

**LCB File No. R047-00**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations  
of the Nevada State Board of Education/Nevada State Board for Occupational Education**

The Nevada State Board of Education/Nevada State Board for Occupational Education will hold a public hearing on **Saturday, April 29, 2000** at the **University of Nevada, Las Vegas Campus, Bennett Center, Multi-Purpose Room, 4505 South Maryland Parkway, Las Vegas, Nevada.**

The time for the public hearing has been scheduled as follows:

**10:15 a.m.**     **Public Hearing and Possible Board Adoption of Proposed Revisions to Regulation Language, NAC 394.040-.050, Licensed Personnel in Private Schools (Second of two public hearings)**

The purpose of the hearing is to receive comments from all interested persons regarding regulations that pertain to **Chapter 394** of the Nevada Administrative Code.

The purpose and substance of the proposed regulation language is to consider the requirements for licensed personnel in private schools.

There is no anticipated economic effect of the regulation on the business that the agency regulates. There are no known adverse effects. The beneficial, immediate and long term effects will be determined.

There is no anticipated economic effect on the public. There is no estimated cost for enforcement to the regulating agency.

There is no duplication or overlap of federal, state or local government agencies. The proposed regulations do not establish any new fees nor increase an existing fee of the regulating agency.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Occupational Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written

submissions must be received by Department of Education **on or before Monday, April 24, 2000**. The following statement applies for hearings noticed above for possible Board adoption: If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Education/Nevada State Board for Occupational Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed new regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, 89701-5096, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendents' Offices, the 17 county main public libraries, and at the Nevada State Library and Archives.

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3/28/00

**NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**RULES FOR PUBLIC TESTIMONY**

1. In accordance with NRS 233B.060, the Board, before adopting, amending or repealing any permanent or temporary regulations shall give at least 30 days of notice.
2. The Board will endeavor to hold public hearings on its intended action in two separate locations. The Board does reserve the right to hold only one hearing. A public hearing held by video telecommunication, allowing access at two separate locations, will be considered as two hearings. Also, under NRS 233B.060, the Board has the authority to promulgate emergency regulations which expire and then must go through the regular public hearing process.
3. All persons wishing to submit written testimony for a public hearing of the Board should do so at least five (5) working days before the scheduled public hearing.
4. Written submissions should be sent to the Board Secretary, State Board of Education, Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. All materials will be duplicated for distribution to the Board members.
5. Persons wishing to give oral testimony at the public hearing should sign in at the meeting on the cards provided and submit the card to the Board secretary.
6. Each person giving oral testimony is asked to provide a single page abstract of comments, if possible.
7. The Board President, at the time of the public hearing, may ask a person to condense their testimony so that all persons wishing to speak will have the opportunity. Time limits on testimony may be placed at the discretion of the Board President.

Adopted 3/21/93

## **PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION**

The State Board of Education will hold a Workshop to Solicit Comments on March 17 2000, and two public hearings on March 18, 2000 and April 29, 2000.

EXPLANATION - Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Authority: 385.080 and 394.221.

**Section 1.** Chapter 394 of NAC is hereby amended by adding thereto the following provisions:

**Section 2.** 394.040 Size of private school; facilities and materials; ratios of pupils to instructors; administrator or liaison with department; percentage of instructors required to hold teacher's license.

1. The applicant shall:

(a) Assure that the size of the private school is such that each pupil enrolled in:

(1) An academic program is provided with not less than 30 square feet of usable instructional space;

(2) A kindergarten is provided with not less than 35 square feet of usable instructional space; and

(3) A vocational course or other program which, by its description, concentrates on a nonacademic activity is provided with not less than 50 square feet of usable instructional space.

(b) Describe the facilities and equipment available for physical education and recreation and how the measurable objectives of a course in physical education will be met.

(c) List the materials in the library and describe the other facilities and services available for instruction, research and study.

(d) Describe the available audiovisual and instructional equipment, such as audiovisual equipment, charts and maps, blackboards, tagboards, machines and models. All instructional material provided should be consistent with the measurable objectives for each grade and course.

(e) List textbooks and supplementary materials to be used for each course. Instructional material must be consistent with the measurable objectives for each grade and course and must be made available in sufficient amounts to accommodate the number of students projected for enrollment. Basic textbooks and appropriate supplementary materials must be made available to all pupils.

(f) Indicate the ratio of pupils to instructors. A minimum of one full-time instructor is required for every 35 pupils or fraction thereof if the private school enrolls more than 35 pupils. If the private school enrolls less than 30 pupils, the ratio of pupils to instructors must be 15 to 1 when more than three grades are offered. In any event, the ratio of pupils to instructors must not exceed 35 to 1 if the private school has a single grade.

2. A full-time administrator must be employed for each private school which enrolls 150 or more pupils or employs six or more full-time instructors.

3. A private school which enrolls less than 150 pupils and employs less than six full-time instructors shall designate a person to serve as a liaison with the department. The liaison must hold a teacher's or administrator's license issued by the department and shall:

- (a) Ensure that the private school is operated pursuant to all applicable laws and regulations.
- (b) Develop curricular materials.
- (c) Provide training to employees of the private school.
- (d) Supervise and evaluate the staff of the private school.

~~{4.— At least 70 percent of the instructors at a private school who provide instruction in classes in which core curriculum is taught must hold a teacher’s license pursuant to paragraph (a) or (b) of subsection 3 of NAC 394.050.}~~

**Section 3.** 394.050 Qualifications of staff; reports; annual directory of private schools.

1. A full-time administrator must:

(a) Hold an administrator’s license issued by the department ~~{;}~~ *or any other state or territory; or*

~~{(b) Hold an administrator’s license issued by another state or territory of the United States or the District of Columbia;}~~

~~{(c)}~~ Hold a bachelor’s degree ~~{in a field related to a subject commonly taught in kindergarten or grades 1 through 12}~~ from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have 5 years of verified experience in educational administration. ~~{within the immediately preceding 7 years; or~~

~~—(d) Hold a master’s degree in a field related to a subject commonly taught in kindergarten or grades 1 through 12 from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have 3 years of verified experience in educational administration within the immediately preceding 5 years.}~~

2. A supervisor must hold a teacher’s license issued by the department.

3. An instructor must:

(a) Hold a teacher’s license issued by the department *or any other state or territory* that is appropriate for his assignment; *or*

(b) ~~{Hold a teacher's license issued by another state or territory of the United States or the District of Columbia that is appropriate for his assignment;}~~

~~{(c)}~~ Hold a bachelor's degree ~~{in an area that is appropriate for his assignment}~~ from an institution accredited by a regional accrediting association that is approved by the United States Department of Education . ~~{and have 2 years of verified full-time or supervised experience in teaching the appropriate grade level within the immediately preceding 4 years; or~~

~~—(d) Hold a master's degree in an area that is appropriate for his assignment from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have 1 year of verified full-time or supervised experience in teaching the appropriate grade level within the immediately preceding 3 years.}~~

4. The licensee shall:

(a) On or before October 15 of each year and whenever there is a change in the staff of the private school, submit a report to the department identifying:

(1) Each employee with a teacher's or administrator's license issued by the department, his assignment and the identifying number on his license; and

(2) Each employee without a teacher's or administrator's license issued by the department who meets the alternative requirements set forth in subsection 1 or 3, his social security number, a brief description of his qualifications set forth in subsection 1 or 3, if any, and the identifying number on the teacher's or administrator's license issued by another state or territory of the United States or the District of Columbia, if any.

(b) On or before October 15 of each year and whenever there is a change in the staff of the private school, submit to the parents or guardian of any current or prospective student a written list of:

(1) Each employee without a teacher's or administrator's license issued by the department who meets the alternative requirements set forth in subsection 1 or 3; and

(2) The qualifications set forth in subsection 1 or 3 of each such employee.

(c) Submit a résumé of the previous applicable experience of the full-time administrator or designated liaison and three references, one of which must be local, attesting to the character, reputation and competence of the administrator or liaison.

(d) Prepare and submit descriptions of the jobs of each class of employee, including employees with or without a teacher's or administrator's license. The descriptions must reinforce the philosophy of the private school.

(e) Submit a description of the procedures for evaluating administrators, supervisors, instructors and other educational personnel.

5. On or before November 15 of each year, the department shall prepare the annual directory of private schools. The department shall include in the annual directory of private school the number of the staff who:

(a) Hold a teacher's or administrator's license issued by the department;

(b) Hold a teacher's or administrator's license issued by another state or territory of the United States or the District of Columbia;

(c) Hold a bachelor's degree and have the experience described in subsection 1 or 3; and

(d) Hold a master's degree and have the experience described in subsection 1 or 3.



**NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
NAC 394.040-.050, Licensed Personnel in Private Schools  
(LCB File R047-00)**

**IMPACT STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code 394:

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred twenty-five individuals and educational organizations. One workshop was held March 17, 2000. There were comments from the public. No written comments from the public were received.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations. Two public hearings were conducted on March 18, 2000, and April 29, 2000, to provide the opportunity for comments by affected parties and the public. There were comments from the public. One written comment from the public was received.

**2. The Number of Persons Who:**

**a) Attended Each Hearing:** Workshop: 16 First Hearing: 17  
Second Hearing: 24

**b) Testified at Each Hearing:** Workshop: 4 First Hearing: 4 Second  
Hearing: 3

**and,**

**c) Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second  
Hearing: 1

One written comment was received at the April 29, 2000, public hearing: Letter from Meade B. Thayer, Executive Director, Pacific Northwest Association of Independent Schools, in favor of the proposed revisions.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

*3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.*

Comment was solicited through the workshop notice of February 29, 2000, and public hearing notices of February 16, 2000, and March 28, 2000.

At the March 1, 2000, workshop, four individuals from the public came forward to speak to the proposed language revisions: 1) Meade Thayer, Executive Director, Pacific Northwest Association of Independent Schools, stated that revisions to regulation would allow private schools to hire qualified teachers; 2) Basil Hamblin, Head of School, Sage Ridge School, Reno, provided an example of how the current regulation language does not permit the hiring of a qualified individual with the limitation of seventy percent; 3) Stephen Bowers, Head of School, Alexander Dawson School, Las Vegas, pointed out the barriers and challenge the current regulation language places for the hiring of qualified professionals; and, 4) Natalie Berman, Director, Milton I. Schwartz Academy, Las Vegas, gave testimony on the frustration of applying for a Nevada Administrator's license for herself and teacher licenses for other individuals already licensed by the state of Pennsylvania.

At the March 18, 2000, public hearing, the above individuals also gave testimony in favor of the proposed revisions.

At the April 29, 2000, public hearing, with the exception of Meade Thayer, the above individuals gave testimony in favor of the proposed revisions.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

**4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.**

The permanent regulation (LCB File R047-00) was adopted by the Nevada State Board of Education at the public hearing on April 29, 2000, with change to the proposed language as follows: 1) Page 3, Section 2.1(c) to retain language on master's degree, but to delete "in a field related to a subject commonly taught in kindergarten or grades 1 through 12" and "within the immediately preceding 5 years;" 2) Page 3, Section 2.2 is to be deleted; page 4, new section 2.2(b) to retain language "and have 3 [2] years of verified full-time or supervised experience in teaching the appropriate grade level;" and, 3) Page 5, Section 2.5(c) to identify subsection 1 or 2, and 2.5(d) to retain language on the master's degree and to identify subsection 1 or 2.

- 5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

There is no economic effect on the school districts. There is no estimated economic effect on the public.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

- 8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are none.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.