

LCB File No. R235-03

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

Explanation: Matter in *italics* is new; matter in brackets ~~⌈~~ is material to be omitted.

AUTHORITY: NRS 385.080 & 394.221

Section 1. NAC 394 is hereby amended as follows:

Section 2. *“Exempt private school license” defined. “Exempt private school license” means a license to operate as a private school based on the exemptions listed in NRS 394.221.*

Section 3. **NAC 394.020 Appearance before board by representative of private school; notice and approval of proposed change.**

1. A designated representative of the private school shall appear before the board, at the request of the superintendent of public instruction, at the time the application for a private school license *or exempt private school license* or renewal of a private school license *or exempt private school license* is considered.

2. After a private school license is issued, the licensee shall inform the department, in writing, of any proposed change in the staff and in the nature or purpose of the private school.

3. ~~⌈A⌋~~ *All* private schools shall secure the approval of the department before initiating any change in its nature or purpose. Failure to notify the department of such a change may result in the revocation of its private school license *or exempt private school license*.

Section 4. **NAC 394.030 Required information concerning instruction; quality of instruction; costs.** (NRS 385.080, 394.221)

1. The applicant *for a private school license* shall 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 and chapter 389 of NRS. 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 and chapter 389 of NRS.

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.

6. The applicant for exempt private school license shall submit to the department:

(a). All grades offered must be indicated in the application. Except as other wise provided in this subsection, courses must, at a minimum, be commensurate to and offered at the levels described in the Nevada Course of Study, the Nevada High School Graduation Requirements and chapter 389 of NRS. A private school that offers special

education to pupils with disabilities may present an alternative course of study for approval.

(b). Schedules of classes must meet the minimum requirements contained in the Nevada Course of Study, the Nevada High School Graduation Requirements and chapter 389 of NRS.

Section 5. NAC 394.040 Size of private school; facilities and materials; ratios of pupils to instructors; administrator or liaison with department.

1. The applicant *for a private school license* 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 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 *licensed* 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:

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

(b) Hold an administrator's license issued by the department or by another state or territory of the United States;

(c) Hold a bachelor's degree from an institution accredited by a regional accrediting association and have at least 5 years of verified experience in educational administration;

or

(d) Hold a master's degree from an institution accredited by a regional accrediting association and have at least 3 years of verified experience in educational administration.

4. A liaison designated pursuant to subsection 3 shall:

(a) Ensure that the *licensed* private school is operated pursuant to all applicable laws and regulations.

(b) Develop curricular materials.

(c) Provide training to employees of the *licensed* private school.

(d) Supervise and evaluate the staff of the *licensed* private school.

Section 6. NAC 394.050 Qualifications of staff; reports; annual directory of private schools.

1. A full-time administrator *for a licensed private school* must:

(a) Hold an administrator's license issued by the department or by another state or territory of the United States;

(b) Hold a bachelor's degree 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; or

(c) Hold a master's degree 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.

2. An instructor *for a licensed private school* must:

(a) Hold a teacher's license issued by the department or by another state or territory of the United States that is appropriate for his assignment;

(b) Hold a bachelor's degree 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 full-time or supervised experience in teaching the appropriate grade level; or

(c) 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.

3. The ~~Licensee~~ *licensed private school* 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 2, his social security number, a brief description of his qualifications set forth in subsection 1 or 2, if any, and the identifying number on the teacher's or administrator's license issued by another state or territory of the United States, if any.

(b) On or before October 15 of each year and whenever there is a change in the staff of the *licensed* 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 2; and

(2) The qualifications set forth in subsection 1 or 2 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.

4. 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 *licensed private school* 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;

(c) Hold a bachelor's degree and have the experience described in subsection 1 or 2; and

(d) Hold a master's degree and have the experience described in subsection 1 or 2.

5. On or before October 15 of each year the exempt licensed private schools will submit a report to the department identifying the number of teachers for each grade level.

Section 7. NAC 394.060 Contents and distribution of catalog or brochure; calendars; school year.

1. The *private school license* applicant shall 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 *private school license* applicant shall 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 exempt school license applicant shall submit 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 exempt private school license. The school year must include at least 180 school days.

Section 8. NAC 394.070 Maintenance of records.

1. The *private school license* applicant shall submit to the department:

(a) The name of the person who is responsible for maintenance of records and provide an example of a proposed folder for the cumulative record of a pupil.

(b) The proposed location of all records of the private school.

(c) The name of the person who will be responsible for the records in case of the termination of operations by the private school.

(d) The policy of the private school on the retention of records.

2. ~~[The]~~ *All* private schools shall maintain permanent records in a separate file on each pupil. Such records must show the pupil's attendance, grades and other documentation directly related to his progress and must contain his certificate of immunization.

3. Records must be maintained in a safe, secure place reasonably protected from fire and misuse and from access by unauthorized persons.

4. If a *licensed* private school plans to close or otherwise terminate its operation, its owners or administrators shall notify the department and submit to it all permanent records of pupils as well as all records pertinent to the financial resolution of encumbrances and indebtedness.

5. If an exempt licensed private school plans to close or otherwise terminate its operation, its owners or administrators shall notify the department and submit to it all permanent records of pupils

Section 9. NAC 394.080 Evaluation of pupil; transfer of credits.

1. The *private school license* applicant shall:

(a) Describe or provide a sample of the educational credentials to be used to indicate that the student has satisfactorily completed the course of instruction or study.

(b) State the policy of the private school relative to transfer of credits for previous education and training.

(c) State how such credentials will be transferred to a comparable school without loss of credit.

(d) Provide an example of a proposed student transcript of credit.

(e) Provide a copy of the diploma or certificate of completion which the private school plans to issue to students.

2. Credits earned at ~~[the]~~ *all* private schools must be such that an enrolled student may transfer to a comparable private school without loss of credit.

Section 10. NAC 394.090 Records of attendance, progress and performance.

The *private school license* applicant shall:

1. State the policy and regulations of the *licensed* private school relative to absences, tardiness, and unsatisfactory attendance and the procedure used to maintain and report attendance.
2. State the policy and regulations of the *licensed* private school relative to standards of progress required of students, including the grading system, conditions for probation, dismissal and reentrance.
3. State the methods to be used in student evaluation.

Section 11. NAC 394.100 Submission and review of plans of existing or proposed private school facilities.

1. An applicant *for a private school license* shall submit plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. “As built” drawings must be submitted for existing facilities.

2. Facilities which are proposed, including extensive remodeling, repairs or additions to existing buildings, must be delineated by plans and specifications prepared by architects or engineers licensed to practice in this state. The board may require submission of plans for review. Costs of the review must be paid by the applicant. A private school license will not be issued unless the plans include a firm schedule for construction of facilities.

Section 12. NAC 394.110 Facilities; compliance with Occupational Safety and Health Act; vehicles.

1. ~~The~~ *All* applicants shall submit documents certifying that the facilities have been inspected and meet the requirements of building codes, codes for the prevention of fire, and codes for safety, health and sanitation before a private school license will be issued or renewed.

2. ~~The~~ *All* applicants shall submit evidence that ~~he has~~ *they have* 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, as amended, before a private school license will be issued or renewed.

3. ~~The~~ *All* applicants shall submit documents certifying that any vehicle for the transportation of pupils has been inspected by the department of motor vehicles as to its condition, equipment and identification.

Section 13. NAC 394.120 Inspection of facilities and plans.

Facilities or plans must be inspected and approved by the department for conformity with acceptable educational standards and specifications, and for compliance with the provisions of this chapter before a private school license is issued.

Section 14. NAC 394.130 Certificate of inspection; fire drills; insurance; applicability of requirements to rented or leased facilities.

1. The *private school license* applicant shall:

(a) Provide a completed certificate of inspection by the *fire* department.

(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 *licensed* 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 submit to the department a copy of the rental agreement or lease and the name of the owner of the facility.

3. The exempt private school license applicant shall submit a completed certificate of inspection by the fire department.

Section 15. NAC 394.140 Evidence of financial stability; audit; declaration of tax-exempt status.

1. Applicants for an initial private school license or for renewal of a private school license shall submit a proposed budget showing estimated revenues and expenditures for each of the 2 years of operation authorized by the private school license to establish reasonable financial stability.

2. ~~[Am]~~ *A private school license* applicant shall:

(a) Fully disclose to the department all owners, directors, officers, shareholders, trustees and any other parties maintaining a financial interest in the private school, and the basis upon which the organization is legally constituted. An incorporated private school shall submit a certificate of authorization to do business from the secretary of state and a copy of its articles of incorporation and bylaws. Any changes in the articles or bylaws must be reported to the board.

(b) Submit a financial statement. A *licensed* private school with an enrollment of at least 30 pupils but not more than 150 pupils shall have a certified public accountant or public accountant compile the statement. A *licensed* private school with an enrollment of more than 150 pupils shall have a certified public accountant review the statement and sign it.

3. If circumstances reflect adversely on the financial stability of the *licensed* private school, the board may order that an audit be performed at the expense of the applicant.

4. Evidence of an official declaration of tax-exempt status by the Internal Revenue Service must be submitted with an application from ~~[a]~~ *all* nonprofit organizations.

Section 16. NAC 394.150 Advertising.

1. ~~[Am]~~ *A licensed private school* applicant shall provide samples of proposed advertising.

2. A private school licensed by the board shall not use the words “state board of education” in any outdoor advertising or on the building itself.

3. The words “licensed by the state board of education” or any other allusion to state licensing of the private school, if included in any brochure, stationery or printed

advertisement of any nature, must be in print no larger than the smallest print used elsewhere in the material.

Section 17. NAC 394.160 Local occupational permits; reputation and character of officers and staff.

1. Each *licensed private school* applicant and employee of ~~an~~ *a licensed private school* applicant without a teacher's license or administrator's license shall hold local occupational permits before beginning any activity at a private school. Any fees or costs associated with the local occupational permit, including, but not limited to, the cost of investigations by the Federal Bureau of Investigation, must be paid by the applicant or employee.

2. If the *licensed* private school is located in a jurisdiction in which a memorandum of understanding:

(a) Exists between the department and the local law enforcement agency, the local occupational permit must be obtained from that local law enforcement agency.

(b) Does not exist, the local occupational permit must be obtained from the department and the superintendent of public instruction, who shall conduct an investigation of the background of the applicant and any employee of the applicant and submit fingerprints to the Federal Bureau of Investigation for its report before any permit is issued.

3. The *private school license* applicant shall:

(a) Submit three local references attesting to the character and reputation of the owner or chairman of the board of trustees of the private school.

(b) Notify the department in writing of the conviction of an officer or member of the staff of the *licensed* private school of any crime or felony involving moral turpitude which could affect relationships with pupils.

4. A *licensed* private school shall not knowingly employ any person who has been convicted of a crime involving moral turpitude with a minor unless otherwise permitted by the board.

Section 18. NAC 394.165 Memorandum of understanding between department and local law enforcement agency. The superintendent of public instruction may enter into a memorandum of understanding between the department and a local law enforcement agency specifying the particular procedures and conditions for the issuance of a local occupational permit for employees of a private school, including:

1. The conduct of investigations of the background of the applicant or any employee of the applicant; and
2. The submission of fingerprints to the Federal Bureau of Investigation for its report.

Section 19. NAC 394.170 Enrollment, entrance and dismissal. The applicant shall:

1. State the policy and regulations of the *licensed* private school on enrollment and entrance requirements. The policy and regulations must be clearly stated in all literature.
2. File with the department a statement of assurance that students will be admitted to the *licensed* private school without regard to race.
3. State the policy and regulations of the *licensed* private school relating to student conduct or behavior and conditions for dismissal. Dismissal procedures must comply with requirements of due process of law.

Section 20. NAC 394.180 Maintenance and operational standards; periodic reviews. The provisions contained in NAC 394.010 to 394.180, inclusive, must also be used as maintenance and operational standards and criteria. Reviews will be conducted periodically to assure that ~~the~~ *each* private school is maintained and operated in accordance with those sections.

Section 21. NAC 394.190 Immunization against mumps, hepatitis A, hepatitis B and varicella.

1. The state board of health hereby declares the diseases of mumps, hepatitis A, hepatitis B and varicella to be communicable diseases.
2. Unless excused because of religious belief or medical condition, a child may not be enrolled in ~~a~~ *any* private school in this state unless he has been immunized against the mumps.

3. Except as otherwise provided in subsection 4, unless excused because of religious belief or medical condition, a child may not be enrolled in ~~fa~~ *any* private school in this state:

(a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless he has been immunized against varicella.

4. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a private school in this state before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a private school in this state before July 1, 2003.