

aJoe Lombardo
Governor

Jhone M. Ebert
Superintendent of
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STATE OF NEVADA
DEPARTMENT OF EDUCATION
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, April 22, 2024** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

3:29 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 394.030, NAC 394.200, NAC 394.025 — To Update Accreditation Agency in NAC.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Friday, April 19, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 05, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 394.030, NAC 394.200, and NAC 394.025

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the accreditation agency name is 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.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the 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 adverse economic impact can be assessed.

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,

Jhone M. Ebert
Superintendent of Public Instruction

NAC Revisions 394.025, NAC 394.030, NAC 394.035, NAC 394.200

NAC 394.025

Reasons for Change: This is an update and revision. AdvancEd merged with Measured Progress to become Cognia in 2019.

Fiscal Impact: No fiscal impact

Original:

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

1. An applicant that is not accredited by AdvancED or its successor organization, or any affiliate thereof, 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 AdvancED or its successor organization, or any affiliate thereof, 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; A by R024-18, 6-26-2018)

Revision:

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

1. An applicant that is not accredited by ~~[AdvancED]~~ *Cognia* or its successor organization or any affiliate thereof, 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 ~~[AdvancED]~~ *Cognia* or its successor organization, or any affiliate thereof, 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; A by R024-18, 6-26-2018)

NAC 394.030

Reason for Change: This is an update and revision. AdvancED acquired Northwest Accreditation Commission in 2012. AdvancEd merged with Measured Progress to become Cognia in 2019.

Fiscal Impact: No fiscal impact

Original:

Licensure of Schools Not Accredited by Northwest Accreditation Commission

NAC 394.030 Submission of certain information concerning instruction; requirements for instruction and maximum enrollments; identification of costs. (NRS 385.080, 394.130, 394.221, 394.241)

1. The applicant must submit to the Department:

- (a) A list containing the names, descriptions and levels of proposed courses;
- (b) Proposed schedules of classes;

- (c) A description of measurable objectives for each grade and course and the procedures to be used in evaluating attainment of the objectives;
- (d) An indication of the maximum number of pupils to be enrolled in each grade and course;
- (e) An indication of the number of instructors to be assigned to each grade and course;
- (f) The organizational structure and assignments of licensed and nonlicensed staff, including assignments to grades and courses;
- (g) A statement disclosing the cost of courses, including all fees; and
- (h) A copy of each financial agreement between the private school and the parents or guardian of a pupil.

2. All grades offered must be indicated in the application. Except as otherwise provided in this subsection, courses must, at a minimum, be commensurate to the state courses of study and [chapter 389](#) of NRS. If applicable to the grade levels offered by the private school, the school must also offer the courses required for graduation from high school. A private school that offers special education to pupils with disabilities may present an alternative course of study for approval.

3. Schedules of classes must meet the minimum requirements contained in the state courses of study and [chapter 389](#) of NRS. If applicable to the grade levels offered by the private school, the schedules of classes must also meet the requirements for graduation from high school.

4. Anticipated maximum enrollments are subject to the limitations of the facility and staff. Enrollments indicated must be reconciled with the sections of the applications relating to the facility, staff and budget.

5. All costs, including instructional costs, costs of transportation and food, fees for activities and other charges to be paid by the pupil or his or her parent or guardian must be identified separately. The purpose of the charge must be described.

[Dep't of Education, §§ 1.1-1.6, eff. 6-19-76] — (NAC A by Bd. of Education, 9-13-85; R087-99, 9-27-99; R235-03, 8-4-2004)

Revision:

Licensure of Schools Not Accredited by ~~[Northwest Accreditation Commission]~~ Cognia

NAC 394.200

Reason for Change: This is an update and revision. AdvancED acquired Northwest Accreditation Commission in 2012. AdvancEd merged with Measured Progress to become Cognia in 2019. Also, the change will align NAC 394.025 with NRS 294.241, which states Accreditation by national or regional accrediting agencies recognized by the United States Department of Education. . may be accepted as evidence of compliance with the minimum standards.”

Fiscal Impact: No fiscal impact

Original:

Licensure of Schools Accredited by Northwest Accreditation Commission

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 AdvancED or its successor organization, or any affiliate thereof.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with [NRS 394.190](#).

6. Plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. "As-built" drawings must be submitted for existing facilities.

7. Evidence that a surety bond or certificate of deposit has been filed pursuant to [NRS 394.271](#).

8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.

9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.

10. A statement of assurance that pupils will be admitted to the private school without regard to race.

11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.

12. Three local references attesting to the character and reputation of the owner or chair of the board of trustees of the private school.

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007; A by R024-18, 6-26-2018)

Revision:

Licensure of Schools Accredited by ~~Northwest Accreditation Commission~~ *Cognia*