

PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

LCB File No. R114-15

To provide a level of minimum standards concerning quality of education as set forth in NRS 394.125(1), the following suggested NAC additions are presented for your approval. These suggested NAC outline minimum sets of standards for Private Schools or a university school for profoundly gifted students participating in a program of distance education as enacted by SB 313.

Provides that private schools and university schools for profoundly gifted students will submit an application to provide a program of distance education and use courses and vendors approved by the state.

Please note: The information below is based on NAC 388.830. However, there are provisions in NAC 388.830 that may not apply to private schools or university program for profoundly gifted students, so this new language may require a new regulation.

Explanation: ~~Deleted language is bracketed with a strike through~~
New language is in italics

*Submission and review of application or declaration for program; approval or denial of program; renewal of application; modification of program; enrollment of pupils in program.
(NRS 388.874)*

1. The Department shall engage in the process of reviewing applications or declarations for programs of distance education not less than once per year. An application or declaration must be received by the Department from a private school or university school for profoundly gifted students on or before January 15 for consideration of a program that will begin operation in the following school year.

2. The Department shall prescribe the form for the application or declaration. An application or declaration must include:

(a) The name of the private school or university school for profoundly gifted students submitting the application or declaration;

(b) The date on which the private school or university school for profoundly gifted students, reviewed and approved the application or declaration;

(c) The signature of the designated representative of the private school or university school for profoundly gifted students, indicating approval of the application or declaration.

(d) The name, address, email and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an

identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education (NAC 388.820, 388.825)

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

3. If a private school or university school for profoundly gifted students submits an application or declaration pursuant to this section to provide a program of distance education and the application or declaration is approved, the private school or university school for profoundly gifted students is not required to submit a separate application or declaration pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application or declaration pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application or declaration is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application or declaration to the Department. If the application or declaration is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application or declaration upon appeal.

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years after the date of approval.

6. The Department shall prescribe the form for the renewal of an application or declaration. To continue providing a program of distance education, the provider of the program must submit an application or declaration for renewal to the Department at least 60 days before the expiration of the approval.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application or declaration, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A private school or university school for profoundly gifted students shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Provides that a private school or university school for profoundly gifted students is responsible for the costs associated with the use of distance education courses provided by a vendor.

Responsibility for certain costs. (NRS 388.874) If a program of distance education includes courses from a provider of a course of distance education, the provider of the program of distance education is responsible for any costs associated with the use of such courses for the program.

Provides that a private school or university school for profoundly gifted students shall award credits earned by students completing a course of distance education.

Award of credit earned. (NRS 388.874) A provider of a program of distance education shall award the credit earned by pupils who complete a course of distance education on official transcripts of the private school or university school for profoundly gifted students as applicable.

Provides that a private school or university school for profoundly gifted students shall, upon request by the Department, provide a report regarding distance education students to the Department as developed.

Report to Department regarding students enrolled in Distance Education Programs. (NRS 388.874)

A program of distance education provided by a private school or university school for profoundly gifted students shall, upon request of the Department, submit a report to the Department, in a manner prescribed by the Department, regarding program information on and performance of students enrolled in a program of distance education.

Provides that a school district or charter school shall, upon request by the Department, provide a report regarding distance education students to the Department as developed.

Report to Department regarding students enrolled in Distance Education Programs. (NRS 388.874)

A program of distance education provided by the board of trustees of a school district or charter school, shall, upon request of the Department, submit a report to the Department, in a manner prescribed by the Department, regarding program information on and performance of students enrolled in a program of distance education

Provides for the revocation of approval to provide courses or program of distance education by a private school or university school for profoundly gifted students by the State Board of Education.

Revocation of approval for course or program: Grounds; procedure; effect. (NRS 388.874)

1. The State Board of Education may revoke approval for a course of distance education to be included on the list of approved distance education courses published by the Department or for a program of distance education provided by a private school or university school for profoundly gifted students to operate in this State if the State Board determines, by majority vote, that the provider of the course or program has failed to comply with:

(a) The terms and conditions of the application to provide the course or program, as approved by the Department pursuant to NAC 388.825 or 388.830;

(b) Subsection 4 of NAC 388.825 or subsection 7 of NAC 388.830, as applicable;

(c) Generally accepted standards of accounting and fiscal management; or

(d) The provisions of NRS 388.820 to 388.874, inclusive, or any other statute or regulation applicable to distance education.

2. *If the Department receives a complaint concerning a course of distance education or a program of distance education provided by a private school or university school for profoundly gifted students, or otherwise has reason to believe that a provider of a course or program has failed to comply with paragraphs (a), (b), (c) or (d) of subsection 1, the Department may conduct a review of the course or program, including, without limitation, an audit of the course or program, to determine whether to recommend revocation of the course or program.*

3. *If the Department conducts a review pursuant to subsection 2, the Department shall provide written notice to the provider of the course or program of distance education provided by a private school or university school for profoundly gifted students that the Department will conduct a review of the course or program. The notice must include the scheduled dates for the review and the specific concerns that will be addressed during the review.*

4. *If the Department finds deficiencies in a course or program during a review that is conducted pursuant to subsection 2, the Department shall provide written notice to the provider of the course or program of distance education provided by a private school or university school for profoundly gifted students that includes a statement of the deficiencies and a timeline by which the provider may correct the deficiencies before the Department recommends revocation of the course or program to the State Board of Education. If the provider does not correct the deficiencies to the satisfaction of the Department within the time period prescribed in the written notice, the Department may recommend that the State Board revoke approval of the course or program. If the Department determines to recommend revocation, the Department shall present its recommendation to the State Board at the next regularly scheduled meeting of the State Board after the time period prescribed in the written notice has expired.*

5. *If the State Board of Education decides to proceed with revocation, it will provide written notice of the proposed revocation by certified mail to the provider of the course or program. The notice must:*

(a) Include the time and location set by the State Board for a hearing concerning the proposed revocation, which will be conducted during a regularly scheduled meeting of the State Board;

(b) Identify the deficiencies in the course or program that have caused the State Board to proceed with revocation; and

(c) Be provided to the provider of the course or program at least 30 calendar days before the hearing.

6. *Within 7 calendar days after a hearing is conducted pursuant to subsection 5, the State Board of Education will provide written notice by certified mail to the provider of the course or program of distance education provided by a private school or university school for profoundly gifted students of the decision of the State Board concerning the revocation.*

7. *If the State Board of Education revokes approval for a course of distance education to be included on the list of approved distance education courses published by the Department, the provider of the course shall cease to offer the course in this State immediately upon receipt of notice from the State Board pursuant to subsection 6. If the State Board revokes approval for a program of distance education to operate in this State, the provider of the program shall cease to operate the program immediately upon receipt of notice from the State Board pursuant to subsection 6.*