

# AFFIDAVIT FOR SERVICE

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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*

Revised July 08, 2016

### 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

### 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

**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](#))