

NEVADA DEPARTMENT OF EDUCATION

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for Thursday, August 27, 2015 via video conference at the following locations: Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada. The purpose of the Workshop is to solicit comments from interested person on the following general topics to be addressed in a proposed regulation:

10:00 a.m. Workshop to solicit comments on proposed amendments to NAC Chapter 388. The proposed amendments address application and program administration procedures for the offering of programs of distance education by private schools and university schools for profoundly gifted students.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents' Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

BRIAN SANDOVAL
Governor

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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: July 31, 2015

Re: Public Hearing to Adopt Regulations Concerning Distance Education, scheduled for August 27, 2015 at 9:00 a.m.

I, Michael J. Raponi, Director of the Office of Career Readiness, Adult Learning & Education Options, do hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations to be added the NAC Chapter 388 concerning the administration of distance education programs by private schools and university schools for profoundly gifted students are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business. The proposed regulation amendments expand the ability to offer distance education programs to private schools and university schools for profoundly gifted students.
2. The proposed changes require similar application requirements for private schools and university schools for profoundly gifted students to offer distance education programs as are currently required for school districts and charter schools.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed. Any impact is positive and was considered during legislative testimony.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Raponi".

To provide a level of minimum standards concerning quality of education as set forth in NRS 394.125(1), the following suggested NAC additions are presented for your approval. These suggested NAC outline minimum sets of standards for Private Schools or a university school for profoundly gifted students participating in a program of distance education as enacted by SB 313.

Provides that private schools and university schools for profoundly gifted students will submit an application to provide a program of distance education and use courses and vendors approved by the state.

Please note: The information below is based on NAC 388.830. However, there are provisions in NAC 388.830 that may not apply to private schools or university program for profoundly gifted students, so this new language may require a new regulation.

Explanation: [~~Deleted language is bracketed with a strike through~~]
New language is in italics and underlined

NAC Submission and review of application or declaration for program; approval or denial of program; renewal of application; modification of program; enrollment of pupils in program. (NRS 388.874)

1. The Department shall engage in the process of reviewing applications or declarations for programs of distance education not less than once per year. An application or declarations must be received by the Department from a private school or university school for profoundly gifted students on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application or declaration. An application or declaration must include:

(a) The name of the private school or university school for profoundly gifted students submitting the application or declaration;

(b) The date on which the private school or university school for profoundly gifted students, reviewed and approved the application or declaration;

(c) The original signature of the designated representative of the private school or university school for profoundly gifted students, indicating approval of the application or declaration.

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education (NAC 388.820, 388.825)

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

3. If a private school or university school for profoundly gifted students submits an application or declaration pursuant to this section to provide a program of distance education and the application or declaration is approved, the private school or university school for profoundly gifted students is not required to submit a separate application or declaration pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application or declaration pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application or declaration is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application or declaration to the Department. If the application or declaration is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application or declaration upon appeal.

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years after the date of approval.

6. The Department shall prescribe the form for the renewal of an application or declaration. To continue providing a program of distance education, the provider of the program must submit an application or declaration for renewal to the Department at least 60 days before the expiration of the approval.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application or declaration, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A private school or university school for profoundly gifted students shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Provides that a private school or university school for profoundly gifted students is responsible for the costs associated with the use of distance education courses provided by a vendor.

NAC Responsibility for certain costs. (NRS 388.874) *If a program of distance education includes courses from a provider of a course of distance education, the provider of the program of distance education is responsible for any costs associated with the use of such courses for the program.*

Provides that a private school or university school for profoundly gifted students shall award credits earned by students completing a course of distance education.

NAC Award of credit earned. (NRS 388.874) *A provider of a program of distance education shall award the credit earned by pupils who complete a course of distance education on official transcripts of the private school or university school for profoundly gifted students as applicable.*