

INTRODUCTION

I. Philosophy of Nevada State Board of Education

In 1971 the Nevada State Board of Education adopted the following statement:

“The State Board of Education, affirming its belief in rule by law and believing that respect for law must be taught at all levels by both precept and example, regrets any action which encourages the students to stay away from classes in defiance of state law and at the expense of their own educational experience. The State Board of Education further affirms its stated intent to provide the best possible educational opportunity for all students in the state and to encourage compliance with the laws of Nevada and the United States. The regulations for the licensing of private schools*, designed as they are for the protection of children, will be fully and fairly enforced to prevent the licensing of schools which may be intended for purposes other than educational excellence.”

II. Legislative Intent

Chapter 394 of the Nevada Revised Statutes governs “Private Educational Institutions and Establishments.” In 1975 the Nevada Legislature declared the following:

“It is the policy of this state to encourage and enable its citizens to receive an educational commensurate with their respective talents and desires. The legislature recognizes that privately owned institutions offering elementary, secondary and postsecondary education and vocational and professional instruction, perform a necessary service to the citizens of the State of Nevada, its educational, vocational and professional institutions and its students by:

1. Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility to protect against substandard transient, unethical, deceptive or fraudulent institutions and practices;
2. Prohibiting the granting of false or misleading educational credentials;
3. Regulating the use of academic terminology in naming or otherwise designing educational institutions;
4. Prohibiting misleading literature, advertising, solicitation or representation by educational institutions of their agents; and
5. Providing certain rights and remedies to the consuming public and the commission and the (State) Board necessary to effectuate the purposes of this chapter.”

* NRS 394.103 defines “private schools” as follows: “Private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child excused from compulsory attendance pursuant to NRS 392.070.”

Chapter 394 has been amended several times since its initial passage in 1975. The latest amendments are contained herein.

III. Licensed Schools vs. Exempt Schools

Which schools must be licensed or can be recognized as exempt from licensing?

Private schools in Nevada include all non-public, independent and parochial schools which operate during the school year as an alternative to public schools. This manual is for licensing or exempting kindergarten through 12th grade programs. Although kindergarten is not mandatory in Nevada, all kindergartens must apply for licensing or exemption recognition. All postsecondary (i.e., after 12th grade) educational programs must be licensed through the Commission on Postsecondary Education, 1820 East Sahara, Suite 111, Las Vegas, NV 89104 (Telephone: 702-486-7330).

Which schools or programs do not have to be licensed?

Pre-schools and day-care centers even if located within a licensed or exempt school, are licensed through county or city health services offices. After-school tutoring services and other extracurricular educational programs are not required to be licensed by the Department of Education, but may be required to be licensed under your local county and city business laws.

What is the status of students who are not in a legally licensed or exempted licensed school and who are not being legally home schooled?

Students between the ages of 7 and 18 who are attending non-exempt, non-licensed private schools, or are being home schooled without recognized notification from their school district, must be considered in violation of compulsory attendance laws of the State of Nevada (NRS 392.170 et seq). Violation is a misdemeanor, punishable by fines and/or imprisonment.

IV. Licensing Process

All schools desiring to complete the Licensed Private School process must complete the following steps:

1. Verify the quality of instruction.
 - a. List courses for each grade level;
 - b. Provide class schedule(s);
 - c. Describe how the evaluate attainment of meeting Nevada Performance Standards for each grade and course;
 - d. State enrollment for each grade level; and
 - e. State number of staff per grade level.

2. Meet space, equipment, materials and personnel ratios.
 - a. 35 sq. ft. for kindergarten/30 sq. ft. for Grades 1-12;
 - b. Describe physical education facilities and equipment;
 - c. List library materials;
 - d. List audiovisual & instructional equipment;
 - e. Textbooks & supplementary materials based on Nevada state content and performance standards; and
 - f. Pupil/teacher ratios met.
3. Personnel.
 - a. An administrator or liaison is designated;
 - b. Administrator or liaison must meet qualifications;
 - c. Instructors must hold a teacher's license or have at least a bachelor degree;
 - d. Job descriptions must be filed for each class of employee; and
 - e. Evaluating educational personnel procedures must be explained.
4. Contents & distribution of catalog or brochure must meet certain criteria.
 - a. Name and address of school;
 - b. Names of members of governing board;
 - c. Names of faculty and brief description of qualifications;
 - d. Date of brochure;
 - e. School's philosophy;
 - f. Brief description of grades and programs offered;
 - g. Daily class schedule;
 - h. All charges described;
 - i. Cancellation and refund policy;
 - j. Method used to distribute catalog/brochure; and
 - k. Policy of enrollment and entrance requirements.
5. Maintenance of records.
 - a. Name of person responsible for maintenance of permanent records;
 - b. Location of all records;
 - c. Name of person who is responsible for the records in case of the termination of operation; and
 - d. State policy on the retention or records.
6. Evaluation of pupil; transfer of credit.
 - a. Submit sample of educational credential to indicate the student satisfactorily completed the course of study;
 - b. Policy of school on transfer of credit (high school);
 - c. Example of student transcript of credit (high school);
 - d. Copy of diploma (high school);
 - e. Policy of absences, tardiness and procedures use to maintain attendance records;
 - f. Policy relative to standards of progress required of students; and
 - g. Methods of student evaluation.
7. School facilities.
 - a. Submit as built drawings;
 - b. Facility has been inspected to meet building codes;

- c. Provide certificate of meeting fire codes;
 - d. Provide certificate of meeting safety, health and sanitation codes;
 - e. Provide evidence of communication with compliance with the Occupational Safety & Health Act;
 - f. Provide evidence of inspection for all vehicles used on a regular “bus” route;
 - g. Procedures for fire drills;
 - h. Program of insurance is described;
 - i. Adequate insurance is maintained covering buildings and equipment;
 - j. Adequate insurance is maintained for death, personal injury or property damage for at least \$1,000,000 per occurrence; and
 - k. Copy of rental or lease agreement and name of owner.
8. School finances.
- a. Proposed budgets showing estimated revenues and expenditures;
 - b. Full disclosure of all owners, and other parties maintaining a financial interest in the school;
 - c. Submit a certificate of authorization to do business from the Nevada Secretary of State;
 - d. Provide a copy of the school’s articles of incorporation and bylaws;
 - e. Financial statement has been submitted for schools above 30 students;
 - f. If non-profit submit evidence; and
 - g. A \$5,000 surety bond or certificate of deposit has been filed.
9. Advertising.
- a. Submit sample of advertising used; and
 - b. Other limitations on advertisement must be maintained through period of licensing.
10. Local occupational permits.
- a. Each employee without a teacher’s license or administrator’s license must have fingerprints checked;
 - b. Three local references for the owner or chairman of the board must be on file with the Department; and
 - c. Must notify the Department if any officer or member of the school staff has any record of moral turpitude.
11. Enrollment, entrance and dismissal.
- a. A statement of assurance has been filed with the Department that students will be admitted to the school with regard to race; and
 - b. Policy relating to student conduct or behavior and conditions for dismissal is stated.
12. Have a crisis response plan on file at the Department.

V. Licensing Process via Northwest Association of Accredited School Membership

All schools desiring to complete the Licensed Private School process via Northwest Association of Accredited School Membership must complete the following steps:

1. Verify the quality of instruction.
 - a. List courses for each grade level; and
 - b. Provide class schedule(s).
2. Contents & distribution of catalog or brochure must meet certain criteria.
 - a. Name and address of school;
 - b. Names of members of governing board;
 - c. Names of faculty and brief description of qualifications;
 - d. Date of brochure;
 - e. School's philosophy;
 - f. Brief description of grades and programs offered;
 - g. Daily class schedule;
 - h. All charges described;
 - i. Cancellation and refund policy;
 - j. Method used to distribute catalog/brochure; and
 - k. Policy of enrollment and entrance requirements.
3. Maintenance of records.
 - a. Name of person responsible for maintenance of permanent records.
4. Evaluation of pupil; transfer of credit.
 - a. Policy of absences, tardiness and procedures use to maintain attendance records; and
 - b. Policy relative to standards of progress required of students.
5. School facilities.
 - a. Submit as built drawings;
 - b. Facility has been inspected to meet building codes;
 - c. Provide certificate of meeting fire codes;
 - d. Provide certificate of meeting safety, health and sanitation codes;
 - e. Provide evidence of communication with compliance with the Occupational Safety & Health Act;
 - f. Provide evidence of inspection for all vehicles used on a regular "bus" route;
 - g. Procedures for fire drills;
 - h. Program of insurance is described;
 - i. Adequate insurance is maintained covering buildings and equipment;
 - j. Adequate insurance is maintained for death, personal injury or property damage for at least \$1,000,000 per occurrence; and
 - k. Copy of rental or lease agreement and name of owner.
6. School finances.
 - a. Proposed budgets showing estimated revenues and expenditures;
 - b. Full disclosure of all owners, and other parties maintaining a financial interest in the school;
 - c. Submit a certificate of authorization to do business from the Nevada Secretary of State;
 - d. Provide a copy of the school's articles of incorporation and bylaws;
 - e. Financial statement has been submitted for schools above 30 students;
 - f. If non-profit submit evidence; and
 - g. A \$5,000 surety bond or certificate of deposit has been filed.

7. Advertising.
 - a. Submit sample of advertising used; and
 - b. Other limitations on advertisement must be maintained through period of licensing.
8. Local occupational permits.
 - a. Each employee without a teacher's license or administrator's license must have fingerprints checked;
 - b. Three local references for the owner or chairman of the board must be on file with the Department; and
 - c. Must notify the Department if any officer or member of the school staff has any record of moral turpitude.
9. Enrollment, entrance and dismissal.
 - a. A statement of assurance has been filed with the Department that students will be admitted to the school with regard to race; and
 - b. Policy relating to student conduct or behavior and conditions for dismissal is stated.
10. Have a crisis response plan on file at the Department.

VI. Exemption Process

All Schools desiring to complete the exempt private school process must complete the following steps:

1. Determine whether or not the school falls under Section 211 of NRS 394, which outlines 10 exemptions to the Private Elementary and Secondary Education Authorization Act.
 - a. Institutions exclusively offering instruction at any level of postsecondary education;
 - b. Institutions maintained by the state or any of its political subdivisions and supported by public funds;
 - c. Institutions exclusively offering religious or sectarian studies;
 - d. Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries;
 - e. Institutions licensed by the commission;
 - f. Institutions operated by or under the direct administrative supervision of the federal government;
 - g. Natural persons who instruct pupils' own homes, if this is not the only instruction those pupils receive;
 - h. Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit;
 - i. Institutions offering instruction solely in vocational and recreational areas; and
 - j. Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the board pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial

changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Complete and return the signed and notarized Declaration of Exemption form. This Declaration requires the following:
 - a. A copy of the articles of incorporation or by-laws status is required. If the school's purpose is not listed in either of these documents there are several other options available;
 - b. A copy of the written notice that is provided to the parents/legal guardian of the child that the school "is operated as an exempt school under the provision of NRS 394.211 and as such is exempt from the provisions of the Private and Elementary and Secondary Education Authorization Act" is required;
 - c. If the school seeks non-profit status a copy of IRS 501 (c) (3) letter must be submitted;
 - d. A crisis response plan must be on file with the Department;
 - e. The school will follow the Nevada state standards K-12. This can be accomplished by providing a copy of the scope and sequence of the curriculum to be offered by the school and list of textbooks by subject area, or by naming the correspondence program that is followed that is also on the "correspondence programs approved by the Nevada State Board of Education";
 - f. The school follows the length of school days as outlined in NAC 387.130;
 - g. The school follows the minimum of 180 days per school year;
 - h. Provide certificate of meeting fire codes;
 - i. Provide certificate of meeting safety, health and sanitation codes;
 - j. Provide evidence of communication with compliance with the Occupational Safety & Health Act;
 - k. Provide evidence of inspection for all vehicles used on a regular "bus" route; and
 - l. File for renewal of exemption not less than 60 days before the exemption expires.

VII. Statutes, Regulations and Information Pertaining to Nevada Private Schools

You can access the **PRIVATE SCHOOLS DIRECTORY** on the Nevada Department of Education website: <http://www.doe.nv.gov/> in the menu under Schools/District then scrolling down to Private Schools. On the private school site select the option Private School List. Enrollment is listed according to the annual October 15th student enrollment report.

NEVADA REVISED STATUTES

You can find NRS (laws) 385-399 pertaining to education on the legislative website: www.leg.state.nv.us. NRS 394 pertains to private schools.

NRS 385-399 pertaining to education can also be ordered. Call Jane Crawford at (775) 687-9102 and find out the cost which will be approximately \$35.00. Send a **check** or **money order** made payable to the **Nevada Department of Education**. NRS will be available March or April 2008 that include the **new statutes** from the 2007 legislature session.

1. Length of School Day (NAC 387.131)

A school day in session must consist of the following minimum daily periods for each grade, including recess and time between activities, but not including lunch:

<u>Grade</u>	<u>Time</u>
Kindergarten	120 minutes
Grades 1-2	240 minutes
Grade 3-6	300 minutes
Grades 7-12	330 minutes

2. 180 Day Requirement (NRS 388.090)

The 180 day school year requirement cannot be reduced due to a length of day beyond the minimum requirement. However, 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 written approval of the Superintendent of Public Instruction.

3. Prescribed Courses K-12, Nevada State Standards K-12, and High School Graduation Requirements (NAC 389)

These are available on the website: www.doe.nv.gov in the menu under Standards then scrolling down to the individual curriculum area.

4. Testing of Students (NRS 389.015)

Testing is not required for private school students. The High School Proficiency Examination and 4th, 8th, and 11th grade writing exams are available from the Department by calling (775) 687-9260 and ask for Carol Mason.

5. Schools Prohibited from Reducing or Reevaluating Credits Transferred from Another School (NAC 389.684)

A school shall not reduce or reevaluate a pupil's credit which has been officially transferred from another public school or private school.

6. Credit for Sectarian Religious Courses (NAC 389.676)

Credit for sectarian religious courses may NOT be applied to fulfill requirements for high school graduation.

7. Kindergarten Attendance (NRS 392.040)

If a child comes to enroll in a public school kindergarten, the first grade, or the second grade, the age requirement for public school is set in Subsection 6 of the Nevada Revised Statutes (NRS 393.040). The law states that for kindergarten the child must be 5 by September 30th and for the first grade the child must be 6 by September 30th. For a child to enroll in the second grade within the public schools of Nevada the child must be 7 years old by September 30th of the school year and the child must have completed kindergarten and the first grade. There are no exceptions to the age requirement except for students who became residents of Nevada after they have completed kindergarten or first grade in another state that allows an earlier attendance age than Nevada. It is noted that the NRS only defines minimum age requirements for kindergarten, first grade and second grade.

8. Equivalent Instruction (NRS 392.070).

Private school attendance meets requirements for pupil attendance.

9. Qualifications of Educational Personnel (NAC 394.050).

Note: These qualifications are not required for teachers or administrators in Exempt licensed private schools.

Teachers employed in K-12 licensed private schools must hold one of these:

- a. a license from any state or territory;
- b. a BA + 3 years of verified full-time or supervised experience in teaching the appropriate grade level; or
- c. a MA in an area that is appropriate for the assignment (usually at the elementary level this means "education" + 1 year of experience in teaching the appropriate grade level.)

Administrators and Liaisons:

Private School full time administrators, enrolling 150 or more pupils or employing 5 or more full time instructors, must hold one of the following:

- a. an administrator's license from any state;
- b. BA + 5 years of verified K-12 experience in educational administration; or
- c. MA + 3 years of verified experience in educational administration.

Liaisons to the Department of Education, enrolling less than 150 students and employing less than 6 full time instructors, must meet one of the above qualifications or hold a Nevada teaching license.

NOTE: Verification for K-12 teaching/administrative experience is done through a letter on letterhead stationary from a "supervisor" verifying full time experience (180 days and 5 periods/day for teaching) and grade level indicated for teaching.

10. Reporting School Staff and Other Changes (NAC 394.050)(3):

Licensed private schools report when there is:

- Any change in staff, including substitutes in the case of a teacher leaving or requesting a leave of absence, and verification of qualifications for position
- Any change in administrator/liaison personnel, submit a resume, verification of 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
- Any change in ownership, address, phone number, grade levels taught needing to add to your license, and construction

NAC 394.050 (3) states "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 with a teacher's or administrator's license issued by the Department who meets the alternative requirements set forth in subsection 1 or 3, his social security number, a brief description of his qualifications set forth in subsection 1 or 3, if any, and the identifying number on the teacher's or administrator's license issued by another

state or territory of the United States of 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; and
 - (2) The qualifications set forth in subsection 1 or 2 of each such employee."

11. Private School Can Enroll as "Home Schooled" (NRS 392.070)

A home schooled child may enroll in an exempt or licensed private school. During the enrollment, the home schooled student must physically attend the private school on the same length of day in session and number of days required for each enrolled course.

12. Student Records – School Closing (NAC 394.070(4), NRS 394.125(5), 394.341)

Should the school close you are required to send records to the Nevada Department of Education to the attention of the private schools consultant. NAC 394.070(4): "If a private school plans to close or otherwise terminate its operation, its owners or administrators shall notify the Department and submit to it all permanent records of pupils (*see licensed schools below) as well as all records pertinent to the financial resolution of encumbrances and indebtedness."

Send a letter on letterhead to the private schools consultant notifying the date your school will be closing, and the date you plan to send the school records. You can allow a period of time for your school staff to send the records to new schools requesting them, and then send in any remaining records.

Licensed schools – send a copy of the letter to the surety bond company with the name and address of the private schools consultant and the surety bond company will send a letter of bond cancellation to the private schools consultant.

13. Federal Education Programs

The <http://idea.ed.gov/> website has answers for frequently asked questions concerning federal education programs and private schools.

14. Private School Parentally Place Students with Disabilities

School district must:

- *make available its Child Find procedures to these children;
- *consult with appropriate representatives of home schooled children prior to finalizing the decisions regarding expenditures of federal funds under IDEA;
- *and demonstrate a process of spending for the provision of services the same proportion of the district's total subgrant as the number of private school parentally placed and home schooled children with disabilities age 3-21 residing in its jurisdiction is to the total number of disabled children in its jurisdiction age 3-21.

There is no requirement for any specific amount of funds to be expended for any particular child for any particular service other than in compliance with the above.

15. Student Records – Protecting the Privacy

The <http://www.ed.gov/policy/gen/guid/fpco/index.html> website has information on the Family Educational Rights and Privacy Act.

16. Crisis Response Plan for Private Schools

If you have not submitted or re-submitted the latest revision of the school's Crisis Response Plan, please submit with your application. If you need assistance: contact Michael Fitzgerald in the Health/Safety Office of the Department of Education at (775) 687-9168 or the private school consultant to request a "Model Crisis Response Plan" packet. This is a requirement found in the Nevada Revised Statutes 394.168 through 394.1699.

17. Immunization for Private School Students

See Nevada Administrative Code Regulations (NAC 394.190) for the requirements.