

PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

LCB File No. R062-14

NAC 388.850: SB 58 amends NRS 388.854 to *require* a board of trustees to grant permission for a student to enroll in DE as long as the student satisfies general school enrollment criteria. This section of the NAC under Section 2 implies written permission is optional. The language should be changed accordingly.

NAC 388.850 Written agreement with board of trustees of school district. (NRS 388.874)
The written agreement required by subsection 2 of NRS 388.854 authorizing a pupil to enroll in a program of distance education must, in addition to the information required by that subsection, include:

1. The name of the pupil and his or her school identification number;
 2. The written permission of the board of trustees of the school district in which the pupil resides *shall grant permission* for the pupil to enroll full-time or part-time in a program of distance education provided by another school district or a charter school;
 3. If the pupil is:
 - (a) Less than 18 years of age, the name and signature of the pupil's parent or legal guardian;or
 - (b) At least 18 years of age, the signature of the pupil;
 4. The name of the provider of the program of distance education;
 5. A list indicating each course of distance education in which the pupil will be enrolled;
- and
6. An identification of the category pursuant to which the pupil is eligible to enroll in a program of distance education, as set forth in NRS 388.850.
(Added to NAC by Bd. of Education by R007-02, eff. 4-5-2002)

NAC 387.294: SB 58 allows for students in any district to enroll in DE courses in any other district. The regulation below only addresses enrollment in DE within the same school district. Language to address enrollments in more than one school district should be added.

NAC 387.294 Pupil enrolled in program of distance education. (NRS 385.080, 387.123, 388.874)

1. If a pupil is enrolled full-time in a regular school program of a school district and the pupil is concurrently enrolled in a program of distance education provided by the same school district, the pupil must be counted only once for purposes of apportionment and the school district is not eligible for additional basic support for the pupil.
2. If a pupil is enrolled full-time in a regular school program of a charter school and the pupil is concurrently enrolled in a program of distance education provided by the same charter school, the pupil must be counted only once for purposes of apportionment and the charter school is not eligible for additional basic support for the pupil.

3. The count of pupils who are enrolled part-time in a program of distance education pursuant to subparagraph (4) of paragraph (a) of subsection 1 of NRS 387.1233 is based upon the percentage of time, rounded to the nearest whole number, that each pupil participates in a program of distance education during a school day in proportion to the total time that services are provided to full-time pupils enrolled in a regular school program of the school district or charter school, as applicable. The requirements for the count of pupils enrolled part-time in a program of distance education set forth in this subsection and subparagraph (4) of paragraph (a) of subsection 1 of NRS 387.1233 apply to pupils who are enrolled full-time *or part-time* in a:

(a) Public school of a school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school.

(b) Charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. The count of pupils who are enrolled part-time in a program of distance education of a school district or charter school, and part-time in a program of distance education provided by another school district or charter school shall be considered a full-time student pursuant to subparagraph (4) of paragraph (a) of subsection 1 of NRS 387.1233 based upon the percentage of time, rounded to the nearest whole number, that each pupil participates in a program of distance education during a school day in proportion to the total time that services are provided to full-time pupils enrolled in a regular school program of the school district or charter school, as applicable.

(a) Pursuant to NAC 387.345 paragraph (a) of subsection 4 A school district shall not count a pupil who enrolls in the ninth grade as a full-time pupil for the purpose of calculating the basic support for the school district for a school year unless the pupil is in a minimum of:

(1) Six courses or the equivalent of six periods per day if he or she is in grade 9, 10 or 11; or

(2) Four courses or the equivalent of four periods per day if he or she is in grade 12.

NAC 387.193: This regulation covers part-time enrollment and attendance in DE programs—we feel it needs amending to clarify that enrollment must be counted across districts, or at least clarify responsibilities for enrollment when a student enrolls in more than one district (for DE courses).

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;

(b) The name of the pupil is included in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171; and

(c) Except as otherwise provided in subsection 2, the school district or charter school has evidence of the pupil's progression in the course, as documented in the electronic learning management system or as documented by the pupil's participation in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course.

2. If a pupil is initially enrolled in a program of distance education during the calendar week immediately preceding the count day prescribed by NRS 387.1233 and the school district or charter school does not have evidence of the pupil's progression in each course of distance education as required by paragraph (c) of subsection 1, the pupil shall be deemed an enrolled pupil if:

(a) The school district or charter school documents that the pupil attended an orientation for the program of distance education or a similar admittance process for the program of distance education; and

(b) Within the first calendar week after count day, the school district or charter school has evidence of the pupil's progression in each course as documented:

(1) In the electronic learning management system;

(2) By the pupil's participation in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or

(3) By the pupil meeting or otherwise communicating with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.

3. 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 the school district or charter school has evidence of the pupil's progression in each course as documented:

(a) In the electronic learning management system;

(b) By the pupil's participation in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or

(c) By the pupil meeting or otherwise communicating with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.

□ The information required by this subsection to record the attendance of a pupil must be included in the master register of enrollment and attendance required by NAC 387.171 for that pupil.

4. A pupil who is enrolled full time in a program of distance education provided by:

(a) 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.

(b) A charter school must be entered as an enrolled pupil in the master register of enrollment and attendance for the charter school.

5. 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, the parent or legal guardian of the pupil, or by a computerized program; and

(c) The pupil satisfies the requirements of subsection 6 or 7, as applicable for his or her grade level.

6. 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.

7. 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.

8. 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.

9. If a pupil is enrolled part-time in a regular school program or program of distance education of a school district and the pupil is concurrently enrolled in a program of distance education provided by another school district or charter school, the pupil must be counted for purposes of apportionment per the requirements for the count of pupils enrolled part-time in a program of distance education set forth in subparagraph (4) of paragraph (a) of subsection 1 of NRS 387.1233 and the school district is eligible for basic support for the pupil based upon the percentage of time, rounded to the nearest whole number, that each pupil participates in a program of distance education during a school day in proportion to the total time that services are provided to full-time pupils enrolled in a regular school program of the school district or charter school, as applicable.

(a) If a pupil is enrolled part-time in a regular school program of a charter school or program of distance education of a charter school, and the pupil is concurrently enrolled in a program of distance education provided by another school district or charter school, the pupil must be counted for purposes of apportionment per the requirements for the count of pupils enrolled part-time in a program of distance education set forth in subparagraph (4) of paragraph (a) of subsection 1 of NRS 387.1233 and the school district is eligible for basic support for the pupil based upon the percentage of time, rounded to the nearest whole number, that each pupil participates in a program of distance education during a school day in proportion to the total time that services are provided to full-time pupils enrolled in a regular school program of the school district or charter school, as applicable.

10. As used in this section, “electronic learning management system” means an electronic system used by a school district or charter school to track the enrollment, attendance, progression and participation of a pupil enrolled in a course of distance education offered through a program of distance education provided by the school district or charter school.

(Added to NAC by Bd. of Education by R007-02, eff. 4-5-2002; A by R134-07, 6-17-2008; R016-11, 10-26-2011)