

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

LCB File No. R134-07

October 22, 2007

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

AUTHORITY: §1, NRS 385.080, 386.540, 387.123 and 388.090; §§2, 3 and 6, NRS 385.080 and 387.123; §4, NRS 385.080, 387.123 and 388.874; §5, NRS 385.080, 387.123 and 389.155; §§7 and 8, NRS 385.080 and 389.155.

A REGULATION relating to education; revising provisions relating to school calendars and short school days in session; revising provisions governing programs of distance education, programs of independent study and other educational programs; 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 *as otherwise provided in subsection 5 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 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.

5. A school calendar for an adult high school program, an alternative program, a program of distance education or a program of instruction in a detention home must contain at least 180 school days in session unless the school district 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 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.

Sec. 2. 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	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 program of distance education, a program of independent study* or a program of instruction in a detention home is identical to the period for a regular grade 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. ~~[Demonstrated]~~ *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 ~~[for purposes of this paragraph.]~~ *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 on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 3. NAC 387.140 is hereby amended to read as follows:

387.140 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. *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.*

Sec. 4. NAC 387.193 is hereby amended to read as follows:

387.193 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.

~~[4.]~~ *A pupil shall be deemed enrolled full-time in a program of distance education if:*

(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;

(b) The time that the pupil spends in the program is recorded by the pupil or by a computerized program; and

(c) The pupil satisfies the requirements of subsection 4 or 5, as applicable for his grade level.

4. For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

5. For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:

(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 4 of NAC 387.345; or

(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

6. 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.

Sec. 5. NAC 387.195 is hereby amended to read as follows:

387.195 1. ~~Any~~ *Except as otherwise provided in subsection 2, any* pupil who is placed for independent study by a school district ~~;~~ pursuant to a plan ~~described in NAC 388.520;~~

approved in accordance with NAC 389.720 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. *A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is enrolled in:*

- (a) *The minimum daily period required pursuant to NAC 387.131; or*
- (b) *A curriculum that is equivalent to the regular school curriculum, if an exception to the*

minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

3. *A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:*

(a) *The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 4 of NAC 387.345; or*

(b) *A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.*

4. *A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil's attendance.*

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

Sec. 6. NAC 387.293 is hereby amended to read as follows:

387.293 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 ~~[only during periods in which]~~ *if* the teacher ~~[actually is in communication with him.]~~ *and the pupil meet or otherwise communicate with each other at least once each week for instructional purposes.*

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."

Sec. 7. NAC 389.720 is hereby amended to read as follows:

389.720 *1. The board of trustees of a school district may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of independent study. The program of independent study must contain the information prescribed in subsection 3 and must be offered as part of:*

- (a) An adult high school program;*
- (b) An alternative program for the education of pupils at risk of dropping out of school;*
- (c) A program of distance education; or*
- (d) Any other educational program offered by the school district.*

2. The Superintendent of Public Instruction shall review each plan to operate a program of independent study submitted to the Department of Education and approve or deny the plan. If the plan is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the plan for a program of independent study upon appeal.

3. The board of trustees of a school district which provides for independent study shall:

~~1.1~~ (a) 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.

~~1.2~~ (b) Establish a system of recordkeeping for each pupil enrolled in a course of independent study. For each course that a pupil participates in, the record must include, without limitation:

~~1.3~~ (1) A copy of the written agreement required pursuant to NAC 389.750;

~~1.4~~ (2) A record of all communication between the pupil and the teacher;

~~1.5~~ (3) A record of the assignments that the pupil has completed; and

~~1.6~~ (4) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

Sec. 8. NAC 389.750 is hereby amended to read as follows:

389.750 1. A pupil shall enter into a written agreement with the teacher of the course of independent study, *the board of trustees of the school district or a designee of the board of trustees* before the pupil may begin ~~the course.~~ *a course or program of independent study. A pupil may enter into a written agreement if the pupil participates in:*

(a) An adult high school program;

- (b) An alternative program;*
- (c) A program of distance education; or*
- (d) Any other educational program offered by the school district.*

2. Such an agreement must 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 *subparagraph (2) of* paragraph ~~[(b)]~~ *(a)* 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.