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October 24, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R094-24.

The STATE BOARD will hold a public hearing at **2:00 PM** on Wednesday, December 4th, 2024, via [Livestream Link](#). The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 389.680, NAC 394.025, and NAC 394.200 and of the Nevada Administrative Code (NAC), pursuant to NRS 385.080, NRS 385.11, sections 2 and 3, NRS 394.221, and NRS 394.241 regarding updating the accrediting body organizational name.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment:

- Revisions are necessary to make statutory requirements to replace AdvanceEd with Cognia as the accreditation agency since the organization has changed its' name.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

Description of the proposed regulation, or the subjects and issues involved: The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public.** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Method used by the agency in determining the impact on a small business:** Small business is not impacted by this regulation.
- 5. Estimated cost to the agency for enforcement of the proposed regulation:** no costs.

6. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local governmental agencies.
7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulation.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Event - March 29, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) 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 may provide in-person testimony, submit written comment to 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, **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 Tuesday, December 3rd. A record of all submitted comments will be retained, and the Department or Board will proceed to consider any public comment received.

This notice and the text of the proposed regulation 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted 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.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted 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.

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R094-24

June 6, 2024

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

AUTHORITY: § 1, NRS 385.080 and 385.114; §§ 2 and 3, NRS 385.080, 394.221 and 394.241.

A REGULATION relating to education; replacing AdvancED with Cognia as an organization that provides accreditation to secondary educational institutions that provide certain correspondence courses and to private elementary and secondary educational institutions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe and cause to be enforced the courses of study for the public schools of this State. (NRS 385.114) Existing regulations require a school district to grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, if the pupil successfully completes a correspondence course that is equivalent to a course offered in the regular program in the school district and the correspondence course is provided by an accredited secondary educational institution. (NAC 389.680) **Section 1** of this regulation replaces AdvancEd with Cognia as one of the entities authorized to provide such accreditation because, in 2018, AdvancEd merged with Measured Progress to become Cognia.

Existing law requires a private elementary or secondary educational institution desiring to operate in this State to obtain a license from the State Board. (NRS 394.251) Existing regulations establish different requirements for such a license based on whether or not the applicant for the license is accredited by AdvancEd or its successor organization. (NAC 394.025) **Sections 2 and 3** of this regulation replace AdvancEd with Cognia because of the merger of AdvancED with Measured Progress to create Cognia. (NAC 394.025, 394.200)

Section 1. NAC 389.680 is hereby amended to read as follows:

389.680 1. A school district may, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward

completion of an adult high school program for his or her successful completion of a correspondence course if:

(a) The course is provided by a secondary educational institution which is approved by the State Board of Education; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, for his or her successful completion of a correspondence course if:

(a) The course is provided and credit was issued by a secondary educational institution which is accredited by:

(1) The Middle States Association of Colleges and Schools;

(2) The New England Association of Schools and Colleges;

(3) The North Central Association of Colleges and Schools;

(4) ~~AdvancED~~ *Cognia* or its successor organization, or any affiliate thereof;

(5) The Southern Association of Colleges and Schools; or

(6) The Western Association of Schools and Colleges; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

Sec. 2. NAC 394.025 is hereby amended to read as follows:

394.025 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 to 394.265, inclusive.

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 394.265, inclusive.

Sec. 3. NAC 394.200 is hereby amended to read as follows:

394.200 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}~~ *Cognia* 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.