

LCB File No. R134-07

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

Explanation: Matter in *italics* or underlined is new; matter in brackets ~~H~~ or ~~stricken~~ is material to be omitted.

NAC 387.105 “Short school day in session” defined. (NRS 385.080) “Short school day in session” means any day in which pupils enrolled in a school are scheduled to be engaged in registration, classes, other instructional activities or testing and are in attendance for two-thirds of a full school day in session in their respective grades and departments. *If a board of trustees exercises its option under NAC 387.140 (4), the total number of minutes of instruction as defined in NAC 387.131 must be met.*

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

1. 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	Period
Kindergarten	120 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 diploma program,]~~ an alternative program, *a distance education program*, or a program of instruction in a detention home is identical to the period for a regular grade *and must meet NRS 388.090 requirements of 180 days of instruction and NAC 387.131 (1) requirements for instructional minutes for each grade level*, unless the school district:

(a) Exercises its option pursuant to subsection 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. *Approval of a plan for an adult high school program, an alternative program, or a distance education program which contains a request for a program that demonstrates progress or completion will be considered as approval by the Superintendent of Public Instruction.* Demonstrated competency in curriculum that meets the state standards may be considered equivalent for purposes of this paragraph.

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 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 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, 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. 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. *Approval of a plan for an alternative program, or a distance education program which contains a request for short school day in session will be considered as approval by the Superintendent of Public Instruction.*

NAC 387.193 Pupil enrolled in program of distance education. (NRS 385.080, 387.123, 388.874)

1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed an enrolled pupil if, for each course of distance education in which the pupil is enrolled:

(a) The course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; and

(b) A teacher meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. Each pupil enrolled in a course of distance education offered through a program of distance education must be recorded in full attendance for each week that a teacher meets or otherwise communicates with the pupil during the course to discuss the pupil's progress. Each

weekly meeting or communication with a pupil must be included in the master register of enrollment and attendance required by NAC 387.171.

3. A pupil who is enrolled full time in a program of distance education provided by the board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862, *if*

(a) The distance education plan submitted according to NAC 388.830 outlines a program equal to 180 days of study; and

(b) The pupil or a computerized program records the time that the pupil spends within the program; and

(c) The pupil is enrolled, or has a written plan which outlines enrollment in the appropriate number of classes defined in NAC 387.345 (4). Enrollment in the appropriate number of courses by grade level is the defining factor in determining full time status.

4. If a pupil is enrolled part time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

NAC 387.195 Pupils placed for independent study: Recording attendance; enrollment. (NRS 385.080, 387.123, **389.155**)

1. Any pupil who is placed for independent study by a school district, pursuant to a plan *submitted to the Department and approved by the Superintendent of Public Instruction in accordance with NRS 388.537 and NRS 389.155* ~~[described in NAC 388.520]~~, shall be deemed to be in full attendance for a day if the combined number of minutes during which he is:

(a) Attending school; and

(b) Completing the hours specified in his contract for independent study, equals more than two-thirds of the number of minutes required for the daily session of his grade or category.

2. Pupils enrolled in independent study programs must generate a study log utilized to verify the pupil's attendance.

3. Pupils enrolled in one class at a time must have a written plan which outlines enrollment in the appropriate number of classes defined in NAC 387.345 (4). Enrollment in the appropriate number of courses by grade level is the defining factor in determining full time status.

4. A pupil placed for independent study must be reported as enrolled on the monthly reports submitted to the Department.

NAC 387.293 Pupil instructed through correspondence by licensed teacher. (NRS 385.080, 387.123)

1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once a week for instructional purposes.

2. For reporting attendance, the school district may consider the pupil to be in full attendance if the teacher *and pupil* ~~[to]~~ communicate *in person or through other means* ~~[directly with the~~

~~pupil, including, without limitation, by electronic means,] at least once a week for instructional purposes. [only during periods in which the teacher actually is in communication with him.]~~

3. The pupil must be reported monthly as enrolled and in attendance in the school he would attend if he were not receiving instruction through correspondence, or a separate monthly report may be submitted, marked "Instruction of Pupils Through Correspondence."

NAC 389.720 Duties of board of trustees: Written policy; system of recordkeeping. (NRS 385.080, 389.155) The board of trustees of a school district which provides for independent study shall:

1. Obtain, from the Superintendent of Public Instruction; through a plan submitted to the Department for adult high school programs, alternative programs, distance education programs, or other programs approval to operate a program of independent study.

~~[1.]~~ 2. Develop a written policy for independent study, which must include, without limitation, the process by which a pupil may appeal a decision by the board of trustees which denies the pupil from enrolling in a course of independent study.

3. Establish a system of recordkeeping for each pupil enrolled in a course of independent study

4. For each course that a pupil participates in, the record must include, without limitation:

- (a) A copy of the written agreement required pursuant to NAC 389.750;
- (b) A record of all communication between the pupil and the teacher;
- (c) A record of the assignments that the pupil has completed; and
- (d) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

NAC 389.750 Written agreement between [teacher] independent study program and pupil. (NRS 385.080, 389.155)

1. A pupil shall enter into a written agreement with the teacher of the course of independent study, *or the board of trustees (or their designee) operating a program of independent study*, before the pupil may begin ~~[the]~~ a course *or program*.

2. Such an agreement must *be included in a plan for adult high school programs, alternative programs, or distance education programs and* include, without limitation:

- (a) The objectives of the course *or program*.
- (b) A timeline for the completion of the assigned course work.
- (c) A schedule of the communications between the pupil and the teacher that satisfies the requirements of paragraph (b) of subsection 2 of NRS 389.155.
- (d) The method by which the teacher will assess the learning of the pupil.

~~[(e) The criteria by which each grade and unit of credit will be awarded to the pupil. The criteria must require that a final examination be administered at the completion of the course of independent study and comprise 35 percent of the grade awarded to the pupil.]~~

(f) If a pupil is under 18 years of age, the written approval of a parent or guardian of the pupil to participate in the course of independent study.