

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

LCB File No. R047-00

Effective June 20, 2000

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

AUTHORITY: §§1-3, NRS 385.080 and 394.221.

Section 1. NAC 394.040 is hereby amended to read as follows:

394.040 1. The applicant 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 audiovisual equipment, 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 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 hold a teacher's or administrator's license issued by the department and shall:

- (a) Ensure that the private school is operated pursuant to all applicable laws and regulations.
- (b) Develop curricular materials.
- (c) Provide training to employees of the private school.
- (d) Supervise and evaluate the staff of the private school.

~~[4.— At least 70 percent of the instructors at a private school who provide instruction in classes in which core curriculum is taught must hold a teacher's license pursuant to paragraph (a) or (b) of subsection 3 of NAC 394.050.]~~

Sec. 2. NAC 394.050 is hereby amended to read as follows:

394.050 1. A full-time administrator must:

(a) Hold an administrator's license issued by the ~~[department;~~

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

~~—(c)] department or by another state or territory of the United States;~~

(b) Hold a bachelor's degree ~~[in a field related to a subject commonly taught in kindergarten or grades 1 through 12]~~ 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 ~~[within the immediately preceding 7 years; or~~

~~—(d)] ; or~~

(c) Hold a master's degree ~~[in a field related to a subject commonly taught in kindergarten or grades 1 through 12]~~ 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 . ~~[within the immediately preceding 5 years.~~

~~—2. A supervisor must hold a teacher's license issued by the department.~~

~~—3.] 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 his assignment;

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

~~—(c)]~~ Hold a bachelor'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 ~~{2}~~ 3 years of verified full-time or supervised experience in teaching the appropriate grade level ~~{within the immediately preceding 4 years; or~~
~~—(d)}~~; 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 . ~~{within the immediately preceding 3 years.~~

~~—4.} 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, 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 ~~{3.} 2~~, his social security number, a brief description of his qualifications set forth in subsection 1 or ~~{3.} 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 , ~~{for the District of Columbia,}~~ 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 ~~{3.} 2~~; and

(2) The qualifications set forth in subsection 1 or ~~{3} 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.

~~{5.}~~ 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 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 ; ~~{for the District of Columbia;}~~

(c) Hold a bachelor's degree and have the experience described in subsection 1 or ~~{3.}~~ 2; and

(d) Hold a master's degree and have the experience described in subsection 1 or ~~{3.}~~ 2.

Sec. 3. NAC 394.060 is hereby amended to read as follows:

394.060 1. The 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 ~~3~~ 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 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.

LCB File No. R047-00

NOTICE OF ADOPTION

The Nevada State Board of Education held a Workshop to Solicit Comments on Proposed Regulations on March 17, 2000, a first public hearing on March 18, 2000, and a second public hearing on April 29, 2000, for the adoption of revisions to NAC 394.040-.050, Licensed Personnel in Private Schools. Please accept the following for filing with the Secretary of State:

<u>Affected Regulation</u>	<u>LCB File #</u>	<u>Adoption Date</u>
NAC 394.040-.050, Licensed Personnel in Private Schools, as amended (see pages 3, 4 &5)	R047-00	April 29, 2000

INFORMATIONAL STATEMENT

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 394.040-.050, Licensed Personnel in Private Schools
(LCB File R047-00)**

IMPACT STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 394:

- 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 one-hundred twenty-five individuals and educational organizations. One workshop was held March 17, 2000. There were comments from the public. No written comments from the public were received.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations. Two public hearings were conducted on March 18, 2000, and April 29, 2000, to provide the opportunity for comments by affected parties and the public. There were comments from the public. One written comment from the public was received.

- 2. The Number of Persons Who:**

a) **Attended Each Hearing:** Workshop: 16 First Hearing: 17 Second Hearing: 24

b) **Testified at Each Hearing:** Workshop: 4 First Hearing: 4 Second Hearing: 3

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: 1

One written comment was received at the April 29, 2000, public hearing: Letter from Meade B. Thayer, Executive Director, Pacific Northwest Association of Independent Schools, in favor of the proposed revisions.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, 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 February 29, 2000, and public hearing notices of February 16, 2000, and March 28, 2000.

At the March 1, 2000, workshop, four individuals from the public came forward to speak to the proposed language revisions: 1) Meade Thayer, Executive Director, Pacific Northwest Association of Independent Schools, stated that revisions to regulation would allow private schools to hire qualified teachers; 2) Basil Hamblin, Head of School, Sage Ridge School, Reno, provided an example of how the current regulation language does not permit the hiring of a qualified individual with the limitation of seventy percent; 3) Stephen Bowers, Head of School, Alexander Dawson School, Las Vegas, pointed out the barriers and challenge the current regulation language places for the hiring of qualified professionals; and, 4) Natalie Berman, Director, Milton I. Schwartz Academy, Las Vegas, gave testimony on the frustration of applying for a Nevada Administrator's license for herself and teacher licenses for other individuals already licensed by the state of Pennsylvania.

At the March 18, 2000, public hearing, the above individuals also gave testimony in favor of the proposed revisions.

At the April 29, 2000, public hearing, with the exception of Meade Thayer, the above individuals gave testimony in favor of the proposed revisions.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, 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 permanent regulation language (LCB File R047-00) was adopted by the Nevada State Board of Education at the public hearing on April 29, 2000, with change to the proposed language as follows: 1) Page 3, Section 2.1(c) to retain language on master's degree, but delete "in a field related to a subject commonly taught in kindergarten or grades 1 through 12" and "within the immediately preceding 5 years;" 2) Page 3, Section 2.2 is to be deleted; page 4, new section 2.2(b) to retain language "and have 3 ~~2~~ years of verified time or supervised experience in teaching the appropriate grade level;" and, 3) Page 5, Section 2.5(c) to identify subsection 1 or 2, and 2.5(d) to retain language on the master's degree and to identify subsection 1 or 2.

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 school districts. There is no estimated economic effect on the public.

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.