

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB FILE NO. R078-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/27/2025**

NAC 387.XXX “Minimum daily period” defined. “Minimum daily period” means a minimum required number of qualifying instructional minutes for a school day in session.

NAC 387.XXX “Instructional minutes” defined. “Instructional minutes” mean a given length of time during which a student receives qualifying educational instruction. The following activities do not qualify as instructional minutes:

- *Lunch and/or nutrition breaks*
- *Open or unassigned periods*
- *Sport, team, or club activities*
- *Study halls that do not provide at least tier-one instruction or high-impact tutoring*

NAC 387.XXX For the purposes of complying with NRS 390.805 and Sec 34 of SB460 the “total number of annual minutes of attendance required for a pupil” refers to the minimum daily period defined in NAC 387.XXX.

NAC 387.080 “School calendar” defined. ([NRS 385.080](#)) “School calendar” means a calendar showing all:

1. Days which are planned for school to be in session, including *any short school days in session or* contingent days;
2. *Days scheduled for parent-teacher conferences;*
3. *Days scheduled for kindergarten assessments pursuant to NAC 387.131(5).*
4. Days ~~for organized teachers’ conferences~~ *scheduled* for professional development; and
5. Holidays on which school is required to be closed.

NAC 387.120 School calendar: Submission; contents. ([NRS 385.080](#), [387.123](#), [388.090](#), [388A.110](#), [388A.366](#))

1. Before May 1 of each year, each school district, *charter school, or university school for profoundly gifted students* shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not apply to all its schools or grades, the district shall submit as many calendars as are necessary for application to all its schools and grades. ~~If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.~~

(a) calendar submissions must include all data requested by the Department related to validating the total number of instructional days, instructional minutes, and start and end times provided under the school calendar.

2. Except as otherwise provided in subsection 6 and except for a school calendar that accompanies an alternative schedule approved pursuant to NAC 387.125, a school calendar must contain at least 180 school days in session. This period must be divided into at least two instructional periods. Each instructional period must consist of one or more school quarters. The first instructional period of a school year must commence on July 1 and the last instructional period of the school year must end on June 30.

3. ~~For the purposes of subsection 2 of NRS 392.040,~~ the first day of a school year is the first instructional day scheduled for that school year.

4. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district as contingent days to be used as school days in session if: ~~At least 75~~

(a) In a district with a population less than 100,000, at least 33 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(b) In a district with a population greater than 100,000, at least 50 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(c) The Governor declares a legal holiday not anticipated in the original school calendar.

If a substantial majority of the schools within a school district are closed because of any of these conditions, all of the contingent days must be used before the school district applies for an emergency closing to be counted as a school day in session.

5. *Up to 5 days ~~day for an organized teachers' conference~~ for professional development, or an equivalent number of minutes if the professional development is held only for a portion of the day, may be* convened by the board of trustees of a school district or a school ~~and may~~ be included in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. *A professional development day as day in session may not be scheduled within 20 school days of the last day of instruction.* A day for *professional development* ~~an organized teachers' conference~~ may also be declared by the Superintendent of Public Instruction. ~~Not more than 5 days for teachers' conferences, or an equivalent number of minutes if teachers' conferences are held only for a portion of a day, may be convened by a school or school district in any school year.~~

6. A school calendar for an adult high school program, an alternative program, a program of distance education, *a program of personalized competency-based education, a program of independent study, a program of innovation,* or a program of instruction in a *juvenile detention facility or treatment facility* ~~home~~ must contain at least 180 school days in session unless the school district or governing body of the charter school, as applicable, obtains the written approval of the Superintendent of Public Instruction for:

(a) an alternative calendar pursuant to NAC 387.125;

(b) a program that demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum; or

(c) a program that demonstrates competency in the state instructional content standards equivalent to the regular school curriculum.

School calendar applications will be integrated as an addendum to applications for programs of adult high school, alternative education, distance education, independent study, innovation, personalized competency-based education, juvenile detention facilities, or treatment facilities. ~~The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this subsection if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this subsection, demonstrated competency in curriculum that meets the state standards may be considered equivalent to the regular school curriculum.~~

7. Any changes to the school calendar, once approved by the Superintendent of Public Instruction, must be submitted to the Department within 10 business days of the change; this includes, but is not limited to, emergency closures, delays, half days, activation of contingent days, professional development days, or other adjustments. These changes are subject to the approval of the Superintendent of Public Instruction and may require additional remediation at the determination of the Superintendent.

NAC 387.125 1. On or before May 1, the board of trustees of a school district that wishes to offer a program of instruction based on an alternative schedule pursuant to subsection 2 of NRS 388.090 shall submit to the Superintendent of Public Instruction an application and a copy of its proposed school calendar for the next school year.

2. A school district may not offer a program of instruction based on an alternative schedule pursuant to NRS 388.090 without the approval of the Superintendent of Public Instruction.

~~3. On or before December 31 following the end of a school year in which the school district operated under an alternative schedule approved pursuant to this section, the board of trustees of the school district shall submit to~~

~~the Superintendent of Public Instruction a written report in a form prescribed by the Department. Such a report must include: (a) A description of the alternative schedule; and (b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and the community~~

NAC 387.131 School day in session. (NRS 385.080, 387.123)

1. Except as otherwise provided in this section and except for an alternative schedule approved pursuant to [NAC 387.125](#), a school day in session must consist of the following minimum daily periods for each grade ; ~~including recess and time between activities, but not including the time allowed for lunch:~~

Grade	<i>Daily</i> Period
Kindergarten through 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school program, an alternative program, a program of distance education, a program of independent study, *a program of competency-based education, a program of innovation* or a program of instruction in a *juvenile detention facility or treatment facility* ~~home~~ is identical to the *minimum daily* period *per NAC 387.131(1) for a regular grade* unless the school district *or charter school*:

(a) *requests an alternative calendar pursuant to NAC 387.125, to include flexibilities* ~~Exercises its option~~ pursuant to subsection *2 4* of [NAC 387.140](#); or

(b) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum *or demonstrates competency in the state instructional content standards equivalent to the regular school curriculum*. ~~The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537 or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this paragraph if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this paragraph, competency in curriculum that meets the state standards may be considered equivalent to the regular school curriculum. The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this paragraph if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum.~~

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, ~~any day~~ *up to two days* on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

NAC 387.140 Short school day in session. (NRS 385.080, 387.123)

1. The Superintendent of Public Instruction may authorize a school district to conduct *up to 5* short school days in session *for each school year*. ~~on a continuing basis for up to 1 school year when facilities or conditions so require.~~ To obtain the permission of the Superintendent of Public Instruction, a school district must submit an application in advance. ~~describing the circumstances which necessitate short school days in session as well as its plans to alleviate those circumstances. The application must include an estimation of the time needed to restore regular school days in session.~~

~~—2.—~~ *1.* The board of trustees of a school district may, for each school year:

~~—(a) Schedule up to 5 6 short school days in session per school; or~~

~~—(b) Delegate, in writing, to the superintendent of schools of the school district the authority to schedule the 5 short school days in session permitted pursuant to paragraph (a).~~

Ê Upon written request from the board of trustees of a school district *and in alignment with an application for an alternative calendar*, the Superintendent of Public Instruction may authorize the scheduling of more than 5 short school days in session. ~~when special circumstances so require.~~

~~—3.— The board of trustees of a school district may submit to the Department a district wide policy for the approval of short school days in session. The policy must:~~

~~—(a) Include a process for determining approval of a short school day in session that is requested by a school within the school district;~~

~~—(b) Include a process for recording a short school day in session; and~~

~~—(c) Be applied consistently throughout the school district.~~

Ê Upon review, the Department may make revisions to the policy. If a policy has been approved by the Department for a school district, the school district may approve a short school day in session for a school in accordance with the policy.

~~—4.—~~2. Upon the written approval of the Superintendent of Public Instruction, a school district may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program, *a program of competency-based education, a program of innovation*, or receiving instruction in a detention *facility home*. ~~If a plan for an alternative program is approved pursuant to NRS 388.537 and the plan contains a schedule which includes short school days in session, the approved plan shall be deemed written approval by the Superintendent for purposes of this subsection.~~

NAC 387.151 Emergency closing as day in session. ([NRS 385.080](#), [387.123](#), [388.090](#))

1. If there is an emergency which necessitates the closing of a particular school for a day because of natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions, the day may be counted as a school day in session for that school if the Superintendent of Public Instruction finds that it is justified by the emergency. All requests for such approval must be submitted in writing to the Superintendent of Public Instruction.

2. If the closing of ~~all~~ *multiple* schools *or campuses* in a school district *or charter school* is necessary under the conditions specified in subsection 1 and the duration of the closing exceeds the number of required contingent days, the Superintendent of Public Instruction may permit any additional day to be counted as a school day in session if the school district:

(a) Has in place a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, which has been approved by the Department and which includes the schools that are to be closed; and

(b) Certifies to the Superintendent of Public Instruction, in a form prescribed by the Department, that affected pupils will be provided with all necessary services, including, without limitation, *education services*, nutrition services and any services required to comply with a pupil's individualized education program or plan developed pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.