

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R137-05

Effective October 31, 2005

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

AUTHORITY: §1, NRS 385.080, 387.123 and 388.090; §2, NRS 385.080 and 387.123.

A REGULATION relating to school calendars; revising provisions relating to school calendars and short school days in session; and providing other matters properly relating thereto.

Section 1. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district 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, the district shall submit as many calendars as are necessary for application to all its schools. 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.

2. 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 10 school months which contain not more than 20 potential school days per month. *The first day of the first school month is the first day of attendance by pupils.*

3. 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:

(a) At least 75 percent of the schools in the district are rendered inaccessible or unusable by inclement weather, uncontrollable circumstances or an accident; or

(b) 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.

4. Any day for an organized teachers' conference for professional development convened by the board of trustees of a school district 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 day for an organized teachers' conference may also be declared by the Superintendent of Public Instruction. Not more than 5 days for teachers' conferences may be convened by a school district in any school year.

Sec. 2. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may ~~permit~~ *authorize* a school district to conduct short school days in session 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. The board of trustees of a school district may ~~[schedule an occasional]~~, *for each school year:*

(a) *Schedule up to 5 short school [day] days in session* ~~[. The superintendent of the school district may also schedule an occasional short day in session if that authority has been delegated to the superintendent in writing by the board of trustees of the district.]~~ *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. 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 or receiving instruction in a detention home.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R137-05

The State Board of Education adopted regulations assigned LCB File No. R137-05 which pertain to chapter 389 of the Nevada Administrative Code on October 17, 2005.

Notice date: 8/30/2005
Hearing date: 10/7/2005

Date of adoption by agency: 10/7/2005
Filing date: 10/31/2005

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. A workshop was held on October 7, 2005. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 387, School Calendar and short school day in session, were sent to approximately 150 individuals and educational organizations. A public hearing was conducted on October 7, 2005. There were no comments from the public. The State Board of Education adopted amendments to NAC 387.

- 2. The Number of Persons Who:**

a) Attended Each Hearing: Workshop: 7 Hearing: 8
b) Testified at Each Hearing: Workshop: 0 Hearing: 0
c) Submitted Written Statements: Workshop: 0 Hearing: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comments were solicited through the workshop notice of August 30, 2005 and the public hearing notice of August 30, 2005. At the October 7, 2005 Workshop to Solicit Comments there were no public comments to the proposed language. At the October 7, 2005 Public Hearing there were no public comments to the proposed language.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the regulation language from temporary to permanent at the public hearing held October 7, 2005. The reason for adopting the amendment to regulation NAC 387.120 is to clarify the first day of the school month is the first day that pupils attend school and NAC 387.140 allows school districts to schedule short days for professional development.

5. 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 is no anticipated economic effect on the business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of these regulations.

7. A description of any regulations of other state or governmental agencies which the proposed 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 regulations. There is no duplication or overlap of federal regulations.

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

There are none.

9. 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 or involve a new fee.