

**PROPOSED REGULATION OF THE STATE BOARD  
OF EDUCATION/STATE BOARD FOR  
OCCUPATIONAL EDUCATION**

**Explanation:** Matter in italics is new; matter in brackets  is material to be omitted.

**Statutory Authority:** NRS 385.080

**DISTANCE EDUCATION PROGRAMS**

**Section 1.** Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4 inclusive, of this regulation to read as follows:

**Section 2.** *Pupil instructed through state approved distance education program; reporting attendance.*

*1. A pupil who participates in a state approved program of instruction provided through distance education shall be deemed to be enrolled if a teacher meets or otherwise communicates with the pupil at least once each week during the course taken through distance education.*

*2. For reporting attendance, the school district may consider the pupil to be in full attendance for each week the teacher meets or otherwise communicates with the pupil. The weekly meeting or communication with the pupil must be recorded as part of the master register of enrollment and attendance requirements for each pupil as set forth in NAC 387.171.*

*3. For each pupil enrolled full time in a program of distance education, the board of trustees that provides the program must designate one public school within that school district to which the pupil will be affiliated. The pupil must be reported weekly as enrolled and in attendance in the school designated by the board of trustees.*

*4. For each pupil enrolled part time in a program of distance education for which an agreement has been filed with the superintendent of public instruction, the pupil must be reported weekly as enrolled and in attendance in the class. The record of part time attendance*

*must be maintained separately from the record of attendance maintained by the school in which the pupil attends classes full time.*

**Section 3.** *Distance education; Count of enrollment for pupils enrolled full time.*

*1. Any pupil who participates on a full time basis in an approved program of distance education provided by the school district in which the pupil resides or a charter school located within that school district shall be included in the count of pupils under the provisions of NRS 387.123. A pupil who is enrolled full time in a distance education program must only be counted once for apportionment purposes.*

*2. Pupils who are enrolled full time in a regular school program in the school district in which they reside or a charter school who are concurrently enrolled in a course or courses of distance education within the same school district or charter school are not eligible for additional basic support.*

**Section 4.** *Pupils receiving instruction through distance education program part-time; Enrollment count.*

*1. The count of pupils' who are enrolled part time in a program of distance education will be based on the amount of time the pupil is provided services through the program. The count will be calculated by determining the percentage of time, rounded to the nearest whole number, that a pupil participates in distance education courses during a school day in proportion to the total time services are provided to full time pupils enrolled in courses offered by the school district or charter school during a regular school day. The count of part time pupils applies to:*

*(a) Pupils who are enrolled full time in a public school and concurrently enrolled part time in a program of distance education provided by another school district or a charter school.*

*(b) Pupils who are enrolled full time in a charter school and concurrently enrolled part time in a program of distance education provided by a school district or another charter school.*

**Section 5.** Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 6 to 10 inclusive, of this regulation to read as follows:

**Section 6. Approval of distance education courses: Application; state listing.**

*1. Any person or entity that has developed a course of distance education may submit an application to the department of education to have the course approved for inclusion on the listing of state approved distance education courses prepared by the department.*

*(a) As part of the distance education program approval process, a school district or charter school in Nevada may have distance education courses approved for inclusion on the listing of state approved distance education courses.*

*2. The department will prescribe the forms used in applying for distance education course approval. The following information must be provided on the application:*

*(a) Name of person or entity providing the course;*

*(b) An original signature of the person or authorized representative of the entity submitting the application;*

*(c) If applicable, the date the application was approved by the entity's board of directors or governing body;*

*(d) If applicable, identify any regional or national accreditation earned by the entity to include date the accreditation status was achieved.*

*(e) For each course for which approval is being requested:*

*(1) The specific title of the course;*

*(2) The amount of credit to be awarded for successful completion of the course;*

*(3) The number of instructional hours provided as part of the course;*

*(4) A description of the course to include course syllabus and the identification of textbook(s) and supplemental materials used in the course;*

*(5) A description of the methodology used for course delivery, including how the instructor will meet or otherwise communicate with the pupils taking the course on a weekly basis to discuss pupil progress;*

*(6) A description of how pupil achievement will be assessed for pupils enrolled in the course and the criteria to be used to determine the grade assigned to pupils who complete the course;*

*(7) Documentation that the course is aligned with state standards in subject areas that have been adopted by the state board or with course of study objectives adopted by the state board for all other subject areas;*

*(8) The name of the licensed instructor of the course including a copy of the instructor's valid teaching license if the course is in a core subject area of English language arts, mathematics, science or social studies. If an instructor has not been hired at the time of application, a description of the qualifications that will be used to employ the instructor for the course must be provided;*

*(a) The license held by an instructor of a course in a core subject area must authorize the person to teach the subject area of the course in the state in which the license is held and at the appropriate grade level.*

*(9) For a course that is not in a core subject area, a description of the qualifications that will be used to employ the instructor for the course; and*

*(10) The name, address and telephone number of the contact person administering the course.*

*3. Applications for course approval for inclusion on the listing of state approved distance education courses will be reviewed twice a year by the department.*

*(a) Applications received by the department on or before April 1st will be considered for approval to be included on the listing of state approved distance education courses published by the department on July 1st of each year.*

*(b) Applications received by the department on or before October 1st will be considered for approval to be included on the listing of state approved distance education courses published by the department on January 2nd of each year.*

*(c) A revised timeline will be developed by the department for course approval for the initial application date set for April 1, 2002, to allow courses to be approved prior to August 15, 2002, for implementation during the 2003 school year.*

*4. Within 45 calendar days after receipt of the application, the Department will issue a written approval or denial of the course to the person or entity submitting the application. If the department has denied the approval of the course to be included on the state approved distance education course listing, the person or entity submitting the application will have 30*

*calendar days after receipt of the denial notification to correct the deficiencies identified by the department and resubmit the application to the department.*

*5. Distance education courses that contain commercial advertisements will not be considered for approval by the department.*

*6. Courses that have been approved to be included on the state approved distance education course listing shall be approved for a three year period beginning on the date the course is first published in the state listing.*

*(a) A renewal application will need to be made by the person or entity offering the course in order for the course to remain on the state approved distance education course listing after the three year time period.*

*7. Written notice must be provided to the department for approval prior to changes or modifications being implemented regarding the approved course requirements identified in Subsection 2(d) of this regulation. Failure to do so may result in removal of the course from the approved state listing.*

*8. Pupils will not be considered as enrolled in a course of distance education until the course has been included on the approved list of distance education courses prepared by the department.*

**Section 7. Distance education programs: Definitions.**

*As used in this chapter, unless the context otherwise requires:*

*1. “Distance education course provider” means a person or entity that has received approval by the department to provide a course of distance education to pupils enrolled in a school district or a charter school located in Nevada. The distance education course provider may be located within or outside the boundaries of Nevada.*

*2. “Distance education program provider” means a school district or a charter school in Nevada that utilizes a distance education course provider to provide some or all of the distance education courses as part of an approved distance education program or utilizes approved distance education courses developed as part of the distance education program approved for that school district or charter school.*

**Section 8. Distance education programs: Application.**

*1. A school district or charter school in Nevada that wishes to provide a program of distance education shall submit an application to the department on the forms prescribed by the department. The application forms shall include the following information:*

*(a) The name of the school district or charter school submitting the application;*

*(b) Date the school district board of trustees or the charter school's governing body reviewed and approved the application;*

*(c) The name, address and telephone number of the contact person administering the distance education program;*

*(d) Identification of the distance education courses to be offered through the program;*

*(1) For courses that have been approved by the department that are included on the state approved distance education course listing, identification of the specific courses to be utilized in the program including the course title and name of the distance education course provider.*

*(a) School districts or charter schools who choose to utilize courses from the state approved distance education course listing through an approved distance education course provider offered to pupils as part of the regular school program shall be responsible for any costs associated with the use of such courses as part of the distance education program.*

*(2) For each course to be offered in the program that is not included on the state approved distance education course listing, all information identified in Subsection 2 (d) of NAC 388.xxx, Approval of distance education courses, must be provided with the application.*

*(e) An explanation of how the school district or charter school will document each pupil's attendance and participation in the courses offered by the program;*

*(f) A description of the criteria that will be used to enroll pupils in the program to include how pupil enrollment categories authorized for programs of distance education will be documented for each pupil as required by NRS 388.xxx;*

*(g) A description of the plan that will be followed for assessing the achievement of pupils who are enrolled in a distance education program, which must include, without limitation, the administration of any applicable state achievement and proficiency examinations;*

*(h) A description of how the school district or charter school will document course completion and award course credit to pupils;*

*(i) A description of how the school district or charter school will monitor the progress of pupils enrolled in the program to include provisions to identify pupils who are having difficulty with course assignments and any technical assistance or support that will be provided to pupils as part of the program that is in addition to the technical assistance provided by the course provider; and*

*(j) An original signature of an authorized representative of the school district or charter school submitting the application.*

*2. The distance education program provider must award the credit earned through distance education courses to pupils on official transcripts of the school district or charter school.*

*3. Applications for distance education program approval will be reviewed only once per year by the department.*

*(a) Applications received by the department on or before January 15th will be considered for approval to implement the distance education program during the next school year.*

*(b) A revised timeline will be developed by the department during the Spring of 2002 for the approval of initial applications to operate distance education programs prior to, but no later than, August 15, 2002, for implementation during the 2003 school year.*

*4. Within 45 calendar days after receipt of the application, the Department will issue a written approval or denial of the program to the school district or charter school submitting the application. If the department has denied the approval of the program, the school district or charter school submitting the application will have 30 calendar days after receipt of the denial notification to correct the deficiencies identified by the department and resubmit the application to the department.*

*5. Approval to operate the program shall be valid for a period of three years. Before changes to the program are made, written notice must be provided to the department for approval which may occur at any time during the three year period. Failure to do so may result in revocation of the approval for the school district or charter school to operate the program.*

*(a) A school district or charter school must reapply to continue to operate the program after each three year time period.*

*6. The distance education program provider must not enroll pupils in a program of distance education until the school district or charter school receives official notification from the department that the program has been approved to operate within the state with the exception of programs approved during the first year the regulations are in effect.*

**Section 9. Distance education programs; General Requirements for pupil enrollment.**

*1. If a pupil participates in a program of distance education, full or part time, provided by a school district other than the school district in which the pupil resides, written permission to enroll in the program must be given by the board of trustees of the school district in which the pupil resides and included as part of the agreement.*

*2. If a pupil who is enrolled in a public school participates part time in a program of distance education provided by a charter school, written permission to enroll in the program must be given by the board of trustees of the school district in which the pupil resides and included as part of the agreement.*

*3. A pupil enrolled full time in a charter school may only participate full time in a program of distance education if the charter school in which the pupil is enrolled offers the program.*

*(a) A written agreement is not required for a pupil who enrolls full time in a program of distance education provided by a charter school.*

*4. If a pupil is enrolled full time in a charter school and enrolls part time in a program of distance education that is provided by a school district or another charter school, written permission must be obtained from the governing body of the charter school in which the pupil is enrolled full time and included as part of the agreement.*

*5. The written agreement established between school districts or charter schools must include:*

*(a) The pupil's name and school identification number;*

*(b) The name and signature of the pupil's parent, custodial guardian or other person having control or charge of a pupil who is 17 years of age or younger;*

*(1) A pupil who is at least 18 years of age may sign the agreement in lieu of a parent or custodial guardian signature.*

*(c) The name of the distance education program provider;*



*(d) A listing of the distance education course or courses the pupil will be enrolled in.*

*(e) Identification of the category by which the pupil qualified to be enrolled in a program of distance education as stipulated in NRS 388.xxx;*

*(f) For full time pupils, a statement prepared by the board of trustees of the school district in which the pupil resides or the governing body of the charter school indicating that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district to account for the pupil's enrollment in the program of distance education.*

*(g) For part-time pupils, a statement prepared by the board of trustees of the school district in which the pupil resides or the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body of a charter school providing the distance education program indicating the percentage of the total time services will be provided to the pupil through the program per school day in proportion to the total time services are provided during a school day to pupils who are enrolled full time in a regular school program for the school district in which the pupil resides.*

*6. A copy of the written agreement must be filed with the superintendent of public instruction by the dates specified in NRS 388.xxx before funding will be apportioned for the pupil's enrollment applicable to this regulation. A one time extension of the date the written agreements must be filed with the superintendent of public instruction, as part of the initial program approval, will be allowed through September 30, 2002.*

**Section 10. Distance education programs; Revocation of approved distance education course or program.**

*1. The state board may revoke approval for a distance education program to operate within the state or revoke the approval of a distance education course to be included on the state approved listing of distance education courses, if a majority of the board determines that the provider has failed to comply with:*

*(a) The terms and conditions of the approved application;*

*(b) Generally accepted standards of accounting and fiscal management; or*

*(c) The distance education provisions outlined in Nevada Revised Statutes, or any other statutes and regulations applicable to the operation and management of a distance education program or approved distance education course.*

*2. If the department receives a complaint or has reason to believe that a distance education program or course is not in compliance with any of the terms identified in subsection 1 of this regulation, a review of the course or program to include the possibility of an audit may be conducted by the department.*

*(a) If a review of the course or program of distance education is conducted, the department will notify the provider of the distance education program or course of the department's intent and the dates the review will be conducted.*

*(b) The notice shall identify the specific concerns to be addressed during the review.*

*(c) The department will file a written report with the distance education program or course provider of any deficiencies found during the review and provide a timeline for correction.*

*(d) If the deficiencies are not corrected within the timeline specified in the written report, the department may recommend revocation of the approval to operate the distance program or removal of the distance education course from the state approved listing of distance education courses to the state board.*

*(1) The recommendation for revocation will be presented for consideration at the next scheduled state board meeting after the time has passed for the deficiencies to be corrected.*

*3. The state board will provide notice of its intent to revoke its approval to provide the distance education program or course in Nevada. As part of the notice, the board will:*

*(a) Send by certified mail its intent to revoke the approval of the distance education program or course to the appropriate person, entity, board of trustees or governing body;*

*(1) A specific time and location must be designated for the revocation hearing to be held at a regularly scheduled state board meeting.*

*(b) Provide in writing, the deficiencies found that are cause for initiating the revocation procedure at least 30 calendar days before the state board meeting;*

*4. The state board will notify the distance education program or course provider, in writing by way of certified mail, the decision of the board within 7 calendar days after the meeting.*

*(a) If the decision is to revoke the approval to operate the program or to offer the course, the distance education program or course provider must cease operation of the program or use of the course immediately upon notification of the board.*