

LCB File No. T008-99

TEMPORARY REGULATION OF THE STATE BOARD OF EDUCATION

ADOPTED REGULATIONS OF THE
NEVADA STATE BOARD OF EDUCATION

AUTHORITY: NRS 385.080

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

CHAPTER 387: FINANCIAL SUPPORT OF SCHOOL SYSTEM

Chapter 387 of NAC is hereby amended as follows:

Section 1. Procedures For Pupil Accounting: General Provisions

387.010 Definitions. As used in NAC 387.010 to 387.355, inclusive, unless the context otherwise requires, the words and terms defined in NAC 387.012 to 387.117, inclusive, have the meanings ascribed to them in those sections.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86; 5-19-88)

387.012 "Alternative program" defined. "Alternative program" means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of [high] school. *Other programs not covered by NRS 388.537 must be approved by the superintendent of public instruction.*

(Added to NAC by Bd. of Education, eff. 6-23-86; A 11-14-94)—(Substituted in revision for NAC 387.025)

387.013 "Attendance" defined. "Attendance" means the presence of a pupil at school on a day when school is in session.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.015 "Average daily attendance" defined. "Average daily attendance" 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.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.030 "Class record book" defined. "Class record book" means the document *or database* maintained by a teacher in which the names of pupils admitted to his class are entered.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 6-23-86)

387.xxx "Student database" defined. "Student database" means the electronic system maintained by a teacher or other staff in which the names of pupils assigned to a class are entered.

387.041 "Contingent day" defined. "Contingent day" means a day specifically designated by the school district to be used as a school day if school cannot be conducted on a regularly scheduled school day.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.045 "Date of enrollment" defined. "Date of enrollment" means the first day a pupil is enrolled and [in attendance at] *scheduled to attend* a particular school [on a school day in session].

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.048 "Dropout" defined. "Dropout" means any pupil who:

1. Withdrew during the previous school year for any reason specified in subsections 4 to 7, inclusive, *and subsection 11* of NAC 387.215.

[2. *Has been withdrawn for unexplained absence, as described in NAC 387.220.*]

(Added to NAC by Bd. of Education, eff. 5-19-88)

387.050 "Enrolled pupil" defined. *For the purpose of pupil accounting, "[E]nrolled pupil" means a pupil who has been admitted to a public school to attend a schedule of classes and [whose name appears on the master register of enrollment and attendance] who has been in attendance in a classroom for at least one day.*

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.063 "Pupil with a disability" defined. "Pupil with a disability" has the meaning ascribed to it in NRS 388.440

(Added to NAC by Bd. of Education, eff. 6-23-86)—(Substituted in revision for NAC 387.055)

387.058 "Instructional program" defined. "Instructional program" means a program designed to enable a pupil to earn a standard high school diploma, an adult standard diploma, an adjusted diploma or a certificate of attendance in lieu of a high school diploma.

(Added to NAC by Bd. of Education, eff. 5-19-88; A 11-14-94)

387.065 "Reenrollment" defined. "Reenrollment" means the enrollment of a pupil in a public school in this state after being previously enrolled in [another public school in this state] *the same school in accordance with an approved legend of symbols and recording procedures per NAC 387.163* during the current school year.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.080 "School calendar" defined. "School calendar" means a calendar showing all:

1. Days which are planned for school to be in session, including contingent days;
2. Days for organized teachers' conferences for professional development; and
3. Holidays on which school is required to be closed.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.085 "School day in session" defined. "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 during the required minimum daily period for each grade or department.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.100 "School month" defined. "School month" means one of the ten divisions of a school year.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.105 "Short school day in session" defined. "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.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 11-14-94)

387.107 "Special education" defined. "Special education" means a special course of instruction for a pupil with a disability whose condition and age are within the limits prescribed by NRS 388.440 to 388.520, inclusive.

(Added to NAC by Bd. of Education, eff. 6-23-86)

[387.108 "Transfer" defined. "Transfer" means the transmittal of the official records of a pupil from the school in which he was previously enrolled to the school in which he is currently enrolled and which he is attending.]

[(Added to NAC by Bd. of Education, eff. 5-19-88)]

387.111 "Ungraded pupil" defined. "Ungraded pupil" means a pupil who is enrolled in a preschool program or nongraded class in a school for special education or who cannot be assigned to a particular grade because of the nature of his condition.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.113 "Unweighted count of enrollment" defined. "Unweighted count of enrollment" means the number of pupils enrolled in and [scheduled to attend] *attending* programs of instruction of a school district at a specified [time] *date* during the school year.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.115 "Weighted count of enrollment" defined. "Weighted count of enrollment" means the unweighted count of enrollment except that the number of pupils in kindergarten, *and students receiving special education services pursuant to NRS 388.490*, must be stated as six-tenths of the unweighted count of enrollment [in kindergarten].

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.117 "Withdrawal" defined. "Withdrawal" means the removal of a pupil [by his parent or guardian or the school he is attending] from the instructional program of [that] *a* school before the completion of the program so that the pupil is no longer considered enrolled at that school.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 5-19-88)

Section 2. Calendar and School Days in Session

387.120 Submission of school calendar.

1. Before August 15 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the department of education. 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.

2. 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.

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) [In the judgment of the superintendent of public instruction, a substantial majority] *If at least 75%* 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.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.131 School day in session.

1. 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 individual *education plan* [program of education].

3. The minimum daily period for an alternative program or a program of instruction in a detention home is identical to the period for a regular grade unless the school district exercises its option under subsection 3 of NAC 387.140, *or unless the school district receives written approval from the superintendent of public instruction for a specific program which designates or demonstrates pupil progress in the approved 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. A day or days in which kindergarten pupils are assessed for instructional purposes may be counted upon approval by the superintendent of public instruction.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 11-14-94)

387.140 Short school day in session.

1. The superintendent of public instruction may permit 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 his permission, 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 short school day in session. The superintendent of the school district may also schedule an occasional short day in session if that authority has been delegated [to him] in writing by the board of trustees of the district.

3. A school district may schedule short school days in session on a continuing basis for pupils *receiving instruction* in an alternative program or receiving instruction in a detention home *with the written approval of the superintendent of public instruction.*

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86; 11-14-94)

387.145 Short school day in session counted as school day in session for limited purpose.

A short school day in session may be counted as a school day in session only for meeting the required number of school days in session for a school calendar. *The school district must have on file a process for defining and determining approval of short days in session.*

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.151 Emergency closing as day in session.

1. If there is an emergency which necessitates the closing of a particular school for a day because of inclement weather, uncontrollable circumstances or an accident, the day may be counted as a school day in session for that school if the superintendent of public instruction finds that it is justified by the emergency. All requests for such approval must be submitted in writing to the superintendent of public instruction.

2. If the closing of all schools in a school district is necessary under the conditions specified in subsection 1 and the duration of the closing exceeds the number of required contingent days, the superintendent of public instruction may permit any additional day to be counted as a school day in session.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.153 End of school year. The school year must end not later than June 30 of any year, except with the approval of the superintendent of public instruction.

(Added to NAC by Bd. of Education, eff. 6-23-86)

Section 3. Enrollment and Attendance

387.163 [Class record book:] Legend of symbols *and recording procedures*. Each school district shall submit to the superintendent of public instruction for [his] approval a legend of symbols to be used [in all class record books] throughout the district to record daily attendance, including attendance for partial days and information on each pupil's enrollment, reenrollment and withdrawal, if applicable. *Each district will also document and obtain approval for the system of recording attendance, enrollment, reenrollment and withdrawal.* Any change in the symbols *or procedures* used by the district must be submitted to the superintendent of public instruction for [his] approval. *A district may obtain approval for more than one legend of symbols and for more than one recording process. District personnel shall not replace a legend of symbols or recording procedures until approval of a revised system has been obtained. Recording procedures shall include documentation of internal controls within the system and include the titles of individuals who are authorized to make various entries [in the class record book]. A legend of symbols and recording procedures may include symbols to show the status of each pupil, including, but not limited to, the withdrawal, enrollment, reenrollment, transfer status prescribed in any regulation or statute.*

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.165 Class record book: Required information. The class record book *is a source document and* must contain the following information for each pupil:

1. The name of the pupil.
2. The grade [or] *and any applicable* special category to which the pupil is assigned.

3. The pupil's record of daily attendance.
4. The grade earned by the pupil for each period of grading and the final grade earned for the class.
5. The dates of enrollment, reenrollment and withdrawal of the pupil from that *school or* class, if applicable.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.171 Master register of enrollment and attendance. Each school or school district shall maintain a master register of enrollment and attendance containing the following information for each pupil:

1. The name of the pupil.
2. The date of birth of the pupil.
3. The school in which the pupil is enrolled.
4. The grade or ungraded category of educational service to which the pupil is admitted.
5. The dates, if applicable, of enrollment and reenrollment.
6. The date of withdrawal, if applicable, and the reason for the withdrawal, as described in NAC 387.215.

[7. The date of transfer, if applicable.]

[8.]7. The pupil's record of daily attendance.

[9. The credit the pupil has earned or an indication of whether the pupil was promoted to the next grade.]

[10.]8. The [sex] *gender* of the pupil.

[11.]9. The ethnic group or race to which the pupil belongs, according to the following designations:

- (a) [Native] American *Indian/* [or] Alaskan *Native*;
- (b) Asian or Pacific Islander;
- (c) [Negro] *Black*;

(d) Hispanic; or

(e) [Caucasian]White.

The master register of enrollment and attendance may be on an on-line database or other computerized system with the approval of the superintendent of public instruction.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 5-19-88)

387.175 Maintenance of records of enrollment and attendance.

1. Each master register of enrollment, [and] attendance *and supporting documents* must be maintained and be available for inspection by the department of education at any time during the school year and for 5 years after the last day of the school year. *A printout as of the end of each school month of the master register will satisfy the records retention requirement when maintained for a period of 5 years*
2. Each class record book must be maintained and be available for inspection by the department of education at any time during the school year and for 2 years after the last day of that school year. *Printouts as of the end of each school month of the class record books will satisfy the retention requirement when maintained for a period of 2 years.*
3. At the close of each school year, the officer *or officers* [who is] responsible for maintaining the school's master register of enrollment and attendance shall sign a statement testifying to the accuracy and truthfulness of the reports of attendance and enrollment which are recorded in the master register. A [copy of the] statement must be included in the master register of enrollment and attendance *or the printout of the master register. Additional attestation of the accuracy of the records shall be required in the event of a change in officers.*

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)—(Substituted in revision for NAC 387.340)

387.185 Recording attendance.

1. A pupil may be counted as in attendance only if he is actually at school or engaged in an activity which is:

- (a) Sponsored by the school;
- (b) Part of the program of the school; and
- (c) Personally supervised by a member of the staff of the school.

2. Except as otherwise provided in NAC 387.286, 387.291 and 387.306:

(a) A full day of attendance must be recorded for a pupil if he is in attendance for at least two-thirds of the required number of minutes in the daily session for his grade or department *or for grades using period attendance, a full day of attendance must be reported for a pupil if he is in attendance for at least two-thirds of the district defined designated number of base periods per day*; and

(b) A half-day of attendance must be recorded for a pupil if he is in attendance for at least one-third of the required number of minutes in the daily session for his grade or department *or for grades using period attendance, a half day of attendance must be reported for a pupil if he is in attendance for at least one-third of the district defined designated number of base periods per day*.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.190 [Program for part-time enrollment of person withdrawn from high school.] *Adult high school diploma program.*

[1. A person who has not received his high school diploma and has withdrawn from high school may be enrolled as a part-time pupil under a program designed to enable him to obtain a diploma.]

[2.] 1. Before commencing a class within such a program, a school district must apply to the department of education for permission to conduct the class. The application must be made on a form provided by the department and include the name of the course to be taught, the proposed beginning and ending dates for the class and the hours of instruction scheduled for the class. A class may begin or end at any time during the school year, but the entire schedule of the class, reflecting all the days and hours of instruction, must be entered on the application.

[3. The class must provide a minimum of 120 hours of instruction and training for each course offered for one credit. A course offered for less than one credit may provide less than 120 hours of instruction and training.]

2. The district must provide sufficient core and elective courses in order for a pupil to obtain credits for an adult high school diploma. Core and elective courses must meet the content requirements identified in the district's approved curriculum to meet state course of study.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.195 Pupils placed for independent study: Recording attendance; enrollment.

1. Any pupil who is placed for independent study by a school district, pursuant to a plan 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. A pupil placed for independent study must be reported as enrolled on the monthly reports submitted to the department of education.

(Added to NAC by Bd. of Education, eff. 11-14-94)

387.200 Enrollment in one school; transfer or withdrawal.

1. A pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until he is transferred from the school or his name is withdrawn from its master register.

3. For accurate reporting purposes, the effective date of withdrawal shall be the day after the last day a pupil attended class except for the following:

(a) If the pupil has not enrolled in another school, then the effective date is the date the school is notified by a parent or guardian;

(b) If the whereabouts of a pupil are unknown, then the effective date is no later than 10 days from the last day the pupil attended class;

(c) If the pupil is truant, and supporting documentation is provided; or

(d) If the pupil has a pre-arranged absence with an expected date of return.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.215 Reason for withdrawal of pupil. The reason listed in the master register of enrollment and attendance for the withdrawal of a pupil must be stated as one of the following:

1. [**Transfer**] *Withdrawal* of the pupil to *attend* another *grade level/track or* school within the county.

2. [**Transfer**] *Withdrawal* of the pupil to *attend* another school in this state.

3. [**Transfer**] of the pupil to *attend* a school in another state.

4. Withdrawal of the pupil at the request of the school.

5. Withdrawal of the pupil by the pupil, or [**his**] *the* parent or guardian for any of the following reasons:

- (a) The pupil is receiving a failing grade in at least two of the subjects in which he is enrolled;
- (b) Pregnancy;
- (c) Marriage;
- (d) Employment;
- (e) The pupil's physical or mental condition or attitude, certified pursuant to NRS 392.050;
- (f) Authorization by the juvenile division of the district court pursuant to NRS 392.090;
- (g) Self-supported or parental support in accordance with NRS 392.100;
- (h) Apprenticeship in accordance with NRS 392.110; or
- (i) Any other reason not specified in paragraphs (a) to (h), inclusive.

6. Absence of the pupil for 10 consecutive school days if the whereabouts of the pupil are unknown.

7. Incarceration.

8. Withdrawal pursuant to NRS 392.060, 392.070 or 392.080.

9. Death.

10. Any other reason for withdrawal.

11. Non-Return as defined by NAC 387.220, subsection 2.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 5-19-88)

387.220 Record of withdrawal for unexplained absence.

1. A record of withdrawal for the purpose of calculating basic support must be entered on the master register of enrollment and attendance for a pupil who is absent for at least 10 consecutive school days if his whereabouts or the reason for his absence cannot be determined.

2. A withdrawal for an unexplained absence must be recorded for any pupil who was enrolled in grades [8] 7 to 12, inclusive, in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. A pupil who completed grade 8 in the previous year and did not transfer, withdraw, reenroll or return to school must be recorded as a withdrawal for unexplained absence. The school district shall post and maintain the record

maintained pursuant to this section separately from records of withdrawals of pupils counted for the purposes of apportionment for the current school year.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86; 5-19-88)

Section 4. Reports and Counts of Pupils

387.280 Reports of enrollment and attendance.

1. Information about enrollment and attendance which is recorded in the master register of enrollment and attendance must be accumulated at the end of each month for each grade within each school and submitted, in the manner prescribed by the superintendent of public instruction, to the department of education within 10 days after the last day of each school month. All reports from a school district must be submitted together and sorted so that all reports from similar kinds of schools are together. *The individual reports are examined by the school district and the district is responsible for the accuracy and completeness of the individual monthly enrollment and attendance forms.*

2. If a school district operates under more than one school calendar, the district shall submit, in addition to the reports required in subsection 1, the weighted and unweighted count of enrollment on the last day of the first school month of the school year for that district.

3. A pupil must be in attendance at least 1 day of the school month to be counted as enrolled at a school.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.281 Report on number of dropouts. Each school district shall report to the department of education on December 1 of each year, in the manner prescribed by the superintendent of public instruction, the number of pupils in that district in grades [8]7 to 12, inclusive, who are dropouts. No pupil may be counted more than once.

(Added to NAC by Bd. of Education, eff. 5-19-88)

387.283 Pupil placed in a detention home or alternative program.

1. Each school district shall submit to the superintendent of public instruction, in advance, a written proposal of its procedures to be used for the reporting of enrollment and attendance with respect to a pupil placed in a detention home or alternative program in the district. *If the pupil is placed in a detention home or alternative program not within the district, the pupil will be withdrawn utilizing withdrawal code in accordance with NAC 387.215 with an effective date*

of the last day of attendance or the date placed into the control of detention personnel, including days pending processing and proceedings.

2. The procedures must:

(a) Describe in detail the method by which the school district determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention home *or alternative program*;

(b) **[Reflect]***Describe* in detail the means by which the district ensures that a pupil in a detention home *or alternative program* is not included in the count of enrollment and attendance of both a regular school and a program of instruction in a detention home *or alternative program*; **[and]**

(c) Describe in detail how the school district proposes to account for a pupil who is receiving instruction in a detention home *or alternative program* located within the district, but who is a resident of another school district[.]; *and*

(d) Describe in detail how the school district proposes to account for a pupil who is receiving instruction in a detention home or alternative program located in another school district, but who is a resident of that school district.

3. The superintendent of public instruction may approve or reject the submitted procedures. If **[he rejects the procedures, he]** *the procedure is rejected, then the superintendent* shall prescribe the method of reporting for that school district for that school year. The approval of the superintendent of public instruction is effective until the school district revises the procedures.

4. Each school district shall submit to the department of education, in the manner prescribed by the department, a monthly report of enrollment and attendance for all pupils enrolled in a program of instruction in a detention home *or alternative program*.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.286 Pupil receiving individual instruction at home or in medical facility.

1. A pupil who has an illness or a disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a **[certificated]** *licensed* teacher employed by the school district shall be deemed enrolled within that district if he is scheduled to receive at least 5 hours of instruction per week directly from the supervising teacher in the form of individual tutoring. The tutoring may be conducted by means of electronic telecommunication.

2. Each hour of teaching devoted to the individual instruction of the pupil is equivalent to a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 1 hour, but the number of days of attendance reported for

the pupil for that school year may not exceed the number of school days in session during that school year.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individual [program of education] *educational plan* and all reporting of enrollment and attendance must be based upon the requirements of that [program] *plan*.

4. The pupil may be reported monthly as enrolled and in attendance at the school he would normally attend or a separate monthly report may be submitted, marked "Individual Tutoring at Home or in a Medical Facility."

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.291 Pupil receiving group instruction in medical facility.

1. A pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a [certificated] *licensed* teacher employed by the school district shall be deemed enrolled within that district if he is scheduled to receive at least 15 hours of instruction per week directly from the supervising teacher. *Schedule changes and non-attendance will be treated in a manner like other programs or parallel to, in that non-attendance or non-participation for more than 10 consecutive school days will result in withdrawal. Reenrollment may occur as soon as the pupil is able and willing to participate in a program.*

2. Each 3 hours of teaching devoted to instruction of pupils under this program is the equivalent of a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 3 hours, but the number of days of attendance reported for the pupil for that school year may not exceed the number of school days in session during that school year.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individual [program of education] *educational plan* and all reporting of enrollment and attendance must be based upon the requirement of that program.

4. The pupil may be reported monthly as enrolled and in attendance at the school he would normally attend or a separate monthly report may be submitted, marked "Instruction of Groups in a Medical Facility."

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.293 Pupil instructed through correspondence by [certificated] *licensed* teacher.

1. A pupil who participates in a program of instruction through correspondence under the supervision of a [**certificated**] *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 at least once a week for instructional purposes. *Teacher communication may include electronic telecommunication.*
2. For reporting attendance, the school district may consider the pupil to be in full attendance 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"*.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.296 Pupils with disabilities. A pupil with a disability must be reported to the department of education within the appropriate grade, except that an ungraded pupil must be listed separately in the master register of enrollment and attendance and reported in the ungraded category.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.301 Pupils receiving special education. In the manner prescribed by the superintendent of public instruction, the superintendent of schools of each school district shall certify the count of pupils receiving special education on December 1 of each school year, classified by their special condition for each school and the district as a whole.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.306 Pupil in program which combines work and study.

1. Any pupil who participates in a program supervised by the school district which combines work and study shall be deemed to be in full attendance for a day if the combined number of minutes during which he is in attendance at school and work equals more than two-thirds of the number of minutes required for the daily session of his grade or category.
2. A pupil in grade 12 who attends less than two-thirds of a 330-minute daily session and who is not participating in a supervised program which combines work and study is not in full attendance for the day even though he is attending a sufficient number of classes to graduate.
3. A pupil participating in a supervised program which combines work and study must be reported as enrolled on the monthly reports submitted to the department of education.

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86)

387.310 [Resident of other states.] *Non-resident pupils.*

1. If a pupil enrolled in a school in this state is a resident of another state *or country*, the school or school district in which he is enrolled shall:

(a) Make a note of his residence next to his name on the master register of enrollment and attendance; and

(b) Submit a supplementary report of enrollment and attendance, marked "Out-of-state Pupils" at the end of the first school month.

2. For calculating the basic support for each school district, the enrollment of out-of-state pupils will be deducted from the weighted count of enrollment for the first school month. *For automated systems, district staff may submit and obtain approval of the superintendent of public instruction to report the net apportionment count. District and school staff shall be required to maintain a list and audit trail of pupils enrolled or attending who are not part of the apportionment count.*

3. Pupil records shall include data on foreign exchange students, non-resident pupils on tuition contracts or agreements, and pupils with F-2 or other visas.

4. Foreign exchange students participating in a reciprocal agreement sponsored by the district may be included in the apportionment count.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.320 Pupil who attends school in another state *or country*.

1. If a pupil is a resident of this state but attends school in another state *or country* under an agreement to pay tuition approved by the department of education, the school district in which the pupil resides shall submit a supplementary report of enrollment and attendance, marked "Resident Pupils Attending School Out-of-state."

2. The report must be submitted at the end of the first school month.

3. For calculating the basic support for each school district, the enrollment of these pupils will be added to the weighted count of enrollment for the first school month.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.330 Pupil in part-time program for obtaining diploma.

1. [If a pupil is enrolled in a class within a program designed for part-time pupils to obtain a diploma, the master register of enrollment and attendance must:

(a) Show the schedule of the class for the entire term, which is divided into sections of time which are each approximately one-tenth of the entire schedule. Each section of time must be referred to as a school month of the term and must be further divided into school days as daily sessions are scheduled; and

(b) Indicated the number of pupils enrolled, the total average daily attendance and the average daily attendance for which basic support cannot be claimed pursuant to subsections 5 and 6.] *Each district offering an Adult High School Diploma Program must maintain a register of enrolled pupils and a list of courses offered which shows starting and ending dates, meeting times of each class, and enrollment in each class.*

2. Enrollment and attendance must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. [Separate] [r]Reports of enrollment and attendance in [such a] *each* class must be submitted [at the end of each class] to the department of education on a form prescribed *by the department* for that purpose[.], *on or before December 31 for classes offered and completed between July 1 – December 31, and on or before June 30 for classes offered and completed between July 1 and June 30.*

4. [For calculating the basic support for each school district, the average daily attendance for each class will be determined by selecting the 3 highest school months of average daily attendance of the period of 10 school months. The total of the average daily attendance for the 3 highest school months is then divided by three to arrive at an adjusted average daily attendance for each class. The adjusted averages of daily attendance for all classes are then totaled and divided by four to arrive at the average daily attendance for the calculation of basic support.] *Funding allocation for each school district will be calculated on unduplicated enrollment counts submitted each year to the department in a format prescribed by the department. Districts must operate the Adult High School Diploma program in accordance with standards established by the department of education.*

5. [A school district shall not claim basic support under this section for any pupil in an amount which exceeds during any fiscal year the basic support guarantee per pupil for that district for that fiscal year.] *Pupils reported to the Department as enrolled on count day in a regular school program who subsequently enroll in an Adult High School Diploma Program during the same school year shall not be considered in the funding formula for the Adult Program.*

[6. A school district shall not include in the regular count of enrollment for that school year any pupil enrolled in a part-time program.]

[7. Any school district which cancels or otherwise ceases instruction for any reason in any class under this program shall immediately report to the department of education the

cancellation and the enrollment and attendance for the instruction actually given. The department shall prorate the basic support based on the period of the actual operation of the class.]

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77]—(NAC A by Bd. of Education, 9-6-83; 6-23-86)

387.345 Calculating basic support.

1. The count of pupils for calculating the basic support for each school district *or charter school* for any school year is the weighted count of enrollment of pupils in the school district on the last day of the first school month of that school year. The last day of the first school month for that district is the last day of the first school month of the school calendar in which the greatest number of pupils attend.
2. If a school district operates any of its schools under a school calendar which does not provide for enrollment and attendance of pupils on the last day of the first school month as prescribed in subsection 1, the school district may, upon the written approval of the superintendent of public instruction, include in the count of enrollment as prescribed in subsection 1, the count of pupils attending under such a calendar on the school day of that calendar which is within 5 school days of the school day closest to the count day prescribed in subsection 1.
3. On a form prescribed by the superintendent of public instruction, the superintendent of schools of each school district shall certify to the department of education by November 1 of each school year the weighted count of enrollment as of the day prescribed in subsection 1.

(Added to NAC by Bd. of Education, eff. 6-23-86; A 12-11-87)

387.350 Count of enrollment. Only a pupil who is enrolled in a public school may be included in the unweighted or weighted count of enrollment.

(Added to NAC by Bd. of Education, eff. 6-23-86)

387.355 Ungraded pupils. Ungraded pupils must be included in the unweighted and weighted count of enrollment.

(Added to NAC by Bd. of Education, eff. 6-23-86)

Section 5. DISCRETIONARY PROGRAM UNITS FOR SPECIAL EDUCATION

387.400 Availability of special education program units to school districts.

1. Whenever the legislature makes an appropriation for discretionary special education program units, the state board of education will reserve at least three of the units allocated for

each fiscal year for programs which serve pupils from more than one school district. The board will allocate any remaining units to meet needs which are unique to particular school districts and cannot be satisfied by allotted special education program units or by federal or local money.

2. The superintendent of public instruction shall notify all school districts in the state of the availability of special education program units and shall invite the districts to submit applications for the units.

[Bd. of Education, Special Education Reg. § 2 subsec. 1 + § 4 subsec. 1, eff. 10-15-81]

387.410 Application for units; action by state board of education.

1. Except as otherwise provided in this section, a school district must submit its application to the superintendent before the beginning of the school year. If the superintendent receives an application after the school year begins, it will be considered if money is available; an allocation made as a result of such an application will be prorated for the balance of the school year.

2. Each application must:

- (a) Identify the need for the special education program unit by providing evidence that existing allocations of special education program units are insufficient to satisfy the demand for special education in the school district; and
- (b) Describe the program of instruction which will be provided to pupils if the special education program unit is allocated.

3. A school district may show that it has a unique need if:

- (a) A limited incidence of pupils with disabilities exists in a rural area;
- (b) A significant change has occurred in the number of pupils;
- (c) A need exists to offer a program for more than a 180-day school year; or
- (d) A change has occurred in the financial resources available to the school district and the change will result in its inability to serve a substantial number of pupils.

4. The superintendent shall review each application before submitting it to the state board of education for its approval or disapproval. The superintendent shall notify the applicant of the board's action.

[Bd. of Education, Special Education Reg. § 2 subsec. 2 + § 4 subsec. 2 + § 5 + § 6, eff. 10-15-81]

387.420 Expiration of unit. A special education program unit awarded pursuant to NAC 387.400 to 387.420, inclusive, expires after 1 year.

[Bd. of Education, Special Education Reg. § 3, eff. 10-15-81]

387.xxx Recording enrollment and attendance of children detained in detention facilities or alternative programs.

Districts providing instruction to pupils pursuant to the provisions of NRS 388.550, 388.560, and/or 388/570 shall maintain class record books and master registers for these pupils. If a separate legend of symbols and recording process is needed, written approval of the superintendent of public instruction is required in accordance with NAC 387.263. Specific situations or pupils who need individualized education plans must be documented. Documentation of attendance and academic progress shall be maintained in accordance with NAC 387.165.

The district of residence is deemed to be the district responsible for providing educational services. Absent a written agreement or concurrence from the superintendent of public instruction, the district providing educational services shall be the only district to include the pupils in apportionment reporting.

387.xxx Charter schools. Charter schools are public schools. Statutes and regulations pertaining to enrollment and attendance reporting apply to charter schools and staff.

387.xxx Accounting Manual. All school districts in the state shall use the *Nevada Financial Accounting Handbook for Local Education Agencies* as the accounting and reporting structure, thereby establishing a uniform system of accounting among the school districts.

387.xxx As used in this section a “cost center” is an account in which the costs are recorded for services that benefit the school district as a whole and are not directly attributed to any one of the separate educational facilities.

387.xxx Each school district shall be able to produce financial reports that attribute expenditures to each educational facility or cost center within the district. Two methods of producing such reports are acceptable:

- (1) Using the coding system provided in the Nevada Financial Accounting Handbook for Local Education Agencies, exclusively;*
- (2) Using the Nevada Financial Accounting Handbook for Local Education Agencies, in combination with subsidiary records or relational databases.*

NRS References: 387.300-387.325; 385.310; 385.315; 354.470-354.626

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 387, Financial Support of School System**

IMPACT STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 387, Financial Support of School System:

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 one-hundred twenty-five individuals and educational organizations. One workshop was held December 11, 1998. There were comments from the public. No written comments from the public were received.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations. Two public hearings were conducted on December 12, 1998, and January 19, 1999, to provide the opportunity for comments by affected parties and the public. There were comments from the public. No written comments from the public were received.

(Special Note: The regulations, Chapter 387, Financial Support of School System, were reviewed and recommended for revision as required by AB 122, passed by the 1997 Legislature, Review of Regulations.)

2. The Number of Persons Who:

a) **Attended Each Hearing:** Workshop: 19 First Hearing: 16 Second Hearing: 22

b) **Testified at Each Hearing;** Workshop: 1 First Hearing: 2 Second Hearing: 2

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (702) 687-9225, or by writing to the 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.

Comment was solicited through the workshop notice of November 9, 1998, and public hearing notices of November 6, 1998, and December 15, 1998.

At the December 11, 1998, workshop, Trudy Lytle, kindergarten teacher, Clark County School District., addressed concerns for timelines to allow sufficient time for teacher conferences. As Ms. Lytle concerns do not come under the purview of the State Board of Education nor are part of the proposed regulation amendments, President Sheffield recommended that she make a presentation to the Clark County School District Board of Trustees.

At the December 12, 1998, public hearing, Dr. Robert S. McCord, Deputy Assistant Superintendent, Clark County School District, spoke in support of the proposed language; and, Debbie Cahill, Director of Government Relations, Nevada State Education Association, advised that the association has taken a formal position to oppose any change in regulation or statute that would remove the class record book as the official record for attendance.

At the January 19, 1999, public hearing, Rita Hemmert, Early Childhood/Kingergarten Program Coordinator, Washoe County School District, expressed support for NAC 387.131, new section 5; and, Debbie Cahill, Director of Government Relations, Nevada State Education Association, supported the language proposed for NAC 387.165 regarding use of the class record book as the source document for attendance.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (702) 687-9225, or by writing to the 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 temporary regulation was adopted by the Nevada State Board of Education at the public hearing on January 19, 1999, with change to the proposed language: 1) to accept additional proposed language changes as submitted by Department of Education staff, as incorporated into submitted language revisions; and, 2) to address concerns for equity in NAC 387.215.5, removing reference to the male gender for pupils.

- 5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

There is no economic effect on the school districts. There is no estimated economic effect on the public.

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

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government 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 government 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.