

**LCB File No. R187-99**

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

**CHAPTER 385**

**EDUCATION: STATE ADMINISTRATIVE ORGANIZATION**

**ACCOUNTABILITY OF PUBLIC SCHOOLS**

**NAC 385.501 Definitions. (NRS 385.391)** As used in NAC 385.501 to 385.576, inclusive, unless the context otherwise requires, the words and terms defined in NAC 385.506 to 385.546, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.506 "Achievement" defined. (NRS 385.391)** "Achievement" means the possession of basic reading skills and skills relating to oral expression, listening comprehension, written expression, reading comprehension, mathematics calculation, mathematics reasoning and basic knowledge of science.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.511 "Attendance" defined. (NRS 385.391)** "Attendance" means the presence of a pupil at the school in which he is enrolled on a day when school is in session.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.516 "Average daily attendance of pupils" defined. (NRS 385.391)** "Average daily attendance of pupils" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.521 "Average daily attendance of teachers" defined. (NRS 385.391)** "Average daily attendance of teachers" means the total number of teachers who provide instruction at a particular school who are in attendance each day that school is in session during a period of reporting divided by the number of days that school is in session during that period.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.526 "Department" defined. (NRS 385.391)** "Department" means the department of education.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.531 "Pupil" defined. (NRS 385.391)** "Pupil" means a person who is admitted to a public school to attend a schedule of classes and whose name appears on the master register of enrollment and attendance.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.536 "Regular classroom teacher" defined. (NRS 385.391)** "Regular classroom teacher" means a teacher who has knowledge of the developmental and curricular needs of pupils at the grade level that he teaches.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.541 “School is in session” defined. (NRS 385.391)** “School is in session” means any day in which pupils who are enrolled in a public school are scheduled to be engaged in registration, classes, other instructional activities or testing during the required minimum daily period for each grade or department.

(Added to NAC by Dep’t of Education by R046-98, eff. 5-29-98)

**NAC 385.546 “Teacher” defined. (NRS 385.391)** “Teacher” means a person who is licensed to teach pursuant to chapter 391 of NRS and who provides instruction in a classroom. The term does not include persons who are licensed but not providing instruction in a classroom on a regular basis, including administrators, school counselors, school audiologists, librarians, library media specialists, school nurses, school psychologists and school social workers.

(Added to NAC by Dep’t of Education by R046-98, eff. 5-29-98)

**NAC 385.551 Designations of schools based upon achievement: Limitations. (NRS 385.391)**

1. Except as otherwise provided in this subsection, the department will not designate a public school pursuant to NRS 385.363 if the school has 10 or fewer pupils who are enrolled in a grade level that is tested pursuant to NRS 389.015. If a public school includes more than one grade level that is tested pursuant to NRS 389.015, the department will, for the purpose of designating the school pursuant to NRS 385.363, consider only those grade levels that include more than 10 pupils.

2. The department will not, until the 2000-2001 school year, designate a school as ~~[demonstrating inadequate achievement]~~ *needing improvement* based upon the average daily attendance of pupils who are enrolled in the school ~~[and the average daily attendance of teachers who provide instruction at the school].~~

(Added to NAC by Dep’t of Education by R046-98, eff. 5-29-98)

**NAC 385.556 Attendance of teachers: Calculation of average daily attendance; maintenance and review of certain records. (NRS 385.391)**

1. When calculating the average daily attendance of a teacher who is employed full time, a school shall count the teacher:

(a) As present for 1 day if the teacher is present in the classroom for at least two-thirds of the day.

(b) As present for one-half of a day if the teacher is present in the classroom for at least one-half of the day but less than two-thirds of the day.

(c) As absent if the teacher is present in the classroom for less than one-half of a day.

2. When calculating the average daily attendance of a teacher who is employed less than full time, a school shall:

(a) If the teacher is required to be present each day for one-half of the school day, count the teacher as present for 1 day for every 2 days that the teacher is present in the classroom.

(b) Count the teacher as absent for one-half of a day if the teacher is present in the classroom for less than one-half of a day.

3. When calculating the average daily attendance of teachers, a school shall:

(a) Include in the calculation teachers who are assigned to more than one classroom in the school.

(b) Include in the calculation teachers whose duties in the classroom are part of a program that is separate from the duties of the regular classroom teacher ~~[but whose absence would require a substitute teacher for the classroom]~~.

(c) Exclude from the calculation a teacher who is absent for more than 20 consecutive days if the absence is excused by the school.

*(d) Exclude from the calculation a teacher who is excused from being present in the classroom by the school in which he is employed for one of the following reasons:*

*1) Acquisition of knowledge or skills relating to the professional development of the teacher; or*

*2) Assignment of the teacher to perform duties for co-curricular or extracurricular activities of pupils.*

4. A school shall maintain a record for each teacher who is absent for more than 20 consecutive days. The department may, at any time, request the records of such teachers for review.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.561 Recognition of school designated as demonstrating *exemplary achievement* high achievement. (NRS 385.391)** If a school receives a designation as demonstrating *exemplary achievement* or high achievement pursuant to NRS 385.365, the department, in cooperation with the school district in which the school is located, will provide for the recognition of the school. Such recognition may include, without limitation:

1. A press release issued by the department to a newspaper that has general circulation in the community in which the school is located and to a newspaper that has general circulation in the county in which the school is located. The department will make such a press release in the same year as it provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

2. A press release issued by the department to the electronic media in the community in which the school is located and in the county in which the school is located. The department will make such a press release in the same year as it provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

3. A plaque awarded in a ceremony at the school and during the school day, if practicable. The superintendent of public instruction or his designee will attend the ceremony. Such a ceremony will occur within 60 days after the department provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

4. *For schools designated as demonstrating exemplary achievement, [A] a letter of merit awarded to the school* by the governor within 60 days after the department provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.566 Designation of school as ~~[demonstrating inadequate achievement]~~ *needing improvement*; preparation of plan to improve achievement. (NRS 385.391)**

1. If a school is a single unit of organization but includes three grades that are tested pursuant to NRS 389.015, the department will designate the school as ~~[demonstrating inadequate achievement]~~ *needing improvement* set forth in NRS 385.367 if at least two of the three grades meet the criteria for ~~[inadequate achievement]~~ *needing improvement* set forth in NRS 385.367. If one or more of the grades demonstrate ~~[inadequate achievement]~~ *a need for improvement*, the

school shall prepare a plan to improve the achievement of the school's pupils in cooperation with the board of trustees of the school district pursuant to NRS 385.371 regardless of whether the school is designated as ~~[demonstrating inadequate achievement]~~ *needing improvement*.

2. If a school is a single unit of organization but includes two grades that are tested pursuant to NRS 389.015, the department will designate the school as ~~[demonstrating inadequate achievement]~~ *needing improvement* pursuant to NRS 385.367 if at least one of the two grades meets the criteria for ~~[inadequate achievement]~~ *needing improvement* set forth in NRS 385.367. If one or more of the grades demonstrate ~~[inadequate achievement]~~ *a need for improvement*, the school shall prepare a plan to improve the achievement of the school's pupils in cooperation with the board of trustees of the school district pursuant to NRS 385.371 regardless of whether the school is designated as ~~[demonstrating inadequate achievement]~~ *needing improvement*.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

**NAC 385.571 Plan to improve achievement: Submission; contents. (NRS 385.391)**

1. A school that receives a designation as ~~[demonstrating inadequate achievement]~~ *needing improvement* pursuant to NRS 385.367 shall submit a plan to improve the achievement of the school's pupils in cooperation with the board of trustees of the school district pursuant to NRS 385.371 within 2 months after the department designates the school as ~~[demonstrating inadequate achievement]~~ *needing improvement*.

The plan must identify the deficiencies in academic achievement and describe specific programs, methods of instruction, applied resources or other strategies that the school will use to address those deficiencies. The plan may include items that are designed to meet the requirements of eligibility required for the school to participate in programs that are funded by the Federal Government.

2. The department may require a school that does not include pupils who are at a grade level which is tested pursuant to NRS 389.015, but whose pupils advance to a school that is designated as ~~[demonstrating inadequate achievement]~~ *needing improvement*, to submit a plan for improvement in cooperation with the school that is designated as ~~[demonstrating inadequate achievement]~~ *needing improvement* and the board of trustees of the school district. To assist in the development of such a plan, the department may require the school that does not include pupils who are at a grade level which is tested pursuant to NRS 389.015 to submit data relating to examinations and other assessments that are administered to the pupils who are enrolled in the school. If such data is not available, the department may require all schools that do not include pupils who are at a grade level which is tested pursuant to NRS 389.015 but whose pupils advance to a school that is designated as ~~[demonstrating inadequate achievement]~~ *needing improvement* to submit a separate plan for improvement.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)

*NAC 385.372 Recognition of sustained growth for schools designated as needing improvement. If a school receives a designation as needing improvement pursuant to NRS 385.363, and in the three consecutive years subsequent to the designation, shows improvement in each of the subject areas tested pursuant to NRS 389.015, the school shall receive a letter of merit from the superintendent of public instruction. Improvement shall be measured by membership of less than 40% in the bottom quarter of the national percentile rank of the examination administered pursuant to NRS 389.015.*

**NAC 385.576 Criteria for granting waiver from establishment of panel to supervise academic probation of school. (NRS 385.391)**

1. In determining whether to grant a waiver pursuant to subsection 3 of NRS 385.378 from the establishment of a panel to supervise the academic probation of a school, the department will consider:

(a) If the school received a designation of ~~[inadequate achievement]~~ *needing improvement* based solely upon the average score of the pupils who are enrolled in the school on the examinations administered pursuant to NRS 389.015, an increase in scores in three of the four subject areas that are tested on the examinations.

(b) If the school received a designation of ~~[inadequate achievement]~~ *needing improvement* based solely upon the average daily attendance of pupils ~~[and the average daily attendance of teachers]~~, an increase in the average daily attendance of pupils ~~[or teachers]~~.

2. If a school satisfies the criteria set forth in subsection 1, the department will consider the following additional criteria in determining whether to grant a waiver to the school from the establishment of a panel to supervise the academic probation of the school:

(a) The school has 30 or fewer pupils who are enrolled in the school and who are required to take the examinations administered pursuant to NRS 389.015;

(b) A record of absences of pupils ~~[or teachers]~~ which includes widespread absence for unusual reasons, including, without limitation, absences related to an illness that spread throughout the school or absences related to safety concerns at the school;

(c) The school has demonstrated improvement for at least 1 year pursuant to a plan to improve the achievement of the school's pupils; or

(d) Significant demographic anomalies are evident within the school, including, without limitation, an increase in transient rates and changes in zoning within the school district in a manner which significantly affects the school.

(Added to NAC by Dep't of Education by R046-98, eff. 5-29-98)