupils on the waiting list will be admitted to the school.

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:
 - a. The full name of the pupil;
 - b. The address of the pupil and the county in which the pupil resides;
 - c. The telephone number of the residence of the pupil;
 - d. The date of birth of the pupil;
 - e. The unique student identification number of the pupil, if available; and
 - f. The grade level in which the pupil is enrolling; and
2. The name and signature of the parent or legal guardian of each pupil enrolled in the charter school.

Be advised that no state funds will be available to a charter school that has not yet obtained a “full” charter.

Pupil names may be submitted to the school district(s) in which the charter school claims to have students 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, "Subsection 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.

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" 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>

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 Statutes (NRS) 386.500 to 386.610; and
2. Nevada Administrative Code (NAC) 386.010 to 386.445
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.
7. NAC 387.600-387.780.
8. SB 212: http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB212_EN.pdf
9. AB 171: http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB171_EN.pdf
10. SB 38: http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB38_EN.pdf

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

NDE 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 NDE. 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.

Physical Examinations of Pupils (NRS 392.420)

Charter schools, like other public schools, are required to conduct physical examinations of pupils pursuant to NRS 392.420. The charter school application addresses the provision of health services to pupils.

Policies: Student, Personnel, Financial

The NDE provides draft 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.

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 386.500 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/>)

National Education Association (<http://www.nea.org/tools/16364.htm>)

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

US Department of Education (<http://www.ed.gov/admins/landing.jhtml>)

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/>.

Truancy

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

Also see NRS 386.585, adoption of rules for truancy.

Vendor Registration for Payment

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

- 1) Download and complete the State of Nevada Registration Substitute IRS Form W-9 found at the following link: http://controller.nv.gov/VendorServices/Forms/KTLVEN-01_Registration_Substitute_IRS_Form-W-9.pdf
 - a. All information provided in this form **MUST** match the information you submitted to the IRS
 - b. You **MUST** select Yes, Electronic Funds Transfer.
 - i. Imprinted checks only.
 - ii. 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.
 - a. Current turnaround time is 24-48hrs.

- 3) Notify Allyson Kellogg (akellogg@doe.nv.gov) when you submit your documents.
 - a. You will NOT receive notice from the State Controller's when your vendor number has been assigned.
 - b. My office will search the State intranet 24-48hrs after you notify us of your submission to find your number.
 - c. 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.

