

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

LCB File No. R078-25

January 21, 2026

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

AUTHORITY: §§ 1-7 and 13, NRS 385.080; §§ 8-12, NRS 385.080, 388.090, as amended by section 15.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395, 388A.110, 388A.366 and 388C.060; § 14, NRS 385.080 and section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430; § 15, NRS 385.080 and 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

A REGULATION relating to education; making certain requirements relating to school scheduling applicable to charter schools and university schools for profoundly gifted pupils; revising the required contents of a school calendar; revising the procedure for the approval of a school calendar by the Superintendent of Public Instruction; removing a reporting requirement relating to alternative schedules; revising certain requirements relating to the minimum daily period of a school day in session; revising provisions relating to scheduling short school days in session; revising certain requirements to allow additional days to be counted as a school day in session as the result of emergency closures; interpreting certain terms for purposes relating to the administration of examinations or assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires, in general, that the board of trustees of a school district or a charter school schedule and provide a minimum of 180 days of free school in the districts under its charge; (2) authorizes the Superintendent of Public Instruction to grant certain variations from that requirement; and (3) authorizes the State Board of Education to adopt regulations subjecting university schools for profoundly gifted pupils to provisions of law governing schools generally. (NRS 388.090, 388A.366, 388C.060) Existing regulations require each school district, before May 1 of each year, to submit a copy of its school calendar for the approaching school year to the Department of Education. (NAC 387.120) **Sections 2-5** of this regulation define certain terms relating to school calendars, and **section 6** of this regulation establishes the applicability of those definitions. **Section 7** of this regulation revises the types of days which must be included in a school calendar. **Sections 8-12** of this regulation subject charter schools and university schools for profoundly gifted pupils to regulations relating to school calendars and schedules. **Section 8**

also requires the submission of a school calendar to include certain data requested by the Department.

Existing regulations require a school district to designate at least 3 days as contingent days to be used as school days under specified conditions, including where a certain percentage of the schools in the district are rendered inaccessible or unusable due to certain events. (NAC 387.120) **Section 8** revises, based on the population of the county in which the school district is located, the percentage of schools in a school district that must be rendered inaccessible or unusable in order to use a contingent day as a school day. **Section 8** also limits the number of professional development days included as school days in session and makes other revisions governing the scheduling of professional development days.

Under existing regulations, a school calendar for certain alternate school programs must contain 180 school days in session unless the Superintendent of Public Instruction approves a school calendar for certain alternative programs that consists of a different number of school days in session. (NAC 387.120) **Section 8** revises the list of alternative programs subject to that requirement and the conditions under which the Superintendent of Public Instruction may approve an exemption from that requirement. **Section 8** also requires a school district, charter school or university school for profoundly gifted pupils to submit to the Department any changes made to a previously approved school calendar for approval of the changes.

Existing regulations set forth requirements to offer a program of instruction based on an alternative schedule. (NAC 387.125) **Section 9** removes a requirement that a board of trustees of a school district submit a written report to the Superintendent of Public Instruction following the end of a school year in which the school district operated under an alternative schedule.

Existing regulations: (1) establish the minimum daily periods of time required to constitute a school day in session; and (2) require certain alternative programs of education to comply with those requirements, except in certain circumstances. (NAC 387.131) **Section 10** revises the alternative programs to which those provisions apply and the circumstances under which such alternative programs are exempt from requirements governing minimum daily periods. **Section 10** also limits the number of days on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Existing regulations authorize the Superintendent of Public Instruction to authorize the conduct of short school days in session on a continuing basis under certain circumstances. Existing regulations also authorize the scheduling of up to 5 short school days in session with the approval of the Superintendent of Public Instruction. (NAC 387.140) **Section 11** eliminates authorization for the Superintendent of Public Instruction to approve more than 5 short school days in session, except for schools operating under an alternative schedule and pupils who are receiving instruction through certain alternative programs.

Existing regulations authorize the Superintendent of Public Instruction to allow any additional day to be counted as a school day in session if all schools in a school district are closed due to inclement weather or certain other emergencies, the duration of the closure exceeds the number of required contingent days and the school district has certain measures in place to ensure the continued provision of services during the emergency. (NAC 387.151) **Section 12** additionally authorizes the Superintendent of Public Instruction to allow an additional day to be counted as a school day in session: (1) if multiple, but not all, schools or campuses in the district are closed due to an emergency; or (2) for a charter school or university school for profoundly gifted pupils, under the same conditions as apply to a school district.

Existing law requires each school within a school district to annually prepare and submit to the board of trustees of the school district a report detailing the aggregate amount of class time used for preparing for and conducting examinations and assessments during the immediately preceding school year. (Section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430) Existing law requires the Department to adopt regulations prohibiting a school or school district from using more than 2 percent of the total number of annual minutes of attendance required for a pupil for preparing for or conducting an examination or assessment, with certain exceptions. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431) **Sections 14 and 15** of this regulation interpret the terms “class time” and “total number of annual minutes of attendance required for a pupil,” respectively, for those purposes.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“High-impact tutoring” means targeted, small-group or one-on-one instructional support that is:*

- 1. Aligned to grade-level standards;*
- 2. Delivered by a consistent tutor several times per week; and*
- 3. Designed to accelerate learning by closely monitoring progress and adjusting instruction based on the individual needs of pupils.*

Sec. 3. *“Instructional minutes” means a given length of time during which a pupil receives qualifying educational instruction. The following activities do not qualify as instructional minutes:*

- 1. Lunch or other breaks for nutrition.*
- 2. Open periods or unassigned periods.*
- 3. Extracurricular activities or athletic activities.*
- 4. Study halls that do not provide at least tier-one instruction or high-impact tutoring.*

Sec. 4. *“Minimum daily period” means a minimum required number of instructional minutes for a school day in session.*

Sec. 5. *“Tier-one instruction” means the core, universal instruction that all pupils receive as the foundational level of instruction before any supplemental supports are added to instruction.*

Sec. 6. NAC 387.010 is hereby amended to read as follows:

387.010 As used in NAC 387.010 to 387.355, inclusive, *and sections 2 to 5, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 387.012 to 387.117, inclusive, *and sections 2 to 5, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 7. NAC 387.080 is hereby amended to read as follows:

387.080 “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 ~~{for organized teachers’ conferences}~~ *scheduled* for professional development;
~~{and}~~
3. Holidays on which school is required to be closed ~~{}~~ ;
4. *Days scheduled for parent-teacher conferences; and*
5. *Days scheduled for the assessment of pupils in kindergarten which occur pursuant to subsection 5 of NAC 387.131.*

Sec. 8. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district , *charter school or university school for profoundly gifted pupils* shall submit a copy of its school calendar for the approaching school year to the Department ~~{}~~ *in the form prescribed by the Department*. If one calendar does not apply to all its schools or grades, the district *or school* 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.~~ *The submission of a school calendar pursuant to this subsection must include all data requested by the Department relating to the validation of the total number of school days in session, instructional minutes and start and end times included in 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~~ *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 , *charter school or university school for profoundly gifted pupils* as contingent days to be used as school days in session if:

(a) ~~At~~ *In a school district in a county whose population is less than 100,000, at* least ~~75~~ *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 school district in a county whose population is 100,000 or more, 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;*

(c) *A charter school or university school for profoundly gifted pupils is rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or*

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

➔ If a substantial ~~majority~~ *portion, as established in this subsection*, of the schools within a school district are closed because of any of these conditions ~~or~~ *or if a charter school or university school for profoundly gifted pupils is closed because of any of these conditions*, all of the contingent days must be used before the school district *or school, as applicable*, applies for an emergency closing to be counted as a school day in session.

5. ~~Any day for an organized teachers' conference for professional development convened by the~~ *The* board of trustees of a school district or *the governing body of a charter school or university school for profoundly gifted pupils* may ~~be included~~ *convene not more than 5 days for professional development, or an equivalent number of minutes if the professional development is conducted for only a portion of the day, and include such professional development* 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 a school day in session may not be scheduled within 20 school days before the last day of instruction.* A day for ~~an organized teachers' conference~~ *professional development* 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 independent study* or a program of instruction in a *juvenile detention ~~home~~ facility* must contain at least 180 school days in session unless the school district or governing body of the charter school ~~or~~ *or university school for profoundly gifted pupils*, as applicable, obtains the written approval of the Superintendent of Public Instruction for a program ~~that~~ :

(a) Of instruction based on an alternative schedule submitted pursuant to NAC 387.125;

(b) That demonstrates progress or completion by pupils in a curriculum which is 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 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] ; or~~

(c) That demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, as amended by section 22 of Senate Bill No. 343, chapter 88, Statutes of Nevada 2025, at page 471, equivalent to the regular school curriculum.

7. *The Department shall integrate the form for the submission of a school calendar pursuant to this section as an addendum to the application for approval of an adult high*

school program, an alternative program, a program of distance education or a program of independent study.

8. If the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils wishes to make changes to its school calendar after the school calendar has been approved by the Superintendent of Public Instruction pursuant to this section, the board of trustees or governing body must submit notice of the change to the Department not later than 10 business days after the change has taken effect. Applicable changes include, without limitation, emergency closures, delays, half days, activation of contingent days, days for professional development or other adjustments.

9. Upon receiving notice pursuant to subsection 8 of a change to a school calendar, the Superintendent of Public Instruction may:

(a) Approve the changes; or

(b) Determine that the changes do not comply with the provisions of this section or any other applicable law or regulations and require remediation.

Sec. 9. NAC 387.125 is hereby amended to read as follows:

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 *or the governing body of a charter school or university school for profoundly gifted pupils that wishes to offer a program of instruction based on an alternative schedule* 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 , *charter school or university school for profoundly gifted pupils* 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.}~~

Sec. 10. NAC 387.131 is hereby amended to read as follows:

387.131 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	240 minutes
1 and 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 or a program of instruction in a *juvenile* detention ~~home~~ *facility* is identical to the *minimum daily* period ~~for a regular grade~~ *set forth in subsection 1*, unless the school district ~~is~~, *charter school or university school for profoundly gifted pupils:*

(a) Exercises its option pursuant to subsection ~~44~~ *2* of NAC 387.140; ~~or~~

(b) *Obtains the approval of the Superintendent of Public Instruction to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125; or*

(c) 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 ~~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~~ *or demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, as amended by section 22 of Senate Bill No. 343, chapter 88, Statutes of Nevada 2025, at page 471, 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~~ *not more than 2 days* on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 11. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district , *charter school or university school for profoundly gifted pupils that is not operating on an alternative schedule pursuant to NAC 387.125* to conduct *not more than 5* short school days in session ~~on a continuing basis~~ for ~~up to 11~~ *each* school year . ~~when facilities or conditions so require.~~ To obtain the permission of the Superintendent of Public Instruction, a school district , *charter school or university school for profoundly gifted pupils* 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. The board of trustees of a school district may, for each school year:~~

~~(a) Schedule up to 5 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).~~

~~➔ Upon written request from the board of trustees of a school district, 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.~~

~~➔ 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.} Except as otherwise authorized by subsection 2, if a school district, charter school or university school for profoundly gifted pupils wishes to schedule more than 5 short school days in session, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, must submit an application to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125.~~

2. Upon the written approval of the Superintendent of Public Instruction, a school district , *charter school or university school for profoundly gifted pupils* may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program or receiving instruction in a *juvenile* detention ~~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.~~ *facility.*

Sec. 12. NAC 387.151 is hereby amended to read as follows:

387.151 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 multiple campuses of a charter school or university school for profoundly gifted pupils* 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 ~~is~~ *, charter school or university school for profoundly gifted pupils:*

(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.

Sec. 13. Chapter 390 of NAC is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this regulation.

Sec. 14. *The Department shall interpret the term “class time,” as used in section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430, to have the meaning ascribed to “instructional minutes” in section 3 of this regulation.*

Sec. 15. *The Department shall interpret the term “total number of annual minutes of attendance required for a pupil” as used in NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431, to mean the total number of minutes calculated by multiplying the number of minutes in a minimum daily period, as set forth in NAC 387.131, by the number of school days in session included on the relevant school calendar approved pursuant to NAC 387.120.*