

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R235-03

Effective August 4, 2004

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

AUTHORITY: §§1 and 2, NRS 394.130 and 394.211; §§3-5, NRS 394.130 and 394.221.

Section 1. Chapter 394 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An educational institution that requests an exemption from the Private Elementary and Secondary Education Authorization Act pursuant to NRS 394.211 must submit to the Department a declaration of exemption on a form provided by the Department. The declaration of exemption must include:

(a) A copy of the articles of incorporation for the educational institution, the bylaws for the institution or other documentation acceptable to the Department that sets forth the purpose of the educational institution.

(b) A copy of the written notice required by NRS 394.211 that is provided to parents and legal guardians indicating that the educational institution is exempt from the Private Elementary and Secondary Education Authorization Act.

(c) If applicable, evidence that the educational institution is recognized as an exempt organization pursuant to 26 U.S.C. § 501(c)(3).

(d) A copy of the plan for the educational institution to be used in responding to a crisis developed in accordance with NRS 394.168 to 394.1699, inclusive.

(e) The grade levels offered by the educational institution and the number of teachers for each grade level.

(f) A written assurance that the educational institution offers courses and schedules of classes that are, at a minimum, commensurate to the state courses of study and satisfy the requirements of chapter 389 of NRS, as applicable for the grade levels offered by the educational institution. If applicable for the grade levels offered by the educational institution, the institution must also offer the courses and schedules of classes required for graduation from high school. If the educational institution offers special education for pupils with disabilities, the educational institution may submit an alternative course of study for approval.

(g) A school calendar showing legal holidays, beginning and ending dates of terms and other important dates for each 2-year period during which the exemption is valid. The school calendar must consist of, at a minimum, 180 school days per year.

(h) A written assurance that the institution adheres to the length of a school day as set forth in NAC 387.131. The board of directors of the educational institution, or upon written authority of the board of directors, the chief administrator of the educational institution, may schedule not more than 5 short school days in session per school year. Before using a short school day in session, the educational institution must have the written approval of the Superintendent of Public Instruction.

(i) Documentation which indicates that the facility occupied by the educational institution meets the requirements of applicable codes for the prevention of fire and codes pertaining to safety, health and sanitation.

(j) Documentation which indicates that an owner or administrator of the educational institution has communicated with the Division of Industrial Relations of the Department of

Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970.

(k) Evidence of compliance with NRS 394.190 if the educational institution uses vehicles for the transportation of pupils.

2. On or before October 15 of each year for which an exemption is valid, an educational institution shall submit to the Department a report indicating the number of teachers employed for each grade level at the educational institution.

3. If an educational institution that receives an exemption plans to close or otherwise terminate its operation, its owners or administrators shall notify the Department and submit to the Department all permanent records of the pupils enrolled in the educational institution.

Sec. 2. NAC 394.010 is hereby amended to read as follows:

394.010 As used in NAC 394.010 to 394.190, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 394.012 to 394.019, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NAC 394.030 is hereby amended to read as follows:

394.030 1. The applicant ~~[shall]~~ *must* submit to the Department:

- (a) A list containing the names, descriptions and levels of proposed courses;
- (b) Proposed schedules of classes;
- (c) A description of measurable objectives for each grade and course and the procedures to be used in evaluating attainment of the objectives;
- (d) An indication of the maximum number of pupils to be enrolled in each grade and course;
- (e) An indication of the number of instructors to be assigned to each grade and course;

(f) The organizational structure and assignments of licensed and nonlicensed staff, including assignments to grades and courses;

(g) A statement disclosing the cost of courses, including all fees; and

(h) A copy of each financial agreement between the private school and the parents or guardian of a pupil.

2. All grades offered must be indicated in the application. Except as otherwise provided in this subsection, courses must, at a minimum, be commensurate to ~~and offered at the levels described in the Nevada Elementary Course of Study, the Nevada High School Graduation Requirements~~ *the state courses of study* and chapter 389 of NRS. *If applicable to the grade levels offered by the private school, the school must also offer the courses required for graduation from high school.* A private school that offers special education to pupils with disabilities may present an alternative course of study for approval.

3. Schedules of classes must meet the minimum requirements contained in the ~~Nevada Elementary Course of Study, the Nevada High School Graduation Requirements~~ *state courses of study* and chapter 389 of NRS. *If applicable to the grade levels offered by the private school, the schedules of classes must also meet the requirements for graduation from high school.*

4. Anticipated maximum enrollments are subject to the limitations of the facility and staff. Enrollments indicated must be reconciled with the sections of the applications relating to the facility, staff and budget.

5. All costs, including instructional costs, costs of transportation and food, fees for activities and other charges to be paid by the pupil or his parent or guardian must be identified separately. The purpose of the charge must be described.

Sec. 4. NAC 394.060 is hereby amended to read as follows:

394.060 1. The applicant ~~shall~~ *must* provide a sample of the catalog or brochure of the private school containing at least the following information:

(a) The name and address of the private school;

(b) The names of the members of its governing body, its officials and faculty, including, without limitation:

(1) The name of any administrator, supervisor or instructor licensed by the Department;

and

(2) The name and a brief description of the qualifications of any administrator or instructor who is not licensed by the Department and who meets the alternative requirements set forth in subsection 1 or 2 of NAC 394.050;

(c) The date of publication of the catalog;

(d) The philosophy of the private school;

(e) A brief description of proposed grades and programs;

(f) The daily schedule of classes of the private school and, if secondary education is provided, the number of credits which a student must earn;

(g) A description of all charges, the purpose for each charge, and the methods and time of payment;

(h) A detailed schedule of all fees, including, without limitation, tuition, fees for books, supplies, activities for pupils and the use of laboratories, service charges, rentals, deposits, and charges for room and board; and

(i) A clear statement of the policy of the private school on cancellations and refunds.

2. The applicant ~~{shall}~~ *must* indicate the method he will use to distribute the approved catalog or brochure to parents and pupils before enrollment. The contents of the catalog or brochure must be incorporated in all agreements and contracts for enrollment.

3. Calendars showing legal holidays, beginning and ending dates of terms, and other important dates must be provided for each of the 2 years under the term of the private school license. The school year must include at least 180 school days.

4. The board of directors of a private school, or upon written authority of the board of directors, the chief administrator of the private school, may schedule not more than 5 short school days in session per school year. Before using a short school day in session, the private school must have the written approval of the Superintendent of Public Instruction.

Sec. 5. NAC 394.130 is hereby amended to read as follows:

394.130 1. The applicant ~~{shall:}~~ *must:*

(a) Provide a completed certificate of *fire* inspection by the ~~{Department.}~~ *appropriate fire authority.*

(b) Describe procedures for fire drills and provide sample information to be posted in rooms.

(c) Describe the proposed or actual program of insurance for the private school and give the name of the agent.

(d) Maintain adequate insurance in force at all times covering buildings and equipment of the private school.

(e) Maintain a contract of insurance against loss arising from death, personal injury or damage to property in an amount not less than \$1,000,000 for each occurrence.

2. The provisions contained in NAC 394.100 to 394.130, inclusive, apply to any facility which will be rented or leased by the applicant. The applicant ~~{shall}~~ *must* submit to the Department a copy of the rental agreement or lease and the name of the owner of the facility.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R235-03**

The State Board of Education adopted regulations assigned LCB File No. R235-03 which pertain to chapter 394 of the Nevada Administrative Code on March 21, 2004.

Notice date--Workshop: 11/6/2003
Date of Workshop: 12/13/2003
Date of adoption by agency: 3/21/2004

Notice date--Hearing: 2/14/2004
Date of Hearing: 3/20/2004
Filing date: 8/4/2004

INFORMATIONAL STATEMENT

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.

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 394, Private Schools, was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted on December 13, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for the public hearing for Board permanent adoption of LCB File R235-03, NAC 394, Private Schools, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on March 20, 2004, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

2. The Number of Persons Who:

a) Attended Each Hearing:	Workshop: <u> 12 </u>	Hearing: <u> 8 </u>
b) Testified at Each Hearing;	Workshop: <u> 0 </u>	Hearing: <u> 0 </u>
and,		
c) Submitted Written Statements:	Workshop: <u> 0 </u>	Hearing: <u> 0 </u>

A copy of any written comments may be obtained by calling LaDonna Byrd, Assistant to the Board, 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 November 6, 2003, and public hearing notice of February 14, 2004. There were no comments from the public at the workshop or at the public hearing.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Assistant to the Board, 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 regulation language in LCB File R235-03 was adopted by the Nevada State Board of Education at the public hearing held March 20, 2004, without revision.

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 business which is regulated. There is an estimated economic effect on the public for the costs related to courses that meet the requirements for two year equivalency for the higher education degree program or proposed costs for the examination to meet the level of competence specified by the State Board of Education

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.