

ASSEMBLY BILL NO. 250—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 6, 2007

Referred to Committee on Education

SUMMARY—Revises provisions governing private elementary and secondary educational institutions. (BDR 34-580)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to education; revising the requirements relating to emergency drills for pupils in private elementary and secondary educational institutions; revising provisions relating to the inspection of such institutions; revising the provision governing the fees relating to such institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every private school to provide emergency drills for pupils at least twice each month during the school year. (NRS 394.170) **Section 1** of this bill reduces the minimum number of required emergency drills each month to one drill.

The Private Elementary and Secondary Education Authorization Act governs the operation of private elementary and secondary educational institutions in this State. (NRS 394.201-394.351) Certain institutions are exempt from the Act, including institutions offering religious or sectarian instruction. (NRS 394.211) **Section 2** of this bill exempts institutions maintained by another state or the District of Columbia and supported by public money.

To obtain and maintain their exempt status, eligible institutions must initially file an exemption with the State Board of Education and file a renewal of the exemption with the Board every 2 years. **Section 2** of this bill requires the Superintendent of Public Instruction, upon receipt of an exemption or renewal of an exemption for an institution, to cause an inspection of the exempt institution to be conducted to ensure compliance with all applicable laws, including laws relating to health and safety.

Under existing law, a license other than a provisional license to operate a nonexempt private elementary or secondary educational institution is effective for a term of not more than 2 years unless authorization is given in certain circumstances



for a term of not more than 4 years. (NRS 394.251) Existing law requires the Superintendent of Public Instruction to cause an inspection of each licensed institution to be conducted at least every 2 years. (NRS 394.245) **Section 3** of this bill eliminates the 2-year requirement for inspections and requires the Superintendent of Public Instruction to cause an inspection to be conducted upon receipt of an application for a license or renewal of a license to operate. **Section 4** of this bill also specifically authorizes the Superintendent to cause an inspection of a licensed institution to be conducted upon receipt of a verified complaint against the institution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least ~~twice~~ **once** in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by NRS 394.168 to 394.1699, inclusive. Not more than ~~three~~ **two** of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the chief of the fire department of the city or town.

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools where the drills are not supervised pursuant to subsection 2.

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

Sec. 2. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.



(b) Institutions maintained by ~~the~~ *this* State , *another state or the District of Columbia* or any ~~of its~~ political subdivisions *thereof* 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 in their homes or in the 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 avocational and recreational areas.

(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. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the Board the exemption upon forms provided by the Department or in a letter containing the required information and signed by the person claiming the exemption or the person in charge of the educational institution claiming the exemption. The exemption expires 2 years after the last day of the calendar month in which the filing is made. The filing of a renewal of the exemption must be made not less than 60 days before the exemption expires.

3. *Upon receipt of an exemption or a renewal of an exemption, the Superintendent shall cause an inspection of the educational institution to ensure that the institution operates in accordance with the provisions of all laws, regulations and ordinances that are applicable to the educational institution, including, without limitation, those provisions relating to the health and safety of persons on the premises of the educational institution. In carrying out the requirements of this subsection, the Superintendent may accept a certificate of inspection conducted on an educational institution, or other proof of inspection*



1 *satisfactory to the Superintendent, issued by an appropriate*
2 *agency or political subdivision of this State responsible for the*
3 *inspection of buildings to ensure compliance with the applicable*
4 *provisions of laws, regulations and ordinances.*

5 4. Before a child enrolls in an institution that is exempt
6 pursuant to this section, the institution shall provide written notice
7 to the parents or legal guardian of the child that the institution is
8 exempt from the Private Elementary and Secondary Education
9 Authorization Act.

10 **Sec. 3.** NRS 394.245 is hereby amended to read as follows:

11 394.245 The Superintendent shall cause an inspection of ~~each~~
12 *an* elementary or secondary educational institution to be conducted
13 ~~at least every 2 years~~ *upon receipt of an application for a license*
14 *or for renewal of a license from that institution* to ensure that the
15 institution:

16 1. ~~Is-operated~~ *Operates* in accordance with the provisions of
17 all laws, regulations and ordinances relating to the health and safety
18 of persons on the premises. *In carrying out the requirements of this*
19 *subsection, the Superintendent may accept a certificate of*
20 *inspection conducted on an educational institution, or other proof*
21 *of inspection satisfactory to the Superintendent, issued by an*
22 *appropriate agency or political subdivision of this State*
23 *responsible for the inspection of buildings to ensure compliance*
24 *with the applicable provisions of laws, regulations and ordinances.*

25 2. ~~Is-maintaining~~ *Maintains* the records required by the
26 regulations of the Board relating to administrators, supervisors,
27 instructors and other educational personnel.

28 3. Has in force the insurance coverage required by the
29 regulations of the Board. *The institution shall provide to the person*
30 *conducting the inspection an affidavit signed by the owner or*
31 *administrator of the institution affirming that the insurance*
32 *coverage for the institution is current.*

33 **Sec. 4.** NRS 394.311 is hereby amended to read as follows:

34 394.311 1. Any person claiming damage either individually
35 or as a representative of a class of complainants as a result of any
36 act by an elementary or secondary educational institution or its
37 agent, or both, which is a violation of the Private Elementary and
38 Secondary Education Authorization Act or regulations promulgated
39 under it, may file with the Superintendent a verified complaint
40 against the institution, its agent or both. The complaint ~~shall~~ *must*
41 set forth the alleged violation and contain other information as
42 required by regulations of the Board. A complaint may also be filed
43 by the Superintendent on his own motion or by the Attorney
44 General.



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2. The Superintendent shall investigate any verified complaint and may, ~~at his discretion,~~ *as part of the investigation, cause an inspection of the elementary or secondary educational institution to be conducted. The Superintendent may* attempt to effectuate a settlement by persuasion and conciliation. The Board may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the Board finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the Board shall issue and the Superintendent shall serve upon the institution or agent, or both, an order to cease and desist from such act. The Board may also, as appropriate, based on the Superintendent's investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 5. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury for credit to the appropriate account of the Department of Education, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license ~~or~~ *or* an application for an agent's permit or for renewal of the permit, ~~for a filing for an exemption or for renewal of the exemption,~~ in accordance with the following schedule:

1. The application fee for *the initial license of* an elementary or secondary educational institution is \$300.

2. The renewal fee for *the license of* an elementary or secondary educational institution is \$250.

3. The application fee for a new license by reason of a change of ownership is \$250.

4. The fee for an agent's permit or for renewal of the permit is \$50.

Sec. 6. This act becomes effective on July 1, 2007.

