

NEVADA DEPARTMENT OF EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

LCB File No. R136-22

Amendments to NAC Chapter 387 and 388.289

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 387 and 388.289:

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is the result of two separate workshops held by the Office of Division Compliance and the Office of Assessments, Data, and Accountability Management, combined into one regulation for the sake of continuity.

Sections 2 and 5 add new definitions to NAC for an average daily enrollment quarterly report and for school quarter respectively; these are utilized throughout NAC 387 for clarity regarding average daily enrollment reporting and were made at the request of districts. Correspondingly, Section 34 removes the definition for “school month”. Additional changes made for clarity, and upon request from districts, include Section 4, adding a new definition to NAC for an instructional period and aligning with the definition of semester in NRS 392 and NRS 387.1223, and Section 8 which updates NAC Chapter 387 with the updated definitions

Section 3 adds a new definition to NAC for an instructional day and is utilized throughout NAC 387 for clarity. This defines instructional day in alignment with NAC 387.085 and NAC 387.105. This is further responsive to changes in NAC 387.120 and changes to kindergarten enrollment ages per SB 102 (2021) and kindergarten assessments per SB 2 (2021). Specifically, it extends the enrollment age for Kindergarteners from the first day of assessments to the first instructional day, a clarification responsive to inquiries from districts and charter schools.

Section 12 provides updates related to school calendars. Section 1 includes “grades” to note that grades may begin within a district or school on separate tracks if necessary (such as Kindergarten). Section 2 aligns to instructional periods and ADE quarters for calendar purposes; the first day of the school year is defined within the context of an instructional day which must be at minimum a short school day in session, as defined – this may provide flexibility to districts regarding the first day of kindergarten. Section 3 aligns with Guidance Memo 21-06 and clearly integrates smoke days as reasonable cause. Section 14 aligns with Guidance Memo 21-06 regarding emergency closures, smoke days, and switching to distance learning due to emergency closure of a district. These updates are similarly aligned to needs expressed by districts and charter schools.

Section 13 aligns with SB 215, updating regulations related to alternative calendars by permitting districts of any size to apply for an alternative calendar. Section 32 updates language to align with the Pupil-Centered Funding Plan

Section 6 adds a new section to NAC requiring the submission of a supplementary report of attendance for interlocal students attending in an adjoining district for the purposes of audit and accountability under average daily enrollment and apportionment. This report aligns with existing requirements under NAC 387.310 and 320 for students between states. Section 30 clarifies language related to supplemental reports of attendance for residents of another state attending school in Nevada for the purposes of audit and accountability under average daily enrollment and apportionment. Section 31 clarifies language related to supplemental reports of attendance for Nevada students

attending school in an adjoining State for the purposes of audit and accountability under average daily enrollment and apportionment. Each of these changes are for the purposes of appropriate student attendance and enrollment accountability for the purposes of pupil-centered funding.

Existing NAC language is dated and clarified paper-based policies. With the implementation of statewide Infinite Campus (IC) four years ago, these policies are obsolete. Ongoing stakeholder conversations have led to a standardized, uniform code recommendation at the state level, and these are what need to be updated in NAC.

2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Persons wishing to comment upon the proposed action of the Department of Education were advised of their right to appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before October 5, 2022**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation; the Department of Education heard and documented the public comment.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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 of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The public response can be summarized as no individuals testified at the workshop or public hearing, and eight individuals provided written statements at the public hearing regarding this regulatory change. A copy of the summary and/or minutes of the public workshop and/or hearing are available upon request.

3. The Number of Persons Who:

- a) Attended Workshop: 1; Hearing: 17
- b) Testified at Workshop: 0; Hearing: 0
- c) Submitted Written Statements: 0 Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number;

(c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

No comment was submitted during the workshop or hearing, either in person or via written comment. NDE would note for the record that extensive stakeholder engagement was completed prior to the regulations in question being brought to workshop or hearing.

5. A description of how comment was solicited from affected business, a summary of their response and an explanation of how other interested person may obtain a copy of the summary.

Comments were solicited through the public hearing notice of **October 6, 2022**. At the workshop persons wishing to comment upon the proposed action of the Department of Education were advised of their right appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before October 5, 2022**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Department of Education proceeded.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 700 E. Fifth St, Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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 of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Dylan Fuson, Assistant to the State Board of Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 E. Fifth St. Suite 100, Carson City, NV 89701.

6. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Board of Education adopted the proposed regulation language at the public hearing held on **October 6, 2022** as written. The regulation was adopted without change because there was no public comment requesting changes.

- 7. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:**

There will be no economic effect of the regulation on the business that it regulates.
There is no estimated economic effect on the public.

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

- 10. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are none.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide for a new fee or increase an existing fee.