

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

**LCB FILE NO. R024-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 01/29/2018**

**NAC 394.025 Requirements for licensure: Applicable provisions.** (NRS 385.080, 394.221, 394.241)

1. An applicant that is not accredited by the [~~Northwest Accreditation Commission~~] } AdvancED (the result of a merger between North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006 and the addition of the Northwest Accreditation Commission in 2012) or its affiliates shall comply with the provisions of NAC 394.020, 394.030 to 394.180, inclusive, and 394.250.

2. An applicant that is accredited by the [~~Northwest Accreditation Commission~~] } AdvancED (the result of a merger between North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006 and the addition of the Northwest Accreditation Commission in 2012) or its affiliates shall comply with the provisions of NAC 394.020 and 394.200 to 394.250, inclusive.

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

Licensure of Schools Not Accredited by [~~Northwest Accreditation Commission~~] } AdvancED (the result of a merger between North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006 and the addition of the Northwest Accreditation Commission in 2012) or its affiliates

Licensure of Schools Accredited by [~~Northwest Accreditation Commission~~] } AdvancED (the result of a merger between North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006 and the addition of the Northwest Accreditation Commission in 2012) or its affiliates

**NAC 394.200 Submission of certain documentation, information, statements and references.** (NRS 385.080, 394.221, 394.241) 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 Accreditation Commission~~] } AdvancED (the result of a merger between North Central Association Commission on Accreditation and School Improvement and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement in 2006 and the addition of the Northwest Accreditation Commission in 2012) or its affiliates

**NAC 394.050 Qualifications of staff; reports; annual directory of private schools. (NRS 385.080, 394.221, 394.241)**

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.

**NAC 394.160 [~~Local occupational permits~~]; reputation and character of officers and staff. (NRS 385.080, 394.221, 394.241)**

1. Each applicant and employee of an applicant without a teacher's license or administrator's license shall [~~hold local occupational permits~~] *have had a completed criminal background check* 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 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.] 2. 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 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.

[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.~~

~~— (Added to NAC by Bd. of Education, eff. 9-13-85; A by R087-99, 9-27-99)]~~

**NAC 394.225 Employees: [Occupational permits;] criminal background investigations reports; conviction of crime. (NRS 385.080, 394.221, 394.241)**

1. An applicant shall [~~submit an occupational permit~~] have on file the results of a criminal background check which will be audited by the Superintendent or his/her designee 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,~~] the criminal background check including, without limitation, the cost of investigations by the Federal Bureau of Investigation, must be paid by the applicant or employee.

(a) All private schools are eligible to set up an account with the Department of Public Safety under the Adam Walsh Act for purposes of fingerprinting.

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.

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