

INTRODUCTION

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."*

[*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.]

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 education 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*

If you have questions, please contact the Private Schools Education Program Professional at 775-687-9238.

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.*

Chapter 394 has been amended several times since its initial passage in 1975.

Private Schools vs. Exempt Private Schools

Private schools in Nevada include all non-public, independent and parochial schools which operate during the school year as an alternative to public schools. The requirements for the private schools and exempt private schools overlap in the areas of curriculum, health and safety, school hours, calendars and business entity requirements (sponsor of the school). Although Kindergarten is not mandatory in Nevada, all Kindergartens must apply for a private or exempt private license.

All postsecondary (i.e., after 12th grade) educational programs must be licensed through the Commission on Postsecondary Education, 3663 East Sunset Road, Suite 202, Las Vegas, Nevada 89120. 702-486-7330

Which schools or programs do not have to be licensed by the Nevada Department of Education?

Pre-schools and day-care centers, even if located within a private or exempt private school, are licensed through county or city 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 local county and/or city business laws.

What is the status of students who are not in a **legally licensed** private/exempt private school and who are not being legally home-schooled?

Students between the ages of 7 and 18 who are attending non-licensed private or private/exempt 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.

LICENSING PROCESS

All non-public schools (K – 12) must complete one of the following licensing protocols.

Private (non-exempt)

1. Verify the quality of instruction:
 - a. List all courses for each grade level being offered;
 - b. Provide class schedules;
 - c. Describe how student attainment of Nevada Content Standards for each grade and course is evaluated;
 - d. State the enrollment for each grade level;
 - e. State the number of staff per grade level.
2. Meet space, equipment, materials and personnel ratios:
 - a. 35 square feet of instructional area for each Kindergarten student & 30 square feet of instructional area for each student in grades 1 – 12;
 - b. Describe your physical education facilities and equipment;
 - c. List library materials, by type, not every title;
 - d. List audiovisual and instructional equipment;
 - e. List textbooks and supplementary materials which will be used to meet Nevada State Content & Performance Standards; and
 - f. Provide pupil: teacher ratios.
3. Personnel:
 - a. Designate an administrator or liaison;
 - b. Show that this person (a) is qualified;
 - c. Teachers must meet qualifications;
 - d. Job descriptions must be filed for each class of employee; and
 - e. Procedures for the evaluation of educational personnel must be described.
4. Contents and distribution of your catalog and/or brochure must meet certain criteria:
 - a. Name and address of the school;
 - b. Names of all members of the governing board;
 - c. Names of your faculty (teachers/instructors) and brief description of their qualifications;
 - d. Date of brochure;
 - e. Your school's philosophy;
 - f. Brief description of grades and programs offered;
 - g. Daily class schedule;
 - h. All costs described in detail;
 - i. Cancellation and refund policy;
 - j. Policy of enrollment and entrance requirements; and
 - k. Describe your method of distribution of your catalog and/or brochure.
5. Maintenance of records:

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- a. Name of the person responsible for maintaining permanent records;
 - b. Provide the location of all records;
 - c. Name of person responsible for sending records to NDE if school operation is terminated; and
 - d. State our policy on retention of records.
6. Evaluation of pupils and transfer of credit:
- a. Submit a sample of the educational credential that will show your student has satisfactorily completed the course of study;
 - b. Policy of school on transfer of credit (high school);
 - c. Example of student transcript (high school);
 - d. Copy of diploma (high school);
 - e. Policy regarding absences, tardiness and procedure used 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. Proof that the facility meets building codes (Certificate of Occupancy);
 - c. Inspection reports:
 - i. Fire Inspector
 - ii. Health Department
 - iii. OSHA – SCATS letter or final report;
 - iv. Vehicle ~ DMV/DPS – Commercial Enforcement Division (NHR);
 - d. Fire drill procedures;
 - e. Insurance cover sheet showing:
 - i. Name of insurance company
 - ii. Sufficient coverage for buildings and equipment
 - f. Death, personal injury or property damage coverage for a minimum of One Million dollars per occurrence; and
 - g. Copy of rental or lease agreement or proof of school's ownership of site.
8. School finances:
- a. Proposed budgets showing estimated revenues and expenditures;
 - b. Full disclosure of all owners and parties maintaining a financial interest;
 - c. Certificate of Authorization to do business from the NV Secretary of State;
 - d. Articles of Incorporation and By-laws for the business supporting this school;
 - e. Financial statement for schools with more than 30 students;
9. Evidence of non-profit status if non-profit; and \$5,000 surety bond or certificate of deposit naming NV DOE. Advertising:
- a. Submit samples of all advertisement showing compliance

with state expectations.

10. Criminal Background Checks:
 - a. Each employee who does not have a teaching or administrative license must have fingerprints checked;
 - b. Three letters of character reference (dated, signed w/ address) for school owner or chairman of the board; and
 - c. Records of moral turpitude must be submitted.
11. Enrollment, entrance and dismissal:
 - a. A statement of assurance must be in your catalog or brochure that students will be admitted to the school without regard to race; and
 - b. Policy relating to student conduct or behavior and conditions for dismissal.
12. Annually review and update the crisis response plan
 - a. Send it to the Department of Public Safety, Office of Emergency Management ([Emergency Management](#));
 - b. Complete and email the compliance certification to Diana Hollander;
 - c. Deliver it to your local law enforcement agency;
 - d. Deliver it to your local fire department.

Private (non-exempt) Accredited Schools:

1. Send a copy of the current accreditation certificate.
2. Verify the quality of instruction:
 - a. List courses for each grade level and
 - b. Provide class schedules.
3. Contents and distribution of your catalog and/or brochure must meet certain criteria:
 - a. Name and address of the school;
 - b. Names of all members of the governing board;
 - c. Names of your faculty (teachers/instructors) and brief description of their qualifications;
 - d. Date of brochure;
 - e. Your school's philosophy;
 - f. Brief description of grades and programs offered;
 - g. Daily class schedule;
 - h. All costs described in detail;
 - i. Cancellation and refund policy;
 - j. Policy of enrollment and entrance requirements; and
 - k. Describe your method of distribution of your catalog and/or brochure.
4. Maintenance of records:
 - a. Name of the person responsible for maintaining permanent records;
 - b. Location of all records;
 - c. Name of person responsible for sending records to NDE if school operation is terminated; and

- d. State your policy on retention of records.
- 5. Evaluation of pupils; transfer of credits:
 - a. Submit a sample of the educational credential that will show your student has satisfactorily completed the course of study;
 - b. Policy of school on transfer of credit (high school);
 - c. Example of student transcript (high school);
 - d. Copy of diploma (high school);
 - e. Policy regarding absences, tardiness and procedure used to maintain attendance records;
 - f. Policy relative to standards of progress required of students; and
 - g. Methods of student evaluation.
- 6. School facilities:
 - a. Submit "as built" drawings;
 - b. Proof that the facility meets building codes (Certificate of Occupancy);
 - c. Inspection reports:
 - i. Fire Inspector
 - ii. Health Department
 - iii. OSHA – SCATS letter or final report;
 - iv. Vehicle ~ DMV/DPS – Commercial Enforcement Division (NHR);
- 7. School finances:
 - a. Proposed budgets showing estimated revenues and expenditures;
 - b. Full disclosure of all owners and parties maintaining a financial interest;
 - c. Certificate of Authorization to do business from the NV Secretary of State;
 - d. Articles of Incorporation and By-laws for the business supporting this school;
 - e. Financial statement for schools with more than 30 students;
 - f. Evidence of non-profit status if non-profit; and
 - g. \$5,000 surety bond or certificate of deposit naming NV DOE.
- 8. Advertising:
 - a. Submit samples of all advertisement showing compliance with state expectations.
- 9. Criminal background checks:
 - a. Each employee who does not have a teaching or administrative license must have fingerprints checked;
 - b. Three letters of character reference (dated, signed w/ address) for school owner or chairman of the board; and
 - c. Records of moral turpitude must be submitted.
- 10. Enrollment, entrance and dismissal:
 - a. A statement of assurance must be in your catalog or brochure that students will be admitted to the school without regard to race; and
 - b. Policy relating to student conduct or behavior and conditions for dismissal.

13. Annually review and update the crisis response plan
 - a. Send it to the Department of Public Safety, Office of Emergency Management (NDEMplanning@dps.state.nv.us);
 - b. Complete and email the compliance certification to Diana Hollander;
 - c. Deliver it to your local law enforcement agency;
 - d. Deliver it to your local fire department.

Exempt private

1. Determine whether the school falls under Section 211 of NRS 394 which outlines ten exemptions to the Private Elementary and Secondary Education Authorization Act: [Ten Categories for Exemptions](#)
2. Complete and return the signed and notarized *Declaration of Exemption*.
3. Submit:
 - a. Articles of incorporation or by-laws;
 - i. Highlight the purpose that indicates the entity is planning to support a school.
 - ii. If the above documents do not clearly state this purpose submit a copy of the minutes from the meeting when the Board of Directors decided to set up the school. OR
 - iii. Send a letter from the Chairman of the Board on letterhead that states this purpose.
 - b. A copy of the written notice given to parents/guardians stating:

This 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 Elementary and Secondary Education Authorization Act.
 - c. If the school is non-profit, submit a copy of IRS 501 (c) (3).
 - d. Copy of the Scope and Sequence to demonstrate the curriculum being delivered meets the requirements of the Nevada State Content and Performance Standards.
 - e. A list of textbooks to be used by grade level and subject.
 - f. Schedule of school hours showing compliance with NAC 387.130;
 - g. Calendars showing students have at least 180 school days each school year.;
 - h. Inspection reports:
 - i. Fire Inspector
 - ii. Health Department
 - iii. OSHA – SCATS letter or final report;
 - iv. Vehicle ~ DMV/DPS – Commercial Enforcement Division (NHR);
4. Annually review and update the crisis response plan
 - a. Send it to the Department of Public Safety, Office of Emergency

Management ([Emergency Management](#));

- b. Upload it to FileZilla for NDE;
- c. Deliver it to your local law enforcement agency;
- d. Deliver it to your local fire department.

5. Submit all items at least 60 days before the current exemption expires.

V. Additional information

**The Private Schools Directory can be viewed and/or downloaded from: [Private Schools](#). Rural county schools are listed first, followed by Clark County schools and finally Washoe County schools. Enrollment listed in the directory is updated by November 1st (only) and shows the number submitted on the *Enrollment and Staff Data* Report.

**Nevada Revised Statutes 394 pertaining to private schools can be found at: [Nevada Revised Statute 394](#) and NAC 394 can be found at [Nevada Administrative Code 394](#).

**K-12 standards can be found at: [NV Academic Standards](#) .

**High school graduation requirements can be found at: [High School Graduation](#) .

**Testing of Students (NRS 389.015) is not required for private school students. At this time your high school students may not take the *End of Course* Exams.

**Course credit shall not be reduced or re-evaluated when a student officially transfers from another public or private school.

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

**Kindergarten enrollment is frequently challenged. The public school regulations can be found at [Rules for Kindergarten Entry](#) . Private schools are not beholden to this regulation however, if the child leaves your school to enroll in another school after an early entry to Kindergarten, s/he will need to repeat Kindergarten.

**On or before the October 15th of each year, the licensed school must submit an *Enrollment and Staff Data* Report. This report form is posted at: [Enrollment & Staff Data Report](#) and will be updated for the following school year in the spring. All schools report the number of students by grade and gender as well as the number of teachers and assistants by grade level.

Non-exempt/non-accredited schools must also send documentation proving the qualifications of administrators (NAC 394.050), liaisons (NAC 394.040) and teachers: (NAC 394.050)

**Schools that are closing must notify the Private School Education Program Professional in writing of the closure, the date of closure and the date when permanent student records will be sent to NDE.

**Questions about Federal Special Education may be answered at [http://www.Federal Special Education Data](http://www.Federal.Special.Education.Data) or call the NDE, Office of Special Education at 775- 687-9171 for assistance.

** [Family Educational Rights & Privacy Act](#) provides information about Family Educational Rights and Privacy Act (FERPA). [The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.]

**Immunization for private school students is governed by NAC 394.250.

All NON-EXEMPT schools are obligated to notify the NDE Private School Education Program Professional whenever staffing changes are made in administration, liaison and/or teacher positions. Proof of qualifications must be sent to the NDE at the time a change is made and also included in the *Enrollment and Staff Data Report*. [NAC 394.050 (3)]