

# CHARTER SCHOOL

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# REPORTING REQUIREMENTS MANUAL

February 2017  
Nevada Department of Education

# Charter School Reporting Requirements

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# Charter School Reporting Requirements

Every Member of a Board of Trustees/Governing Board and Administrative Team Member is responsible for reading the Nevada Revised Statutes and Administrative Code and ensuring compliance with the same. You will want to begin with (Nevada Revised Statutes) NRS 388A and (Nevada Administrative Code) NAC 386.

*Charter School personnel also need to review the items in the following table.*

## **TITLE 34 — EDUCATION**

Chapter 385	State Administrative Organization
Chapter 385A	Accountability of Public Schools
Chapter 385B	Nevada Interscholastic Activities Association
Chapter 386	Local Administrative Organization
Chapter 387	Financial Support of School System
Chapter 388	System of Public Instruction
Chapter 388A	Charter Schools
Chapter 388B	Achievement Charter Schools
Chapter 388C	University Schools for Profoundly Gifted Pupils
Chapter 388D	Alternative School Choices
Chapter 388E	Program of School Choice for Children in Foster Care
Chapter 388F	Interstate Compact on Educational Opportunity for Military Children
Chapter 388G	Alternative School Management
Chapter 388H	Programs of Education for Incarcerated Persons
Chapter 389	Academics and Textbooks
Chapter 390	Testing of Pupils and Graduation
Chapter 391	Personnel
Chapter 391A	Training, Professional Development and Incentives
Chapter 392	Pupils
Chapter 392A	Profoundly Gifted Pupils; University Schools for Profoundly Gifted Pupils
Chapter 392A	Profoundly Gifted Pupils; University Schools for Profoundly Gifted Pupils
Chapter 392B	Program of School Choice for Children in Foster Care
Chapter 392C	Interstate Compact on Educational Opportunity for Military Children
Chapter 393	School Property
Chapter 394	Private Educational Institutions and Establishments
Chapter 395	Education of Persons With Disabilities
Chapter 396	Nevada System of Higher Education
Chapter 397	Western Regional Education Compact
Chapter 398	Intercollegiate Athletics
Chapter 399	Interstate Compact for Education
Chapter 400	P-20W Advisory Council

and Chapters 288, 332, 334, Section 49.290-.291, 218E.600 - .730. Additionally, it is important that Nevada Administrative Codes 385 – 393 and 395 be reviewed.

Please Note: The school's **Master Register** must be printed and available for inspection each month unless the school has filed for and received a paperless exemption from the NDE. The Master Register does not need to be submitted.

The **Average Daily Enrollment** (ADE) report must be **submitted quarterly** to NDE's Office of District Support.

When saving a report to submit to NDE, the file name must include your school name, the date and the **NRS/NAC** number to which the report corresponds, e.g. *Jones Academy July 2016 NRS 386.924*.

Key to abbreviations:

NDE = Nevada Department of Education

CSEPP = Charter School Education Programs Professional

LCB = Legislative Counsel Bureau

## Reporting Related to the School's Progress

A number of charter school progress reports are required from both the school and the school's sponsor:

As part of the charter school application charter schools must identify goals. See **NRS 288A.240-.243-.246** and **NAC 386.150**.

- Charter schools report on their progress toward achievement of the *goals stated in the charter application* every **November 1<sup>st</sup>** pursuant to **NRS 388A.345**.
- Charter school sponsors report on their charter schools' progress toward achievement of the *goals stated in the charter application* every **October 1<sup>st</sup>** pursuant to **NRS 388A.351**.

Charter Schools sponsored by the State Public Charter School Authority (**SPCSA**) will upload their reports to Epicenter in accordance with SPCSA direction.

All Charter Schools must upload the Validation Day Report to BIGHORN. **October 1** is Validation Day.

If you have questions about any reports or other requirements, contact your charter school's sponsor.

## Required Reporting

### Reports to Sponsor

**NAC 387.770; NAC 386.342 Charter Schools submit this to their Sponsor.** 1. The governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall:

(a) Cause to be established and maintained adequate property and equipment records and, where appropriate, adequate inventory controls. Each charter school and each university school for profoundly gifted pupils shall establish such records and controls **within 1 year after its creation** unless the Department grants an extension of time.

(b) Require that all such property, equipment and inventory records clearly indicate specific ownership.

(c) Designate, by entry in the minutes of the governing body, the officer, employee or officers or employees responsible for the maintenance of property and equipment records and, where appropriate, inventory records, and notify the Department of such designation.

2. Records established and maintained pursuant to subsection 1 must identify the:

(a) Source of the money used to purchase the property, equipment or inventory; or

(b) Person who donated the property, equipment or inventory.

**NAC 386.341 Charter Schools submit this to their Sponsor. Before the last day of the first operational school year,** a charter school shall ensure that the facility which the charter school occupies is inspected and approved by the Division of Industrial Relations of the Department of Business and Industry for compliance with the federal Occupational Safety and Health Act of 1970, as amended.

**NAC 386.400(2) Charter Schools submit this to their Sponsor.** If the governing body of a charter school enters into a contract with an educational management organization, the board of trustees of a school district, the Nevada System of Higher Education or any business, corporation, organization or other entity, whether or not conducted for profit, to provide any service to the charter school, the governing body shall, **not later than 30 days after the contract is signed** by both parties, submit a copy of the signed contract to the sponsor of the charter school.

**NAC 386.357 Charter School Governing Body submits this to the Sponsor.** **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 sponsor of the charter school:

1. In a format prescribed by the sponsor, 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

### **NRS 388A.348 Charter Schools submit this to their Sponsor.**

**On or before August 31** of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to [NRS 385A.070](#) to the sponsor of the charter school for inclusion in the report required pursuant to that section. The information must be submitted in a format prescribed by the sponsor of the charter school

## **Required Reporting**

### Reports to Sponsor & the NDE

#### **NAC 386.345(6) Charter Schools submit this to their Sponsor & the NDE**

**(CSEPP). Not later than 5 business days after** the governing body of a charter school is selected, the governing body shall submit to the sponsor of the charter school and the Department:

- (a) The name and address of each member;
- (b) The resume of each member;
- (c) The state of residence of each member;
- (d) If a member serves on the governing body as a teacher, as that term is defined in subsection 6 of [NRS 386.549](#), a photocopy of his or her license to teach;
- (e) The application of each member; and
- (f) An affidavit of each member indicating that the member:
  - (1) Has not been convicted of a felony or any offense involving moral turpitude; and
  - (2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the member by the sponsor of the charter school, as required pursuant to [NRS 386.549](#).

#### **NAC 386.210 Charter Schools submit this to their Sponsor & the NDE**

**(CSEPP). Not later than 5 days after any change** to the mailing address of a charter school, the governing body of the charter school shall provide written notice to the Department of the change.

#### **NAC 386.345(9) (10) Charter Schools submit this to their Sponsor & the NDE (CSEPP).**

**9. Not later than 30 business days after each public meeting** held by the governing body of a charter school pursuant to subsection 5 of [NRS 386.549](#), the governing body shall submit to the Department and to the sponsor of the charter school a copy of the minutes of the meeting. The minutes of each public meeting must be approved at the next meeting of the governing body and revised as necessary.

**10.** If the minutes of a meeting have not been approved by the governing body of a charter school when it submits the minutes pursuant to subsection 9, the governing body shall:

- (a) Submit a written statement, accompanying the minutes that are submitted pursuant to subsection 9, indicating that the minutes have not been approved and are subject to revision; and
- (b) Submit to the Department and the sponsor of the charter school a copy of the approved minutes **not later than 10 days after such approval**.

#### **NAC 386.350(3) Charter Schools submit this to their Sponsor & the NDE (CSEPP).**

**3.** The Department and the sponsor of the charter school receive, **within 30 days after the first day of school**, a list of the names and qualifications of all persons who are or will be



employed by the charter school.

**NAC 387.710 Charter School Governing Body submits this to the NDE (Deputy Superintendent of Business & Support Services) and their Sponsor.**

1. In addition to the records and inventory controls established and maintained pursuant to [NAC 387.770](#), the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the charter school or university school for profoundly gifted pupils.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 **on or before February 1** of the year next succeeding the period to which the report pertains to the Department.

## Required Reporting

### Reports to Sponsor, the NDE & the LCB

**NRS 388A.345 Charter School Governing Body submits this to their Sponsor, the NDE (Management Analyst III) and LCB.**

1. **On or before November 1 of each year**, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and

supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

**NAC 387.775(6) READ the entire code. Charter Schools submit this to their Sponsor, the NDE (Management Analyst III) and LCB.**

6. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States, must be filed as a public record with:

- (a) The Department;
- (b) The Legislative Counsel Bureau; and
- (c) If the school is a charter school, the sponsor of the charter school.

**NAC 387.700 Charter Schools submit this to their Sponsor, the NDE (Deputy Superintendent of Business & Support Services) and LCB.**

1. Each charter school and each university school for profoundly gifted pupils shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. **On or before February 1** of each year, each charter school and each university school for profoundly gifted pupils shall submit a copy of the capital improvement plan to:

- (a) The Department;
- (b) The Director of the Legislative Counsel Bureau; and
- (c) If the school is a charter school, the sponsor of the charter school.

## Required Reporting

### Reports to NDE

**NRS 388A.524(2) Charter Schools submit this to the NDE (CSEPP).**

2. **On or before November 15 of each year**, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to [chapter 391](#) of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 2 of [NRS 388A.521](#), if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

**NRS 387.1223(1) NAC 386.357 Charter Schools submit this to NDE via Big Horn.**

1. **On or before October 1, January 1, April 1 and July 1**, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

**NAC 387.280 Charter Schools information will be submitted via Infinite Campus.**

1. Information about enrollment and attendance which is recorded in the master register of enrollment and attendance must be accumulated at the end of each month for each grade within

each school and submitted, in the manner prescribed by the Superintendent of Public Instruction, to the Department **within 10 days after the last day of each school month**. All reports from a school district must be submitted together and sorted so that all reports from similar kinds of schools are together. Before submission of the reports, each school district shall review the reports to ensure the accuracy and completeness of the reports. If a charter school submits a report pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the report to the requester.

2. If a school district operates under more than one school calendar, the district shall submit, in addition to the reports required in subsection 1, the weighted and unweighted count of enrollment on the last day of the first school month of the school year for that district.

3. A pupil must be in attendance at least 1 day of the school month to be counted as enrolled at a school.

### **NRS 388A.351 Sponsors will submit this to NDE (CSEPP).**

**On or before October 1** of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include:

1. For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.

2. For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

3. An identification of each charter school approved by the sponsor:

(a) Which has not opened and the scheduled time for opening, if any;

(b) Which is open and in operation;

(c) Which has transferred sponsorship;

(d) Whose written charter has been revoked or whose charter contract has been terminated by the sponsor;

(e) Whose charter contract has not been renewed by the sponsor; and

(f) Which has voluntarily ceased operation.

4. A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

5. A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to [NRS 388A.381](#), including an itemized accounting of the actual costs of those services.

6. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

### **NAC 387.281 Secondary Grades Charter Schools submit this to the Office of Assessment, Data & Accountability Management**

Each school district shall report to the Department **on December 1** of each year, in the manner prescribed by the Superintendent of Public Instruction, the number of pupils in that district in grades 7 to 12, inclusive, who are dropouts. No pupil may be counted more than once. If a charter school submits a report pursuant to this section, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the report to the requester.

### **NRS 388A.249(4) Sponsors will submit this to NDE (CSEPP).**

In order for the Superintendent of Public Instruction to submit the report required by this statute, each sponsor must submit the following:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

This report must be submitted **on or before November 30 of each even-numbered year.**

### **NAC 387.720 Charter Schools submit this to the NDE (Management Analyst III).**

2. **On or before April 15**, a tentative budget for the following fiscal year must be submitted to the clerk or the secretary of the governing body of the charter school or university school for profoundly gifted pupils, as applicable, and a copy of the tentative budget must be submitted to the Department of Education.

### **NAC 387.120 Charter Schools submit this to the NDE (Management Analyst I).**

1. **Before May 1 of each year**, each school district shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not apply to all its schools, the district shall submit as many calendars as are necessary for application to all its schools. If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.

### **NRS 387.1241 First year Charter Schools may make a request to the NDE's ASOIII.**

3. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to [NRS 387.124](#). Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

## **Required Reporting**

### **Reports to Other Entities**

### **NRS 388A.363 Charter Schools must submit this to their Law Enforcement Agency.**

1. As soon as practicable after commencing operation, but **before the first day of the school year**, a charter school shall notify the primary law enforcement agency where the charter school is located of:

(a) The location of the charter school;

(b) The names of authorized contact persons for the charter school, including, without limitation, the principal and vice principal of the charter school;

(c) The number of pupils enrolled in the charter school; and

(d) The maximum number of pupils that may enroll in the charter school.

2. As soon as practicable, but not later than 30 days after a charter school relocates or the

name of any authorized contact person changes, the charter school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

(a) The police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department. (Check with YOUR LE Agency for format.)

**NRS 388.846(2)(a) Charter Schools submit this to the Board of Trustees of the student's school district.** 2. If the governing body of a charter school provides a program of distance education, the governing body shall:

(a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees **before the pupil receives educational services** through the program of distance education.

**NRS 392.4644 Charter Schools submit this to the Superintendent of Schools of the School District and their Sponsor.** 1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with [NRS 392.463](#).

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom in accordance with [NRS 392.4645](#).

2. **On or before October 1 of each year**, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school.

3. **On or before October 1 of each year**, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district.

## Required Reporting

### Information about other Reports

**NRS 218F.110(2) SchoolNomics Consulting Services will contact charter schools to request necessary information.**

2. The Director shall, consistent with the budget approved by the Legislative Commission and within the limits of legislative appropriations and other available funds, employ and fix the salaries of or contract for the services of such professional, technical, clerical and operational

personnel and consultants as the execution of the Director's duties and the operation of the Legislative Counsel Bureau may require.

**NAC 386.405(5) An EMO submits this to the CS Governing Board and the Sponsor.**

6. If the governing body of a charter school enters into a contract with an educational management organization, the governing body shall require the educational management organization to provide a written report to the sponsor and the governing body of the charter school **not later than 15 business days after the end of each fiscal year** during which the contract was in effect. The written report must be in a format approved by the Superintendent of Public Instruction and include:

(a) The amount of money received by the educational management organization from public and private sources to carry out the terms of the contract;

(b) The expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses; and

(c) An identification of each contract, transaction and agreement entered into by the educational management organization related to carrying out the contract with the charter school, including, without limitation, contracts, transactions and agreements with parent organizations, subsidiaries and partnerships of the educational management organization.

## **Required Reporting**

### Reports from the Superintendent of Public Instruction

**NRS 392.4644(5) The Superintendent of Public Instruction submits this to LCB.**

5. **On or before December 31** of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during: (a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature. (b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.

**NRS 388A.249(4) The Superintendent of Public Instruction submits this to LCB.**

4. **On or before January 1 of each odd-numbered year**, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

# Emergency Planning Requirements

## NRS 388.241

1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. The governing body of each charter school shall establish a development committee to develop a plan to be used by the charter school in responding to a crisis or an emergency.

## NRS 388.245

1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to [NRS 388.243](#). In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of [NRS 388.229](#) to [388.261](#), inclusive, at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to [NRS 388.243](#), each plan updated pursuant to subsection 1 and each deviation approved pursuant to [NRS 388.251](#);

(e) Provide a copy of each plan developed pursuant to [NRS 388.243](#) and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to [NRS 388.243](#) and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to [NRS 388.251](#) as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter

school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of [NRS 388.229](#) to [388.261](#), inclusive.

## **NRS 388.247**

1. The principal of each public school, including, without limitation, each charter school, shall establish a school committee to review the plan developed for the school pursuant to [NRS 388.243](#)

## **NRS 388.249**

**School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.**

1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to [NRS 388.243](#) and determine whether the school should deviate from the plan.
2. Each school committee shall, when reviewing the plan, consult with:
  - (a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.
  - (b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.
3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to [NRS 388.251](#).
4. Each public school, including, without limitation, each charter school, shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

## **Closing of a Charter School**

### **NRS 388A.306 & NAC 386.335**

1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or if a written charter is revoked or a charter contract is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to [NRS 388A.303](#), as applicable, the governing body of the charter school shall:

- (a) Give written notice of the closure to:
  - (1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;
  - (2) The Director of the Department of Business and Industry;
  - (3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;
  - (4) The Department;
  - (5) The parents or legal guardians of the pupils enrolled in the charter school; and
  - (6) The creditors of the charter school;
- (b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;
- (c) As soon as practicable, develop and present to the sponsor of the charter school a



written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

# Appendix A

## AFFIDAVIT FOR SERVICE AS A MEMBER OF THE GOVERNING BODY OF A CHARTER SCHOOL

STATE OF NEVADA

SS.

County of \_\_\_\_\_

COMES NOW \_\_\_\_\_, being first duly sworn, duly states under penalty of perjury as follows:

1. I am currently residing at \_\_\_\_\_.
2. I intend to serve on the governing body of \_\_\_\_\_, a public charter school in Nevada.
3. For this purpose, I swear, under penalty of perjury, that I have never been convicted of a felony, or any offense of moral turpitude.
4. There are not any such charges pending to the best of my knowledge.
5. I acknowledge that a conviction of a felony or any offense of moral turpitude at any time in the future shall cause me to become ineligible to continue to serve as a member of the governing body of a charter school in Nevada and obliges me to resign.
6. I understand that my personal contact information, including telephone number, e-mail address, and postal mailing address, may be provided to members of the public, and that I may be contacted at my residence as well as through the charter school's office.
7. I have read and understand the attached three pages "Matters of Concern to Nevada Charter School Governing Body Members, Revised July 26, 2007."

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

SUBSCRIBED and sworn to before me by: \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public

# *Matters of Concern to Nevada Charter School Governing Body Members*

## **Charter Schools are Public Schools**

A charter school is a public school, supported by public funds, and is subject to most of the terms and conditions applicable to other publicly funded entities, including traditional public schools. A charter school's freedom from regulation is the freedom to use educational methods that are allowable by law, but not available in the school district in which the pupil resides.

The goal of all public schools, including charter schools, is to enable pupils to achieve the academic content standards identified by the state. State and federally mandated testing is the ultimate measure of whether schools have achieved this goal. Just as poorly performing traditional schools may be restructured, or even closed, by authorities outside the school, so may charter schools be restructured or closed. Additionally, charter schools:

- "Belong" to the public, the sponsor, and the governing body of the school. Charter schools do not belong to the "founder" of the school, or to any individual, group, foundation, educational management organization or other entity that was instrumental in the formation of the school; they do not belong to the school's administrator. Charter schools do not belong to individuals or other entities that donate funds to the school, regardless of the size of the donation.
- Must be non-religious in their programs, admission policies, governance, employment practices, and all other operations. The curriculum must be secular, and charter schools may not provide religious instruction.
- Must inform students in the community of the school's existence, and give all pupils an equal opportunity to attend the school. They may not discriminate on the basis of race, color, national origin, gender or disability. They may not "screen out," "counsel out," otherwise exclude, or inappropriately withdraw academically low-performing pupils. Except where specifically stated in law or regulation, they are subject to the same open-enrollment requirements as traditional public schools. Enrollment lotteries may be used only if the school is over-subscribed, and may not be manipulated to exclude low-performing pupils.
- May not require pupils and/or their parents or guardians to sign "contracts," "commitments," or other documents that can result in the removal, withdrawal, suspension or expulsion of the pupil from the school for reasons other than the reasons for suspension or expulsion stated in **NRS 392.466**. Those reasons are battery on an employee of the school, possession of a firearm or dangerous weapon, sale or distribution of a controlled substance, or status as a habitual disciplinary problem as defined by **NRS 392.4655**. Removal of a pupil from a charter school, except for suspension or expulsion pursuant to **NRS 392.466**, is solely the decision of the parent or guardian of the pupil. Any removal of a pupil from a charter school against the wishes of the parent or guardian must comply with **NRS 392.467**.
- Must provide special education services to pupils who qualify for such services.

# Role of the Governing Body

The governing body of a charter school governs the school, maintains overall control of the school, and is responsible for the operation of the school. The school's administrator and all other employees and contractors, including educational management organizations, serve under the governing body, and are subject to the rulings of the governing body. The governing body critically evaluates the performance of the school's administrator and any contractors with the school, and replaces the administrator or contractor if s/he is not performing duties or providing services in a satisfactory manner.

## Personal Liability

The Nevada Department of Education can only give general advice regarding personal liability for charter school governing body members; governing body members are advised to consult their legal counsel for specific legal advice.

In general, charter school governing body members receive the same protection from personal liability that school district boards of trustees' members receive. These protections are stated in Chapter 41 of the Nevada Revised Statutes (NRS). Interested parties are referred to:

- **NRS 41.307**, which adds employees of charter schools to the definition of "employee" as used in Chapter 41 (as used in **NRS 41.0305 – 41.039**, the word "employee" includes employees of charter schools), and;
- **NRS 41.032 and 41.0337**. Charter school governing body members, like school board trustees, are protected by these statutes from personal liability and provided immunity if they are acting within the scope of their public duties as charter school governing body members.

## Open Meeting Law

Charter school governing bodies must comply with the provisions of Nevada's Open Meeting Law. A guide to the Open Meeting Law may be obtained from the Nevada Attorney General's website: [ag.state.nv.us](http://ag.state.nv.us)

## Compliance with the Local Government Purchasing Act and Avoidance of Conflict of Interest

A conflict of interest is defined as an actual or perceived interest in an action that results in, or has the appearance of resulting in, personal, organizational or professional gain. A conflict of interest occurs when a governing body member acts on a school matter that could benefit or harm him or his immediate family members personally. This means:

- No employees of the school or their spouse may serve on the governing body of the school;
- No contractors with the school or their spouse may serve on the governing body of the school;
- The school may not purchase anything from a governing body member, and may not lease a facility from a governing body member.

Furthermore:

- No governing body may serve more than one charter school. There may be no more than one person who serves on the governing body of two or more charter schools.

## Use of Advisory Committees

A charter school may have an advisory committee that advises the governing body. For example, a Finance Advisory Committee could meet regularly and advise the governing body. Such a committee, appointed by the governing body and advising or making recommendations to the governing body, must abide by the Open Meeting Law. It is irrelevant whether all the persons on any *advisory* committee are affiliated with the same business or organization. There is nothing prohibiting any employee such as a classroom teacher from being on an advisory committee.

## Miscellaneous

- Governing body members may not receive stipends for their service on charter school governing bodies unless authorized by law that defines the amount of the stipend.
- Diverse segments of the local community should be included in the initial organization and operation of the charter school's governing body. A governing body on which a majority of members are parishioners of a particular church, for example, or are related, should be avoided.

**NRS 388A.320** Membership and qualifications; waiver; powers; duty to hold public meeting on quarterly basis; authorization to set salary for attendance at meetings. [Effective through December 31, 2019.]

1. Unless a waiver is granted pursuant to subsection 2 of [NRS 388A.243](#), the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 2 of [NRS 388A.243](#), not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material

is provided to the person by the sponsor or an application to form a charter school or amend a written charter or charter contract provides that the member would receive such training or read and understand such material.

(c) Complies with the requirements of [NRS 388A.323](#).

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to [chapter 391](#) of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

(Added to NRS by [1999, 3290](#); A [2001, 3131](#); [2003, 2697](#); [2005, 2539](#); [2007, 2574](#); [2011, 3053](#); [2013, 1669, 3827](#); [2015, 3290](#))—(Substituted in revision for NRS 386.549)

### **NRS 388A.323** Fingerprinting of members; removal of member convicted of certain crimes.

1. Within 10 days after being appointed to the governing body of a charter school, each member of a governing body, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to membership, submit to the governing body a complete set of the member's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the member.

2. If the reports on the criminal history of the member indicate that the member has not been convicted of a felony or an offense involving moral turpitude, the member may continue to serve on the governing body.

3. If a report on the criminal history of a member indicates that the member has been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school must remove the member.

(Added to NRS by [2015, 3256](#))