

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R187-99

November 24, 1999

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

AUTHORITY: §§1, 2 and 4-9, NRS 385.391; §3, NRS 385.363 and 385.391.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If a school receives a designation as demonstrating need for improvement pursuant to NRS 385.367 and in the 3 consecutive years after that designation the school demonstrates improvement in its performance in each of the subjects tested on the examinations administered pursuant to NRS 389.015, the superintendent of public instruction will, in addition to any other recognition the school has received or may be eligible to receive, send to that school a letter of merit on its improvement.

2. For the purposes of this section, a school demonstrates improvement in its performance in a subject tested on the examinations administered pursuant to NRS 389.015 if less than 40 percent of the pupils enrolled in that school who took the examination in that subject received an average score on that examination that is below the 26th percentile of the national reference group of pupils to which the examinations in that subject were compared.

Sec. 2. NAC 385.501 is hereby amended to read as follows:

385.501 As used in NAC 385.501 to 385.576, inclusive, *and section 1 of this regulation*, 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.

Sec. 3. NAC 385.551 is hereby amended to read as follows:

385.551 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]~~ *need for 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.

Sec. 4. NAC 385.556 is hereby amended to read as follows:

385.556 1. ~~[When calculating the average daily]~~ *To determine the record of* attendance of a teacher who *provides instruction and* 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~~ *To determine the record of* attendance of a teacher who *provides instruction and* 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,~~ *In addition to the requirements set forth in subsection 3 of NRS 385.347, to determine the record of attendance of all teachers who provide instruction,* 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.

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.

Sec. 5. NAC 385.561 is hereby amended to read as follows:

385.561 *1.* 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) 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.]~~ (b) 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.]~~ (c) 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.—A letter of merit awarded by the]~~

2. In addition to the recognition provided for in subsection 1, if a school receives a designation as demonstrating exemplary achievement pursuant to NRS 385.365, the department, in cooperation with the governor, may send a letter of merit on its achievement. If issued, the department will send such a letter within 60 days after the department provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

Sec. 6. NAC 385.566 is hereby amended to read as follows:

385.566 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]~~ *need for improvement* pursuant to NRS 385.367 if at least two of the three grades meet the criteria for ~~[inadequate achievement]~~ *demonstrating need for improvement* set forth in NRS 385.367. If one or more of the grades ~~[demonstrate inadequate achievement,]~~ *meet the criteria for demonstrating 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.]~~ *need for 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]~~ *need for improvement* pursuant to NRS 385.367 if at least one of the two grades meets the criteria for ~~[inadequate achievement]~~ *demonstrating need for improvement* set forth in NRS 385.367. ~~[If one or more of the grades demonstrate inadequate achievement, the]~~ *Such a* school shall prepare a plan to improve the achievement of ~~[the school's]~~ *its* 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.]~~

Sec. 7. NAC 385.571 is hereby amended to read as follows:

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

demonstrating ~~[inadequate achievement.]~~ *need for 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.]~~ *need for improvement* to submit a plan ~~[for improvement]~~ *to improve the achievement of the school's pupils pursuant to NRS 385.371* in cooperation with the school that is designated as demonstrating ~~[inadequate achievement]~~ *need for improvement* and the board of trustees of the school district. ~~[To]~~ *If necessary 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 *to the department* data relating to examinations and other assessments that are administered to the pupils who are enrolled in the school.

3. If ~~[such]~~ *the* data *specified in subsection 2* 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]~~ *need for improvement*, to submit ~~[a separate plan for improvement.]~~ *to the department plans to improve the achievement of those schools' pupils that are separate from any plans submitted pursuant to NRS 385.371 by the school to which those pupils advance.*

Sec. 8. NAC 385.576 is hereby amended to read as follows:

385.576 1. ~~[In determining]~~ *To determine* 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]~~ *demonstrating need for 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, *whether* an increase *has occurred* in scores in three of the four ~~[subject areas]~~ *subjects* that are tested on the examinations.

(b) If the school received a designation of ~~[inadequate achievement]~~ *demonstrating need for improvement* based solely upon the average daily attendance of pupils ~~[and the average daily attendance of teachers.]~~ *who are enrolled in the school, whether* an increase *has occurred* in the average daily attendance of pupils ~~[or teachers.]~~ *who are enrolled in the school.*

2. If a school satisfies the criteria set forth in subsection 1, *to determine whether to grant a waiver pursuant to subsection 3 of NRS 385.378*, the department will *also* 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:]~~ *whether:*

(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.

Sec. 9. NAC 385.521 is hereby repealed.

TEXT OF REPEALED SECTION

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.