

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

LCB File No. R061-07

Effective October 31, 2007

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

AUTHORITY: §§1-11, NRS 385.080, 394.221 and 394.241.

A REGULATION relating to private schools; revising provisions governing the licensure of private elementary and secondary schools which are accredited by the Northwest Association of Accredited Schools; and providing other matters properly relating thereto.

Section 1. Chapter 394 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. 1. *An applicant that is not accredited by the Northwest Association of Accredited Schools shall comply with the provisions of NAC 394.020 to 394.190, inclusive.*

2. An applicant that is accredited by the Northwest Association of Accredited Schools shall comply with the provisions of NAC 394.020, 394.190 and sections 3 to 10, inclusive, of this regulation.

Sec. 3. *An applicant shall submit to the Department, on a form prescribed by the Department:*

1. Documentation sufficient to verify the accreditation of the private school by the Northwest Association of Accredited Schools.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school 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, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with NRS 394.190.

6. 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.

7. Evidence that a surety bond or certificate of deposit has been filed pursuant to NRS 394.271.

8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.

9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.

10. A statement of assurance that pupils will be admitted to the private school without regard to race.

11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.

12. Three local references attesting to the character and reputation of the owner or chairman of the board of trustees of the private school.

Sec. 4. 1. *An applicant shall, to establish reasonable financial stability, submit a proposed budget showing estimated revenues and expenditures for each year under the term of the private school license.*

2. An applicant shall:

(a) Fully disclose to the Department the name of each owner, director, officer, shareholder, trustee and any other person 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 of incorporation or bylaws must be reported to the Board.

(b) Submit a financial statement. A 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 private school with an enrollment of more than 150 pupils shall have a certified public accountant review the statement and sign it.

Sec. 5. *Facilities in which a private school will operate or plans for such facilities 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.*

Sec. 6. 1. *An applicant shall provide calendars showing legal holidays, beginning and ending dates of terms, and other important dates for each year under the term of the private school license. The school year must include at least 180 school days.*

2. *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. 7. 1. *An applicant shall provide a sample of the catalog or brochure of the private school which must contain at least the following information:*

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

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

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

(2) The name and a brief description of the qualifications of each 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 pupil 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 indicate the method the private school 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.

Sec. 8. 1. *An applicant shall submit an occupational permit for each employee who works with pupils if that employee does not hold a teacher's license or an administrator's license. Any fees or costs associated with the local occupational permit, including, without limitation, the cost of investigations by the Federal Bureau of Investigation, must be paid by the applicant or employee.*

2. On or before October 15 of each year and whenever there is a change in the staff of the private school, a private school shall submit a report to the Department identifying the members of the staff who:

(a) Hold a teacher's or an administrator's license issued by the Department.

(b) Hold a teacher's or an 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 of NAC 394.050.

(d) Hold a master's degree and have the experience described in subsection 1 or 2 of NAC 394.050.

3. A private school shall notify the Department in writing of the conviction of an officer or member of the staff of the private school of any crime or felony involving moral turpitude which could affect relationships with pupils.

4. A 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.

Sec. 9. 1. *An 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 not larger than the smallest print used elsewhere in the material.

Sec. 10. *If an application is for renewal of a private school license, the applicant shall submit a copy of its plan for use in responding to a crisis developed in accordance with NRS 394.168 to 394.1699, inclusive, if that plan was revised during the immediately preceding term of the private school license.*

Sec. 11. NAC 394.010 is hereby amended to read as follows:

394.010 As used in NAC 394.010 to 394.190, inclusive, *and sections 2 to 10, inclusive, 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R061-07**

NAC 394 –Licensing per membership in Northwest Association of Accredited Schools

The State Board of Education adopted regulations assigned LCB File No. R061-07 which pertain to chapter 394 of the Nevada Administrative Code.

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on June 30, 2007. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 394 – LICENSING PER MEMBERSHIP IN NORTHWEST ASSOCIATION OF ACREDITED SCHOOLS (NAAS) was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on October 6 , 2007 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the proposed amendments to the regulation.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 15; First Hearing: 11; Second Hearing: N/A
b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: 0

A copy of any written comments may be obtained by calling Lori Johnson, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9225, or by writing to the Nevada 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.

Comments were solicited through the workshop notice of May 15, 2007; and the public hearing notice of October 6, 2007. At the June 30, 2007 Workshop to Solicit Comments, there no public comments to the proposed amendments to the regulation language. At the

October 6, 2007 public hearings there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop Comments:

There were no workshop comments

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Lori Johnson, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9225, or by writing to the Nevada Department of Education, 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held October 6, 2007. The reason for adopting the regulation is to establish NAAS accreditation can be accepted as evidence of compliance with the minimum standards pursuant to this section

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

There is no economic effect on businesses or the public

6. The estimated cost to the agency for enforcement of the adopted regulation.
There is no cost to the agency to adopt these regulations
There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 for a new fee or increase an existing fee.