

PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

LCB File No. R038-14

State Board of Education
Proposed Regulation: Private School Employees

Authority: NRS 394.221 – State Board to adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act

NAC Chapter 394 is hereby amended as follows:

NAC 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 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 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 the instructor's 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 the instructor's 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 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, the employee's assignment and the identifying number on his or her 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, ~~the employee's social security number,~~ a brief description of his or her 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 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 resume 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 schools 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;

(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.

~~{Dep't of Education, §§ 3.1-3.3, eff. 6-19-76}~~—(NAC A by Bd. of Education, 9-13-85; R087-99, 9-27-99; R047-00, 6-20-2000)

NAC 394.160 ~~{Local occupational permits;}~~ *Background investigations; reputation and character of officers and staff.*

1. Each applicant and employee of an applicant without a teacher's license or administrator's license shall ~~{hold local occupational permits}~~ *have submitted fingerprint cards for investigation of the background by the Nevada Department of Public Safety and the Federal Bureau of Investigation* before beginning any activity at a private school. Any fees or costs associated with the ~~{local occupational permits}~~ *criminal background investigation*, including, *without limitation* ~~{but not limited to}~~, the cost of investigations by the *Nevada Department of Public Safety and the Federal Bureau of Investigation* ~~{}~~ must be paid by the applicant or employee.

2. ~~{If the private school is located in a jurisdiction in which a memorandum of understanding;}~~ *All applicants will open an account with the Department of Public Safety as set forth in the Schools Safely Acquiring Faculty Excellence Act of 2006, in association with the Adam Walsh Act (42 U.S.C. § 16962(b)(2)) in order to obtain background investigations based on fingerprints.*

~~{(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 applicant shall:

(a) Submit three local references attesting to the character and reputation of the owner or chair 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 private school of any *felony or ~~crime or felony~~ any offense* 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~~ *felony or offense* involving moral turpitude ~~[with a minor]~~ unless otherwise permitted by the Board *if the Board determines that the conviction is unrelated to the position within the private school.*

~~[Dep't of Education, § 10, eff. 6-19-76]~~—(NAC A by Bd. of Education, 9-13-85; R087-99, 9-27-99)

~~[NAC 394.165—Memorandum of understanding between Department and local law enforcement agency. (NRS 385.080, 394.221, 394.241)—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.]~~

NAC 394.225 Employees: ~~Occupational permits~~ Background investigations; reports; conviction of crime. (NRS 385.080, 394.221, 394.241)

1. ~~For each [An applicant shall submit an occupational permit for each employee who works with pupils if that]~~ employee *that* does not hold a teacher's license or an administrator's license *in a format approved by the Department, an applicant shall have on file, a form prescribed by the Department which includes without limitation verification that the criminal background investigation had been performed on that employee, the date that employment of that employee had been approved, who approved employment of that employee, and any other information required by the Department.* Any fees or costs associated with the ~~local occupational permit~~ *criminal background investigation*, 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 or any offense* 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 *felony or any offense* ~~crime~~ involving moral turpitude ~~[with a minor]~~ unless otherwise

permitted by the Board *if the Board determines that the conviction is unrelated to the position within the private school.*

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007)