

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R046-98

Effective May 29, 1998

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

AUTHORITY: §§1-19, NRS 385.391.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 17, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Achievement” means the possession of basic reading skills and skills relating to oral expression, listening comprehension, written expression, reading comprehension, mathematics calculation, mathematics reasoning and basic knowledge of science.*

Sec. 4. *“Attendance” means the presence of a pupil at the school in which he is enrolled on a day when school is in session.*

Sec. 5. *“Average daily attendance of pupils” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.*

Sec. 6. *“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.

Sec. 7. *“Department” means the department of education.*

Sec. 8. *“Pupil” means a person who is admitted to a public school to attend a schedule of classes and whose name appears on the master register of enrollment and attendance.*

Sec. 9. *“Regular classroom teacher” means a teacher who has knowledge of the developmental and curricular needs of pupils at the grade level that he teaches.*

Sec. 10. *“School is in session” means any day in which pupils who are enrolled in a public school are scheduled to be engaged in registration, classes, other instructional activities or testing during the required minimum daily period for each grade or department.*

Sec. 11. *“Teacher” means a person who is licensed to teach pursuant to chapter 391 of NRS and who provides instruction in a classroom. The term does not include persons who are licensed but not providing instruction in a classroom on a regular basis, including administrators, school counselors, school audiologists, librarians, library media specialists, school nurses, school psychologists and school social workers.*

Sec. 12. *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 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. 13. 1. *When calculating the average daily attendance of a teacher who 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 attendance of a teacher who 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, 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. 14. *If a school receives a designation as demonstrating 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 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 school year as it provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

2. 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 school year as it provides written notice of the designations of the public schools in this state pursuant to NRS 385.369.

3. *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 governor 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. 15. 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 pursuant to NRS 385.367 if at least two of the three grades meet the criteria for inadequate achievement set forth in NRS 385.367. If one or more of the grades demonstrate inadequate achievement, 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.*

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 pursuant to NRS 385.367 if at least one of the two grades meets the criteria for inadequate achievement set forth in NRS 385.367. If one or more of the grades demonstrate inadequate achievement, 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.*

Sec. 16. *1. A school that receives a designation as demonstrating inadequate achievement pursuant to NRS 385.367 shall submit 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 within 2 months after the department designates the school as demonstrating inadequate achievement. 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, to submit a plan for improvement in cooperation with the school that is designated as demonstrating inadequate achievement and the board of trustees of the school district. 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 data relating to examinations and other assessments that are administered to the pupils who are enrolled in the school. If such data 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 to submit a separate plan for improvement.

Sec. 17. *1. In determining 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 based solely upon the average score of the pupils who are enrolled in the school on the examinations administered pursuant to NRS 389.015, an increase in scores in three of the four subject areas that are tested on the examinations.

(b) If the school received a designation of inadequate achievement based solely upon the average daily attendance of pupils and the average daily attendance of teachers, an increase in the average daily attendance of pupils or teachers.

2. If a school satisfies the criteria set forth in subsection 1, the department will 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:

(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. 18. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

A school shall determine whether a pupil is exempt from taking the examinations administered pursuant to NRS 389.015 in accordance with NAC 389.063, subsection 4 of NRS 389.017 and the current edition of the “Guidelines for the Conduct of the Nevada Proficiency Examination Program” published by the department of education.

Sec. 19. Section 4 of LCB File No. R115-97, which was adopted by the state board of education and was filed with the secretary of state on December 10, 1997, is hereby amended to read as follows:

Sec. 4. NAC 389.049 is hereby amended to read as follows:

As used in NAC 389.049 to 389.083, inclusive, *and section 18 of this regulation*, unless the context otherwise requires:

1. “Grade 11” means the third and fourth semesters before the anticipated graduation of a pupil.
2. “Grade 12” means the final two semesters before the anticipated graduation of a pupil.