

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R043-04

Effective July 16, 2004

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

AUTHORITY: §§1-5, NRS 385.080 and 388.090.

A REGULATION relating to education; prescribing the process for submission of an application by a school district to operate under an alternative school schedule; and providing other matters properly relating thereto.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. On or before May 1, the board of trustees of a school district in a county whose population is less than 100,000 that wishes to offer a program of instruction based on an alternative schedule pursuant to subsection 2 of NRS 388.090 shall submit to the Superintendent of Public Instruction an application and a copy of its proposed school calendar for the next school year.

2. On or before May 1, the board of trustees of a school district in a county whose population is 100,000 or more that wishes to offer a program of instruction based on an alternative schedule pursuant to subsection 2 of NRS 388.090:

(a) Shall submit to the Superintendent of Public Instruction an application and a copy of its proposed school calendar for the next school year; and

(b) Demonstrate to the satisfaction of the Superintendent of Public Instruction that the proposed alternative schedule will apply only to a:

(1) Rural portion of the county that is located in a rural geographic area which has its own identity and which is distinct and physically distant from the center of the major community in the county; or

(2) Remote portion of the county that is located in a remote and isolated geographic area which has its own identity and which is distinct and physically distant from the center of the major community in the county.

3. A school district may not offer a program of instruction based on an alternative schedule pursuant to subsection 2 of NRS 388.090 without the approval of the Superintendent of Public Instruction.

4. On or before December 31 following the end of a school year in which the school district operated under an alternative schedule approved pursuant to this section, the board of trustees of the school district shall submit to the Superintendent of Public Instruction a written report in a form prescribed by the Department. Such a report must include:

(a) A description of the alternative schedule; and

(b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and the community.

Sec. 2. NAC 387.010 is hereby amended to read as follows:

387.010 As used in NAC 387.010 to 387.355, inclusive, *and section 1 of this regulation*, 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.

Sec. 3. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not

apply to all its schools, the district shall submit as many calendars as are necessary for application to all its schools. If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.

2. ~~[A]~~ *Except for a school calendar that accompanies an alternative schedule approved pursuant to section 1 of this regulation, 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) At least 75 percent of the schools in the district are rendered inaccessible or unusable by inclement weather, uncontrollable circumstances or an accident; or

(b) The Governor declares a legal holiday not anticipated in the original school calendar.

↪ If a substantial majority of the schools within a school district are closed because of any of these conditions, all of the contingent days must be used before the school district applies for an emergency closing.

4. Any day for an organized teachers' conference for professional development convened by the board of trustees of a school district may be included in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. A day for an organized teachers' conference may also be declared by the Superintendent of Public

Instruction. Not more than 5 days for teachers' conferences may be convened by a school district in any school year.

Sec. 4. NAC 387.131 is hereby amended to read as follows:

387.131 1. ~~[A]~~ *Except for an alternative schedule approved pursuant to section 1 of this regulation, a* school day in session must consist of the following minimum daily periods for each grade, including recess and time between activities, but not including the time allowed for lunch:

Grade	Period
Kindergarten	120 minutes
1 and 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school diploma program, an alternative program or a program of instruction in a detention home is identical to the period for a regular grade unless the school district:

- (a) Exercises its option pursuant to subsection 4 of NAC 387.140; or
- (b) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the

regular school curriculum. Demonstrated competency in curriculum that meets the state standards may be considered equivalent for purposes of this paragraph.

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, any day on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 5. NAC 388.180 is hereby amended to read as follows:

388.180 Except as otherwise provided by subsection 2 of NAC 387.131 ~~[and 387.286,]~~ , *NAC 387.286 and section 1 of this regulation*, a school day in session for a unit must consist of the minimum daily periods established for the grade by subsection 1 of NAC 387.131.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R043-04**

The State Board of Education adopted regulations assigned LCB File No. R043-04 which pertain to chapters 387 and 388 of the Nevada Administrative Code on May 8, 2004.

Notice date: 2/13/2004 and 4/5/2004
Hearing date: 3/20/2004 and 5/8/2004

Date of adoption by agency: 5/8/2004
Filing date: 7/16/2004

INFORMATIONAL STATEMENT

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 200 individuals and educational organizations. One workshop was held on December 13, 2003. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 387, Alternative Daily School Schedules were sent to approximately 200 individuals and educational organizations. The public hearing was conducted on May 8, 2004 to provide the opportunity for comments by affected parties and the public. There was one presenter and no comments from the public. The State Board of Education adopted amendments to NAC 387.

2. The number of persons who:

- (a) Attended Each Hearing:** Workshop: 30 First Hearing: 8 Second Hearing: 12
- (b) Testified at Each Hearing:** Workshop: 1 First Hearing: 1 Second Hearing: 1
- (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-Hicks, Secretary to the State Board of Education, Nevada Department of Education, 775-687-9225, or in writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited through the workshop notice of November 6, 2003 and public hearing notices of February 13, 2004 and April 5, 2004. At the December 13, 2003 Workshop to Solicit Comments, there was no public comments to the proposed language revisions. At the March 20 and May 8, 2004 public hearings there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

- a) William F. Arensdorf, Director, Office of Fiscal Accountability, advised that Senate Bill 59, passed by the 2003 Legislature, allows school districts to apply to the Superintendent for alternative school scheduling, and for rural schools with populations of 100,000 or more to have alternative schedules in one or more of their rural schools. The law recommends adopting of regulation language that would develop a process for getting an approved alternative school schedule. Rural school districts are interested in alternative schedules to help with cost savings. It is being proposed that the school district would need to submit an application by May 1st to coincide with the submission of the school calendar. It is also the intent to define “rural school.”

Public Hearing Comments:

- a) William F. Arensdorf, Director, Office of Fiscal Accountability, stated that this proposed regulation would provide relief from required daily schedules for rural school districts.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd-Hicks, Secretary to the State Board of Education, Nevada Department of Education, 775-687-9225, or in writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701-5096.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Nevada State Board of Education/Nevada State Board for Occupational Education adopted the amended regulation language at the public hearing held May 8, 2004. The reason for adopting the amended language is to define a rural portion of a county and a remote portion of a county for school districts desiring to operate under an alternative schedule. The definition applies to school districts whose populations are 100,000 or more.

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 anticipated economic effect on the business, which it regulates, is in terms of savings to the school districts for the use of school building, if alternative schedules are approved. There are no anticipated adverse effects on students or school districts. The beneficial, immediate and long term effects will be to establish regulations regarding the definition and approval process. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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 regulation. There is no duplication or overlap of federal regulations.

8. Does the regulation include provisions which are more stringent than a federal regulation which regulates the same activity?

There are none.

9. Does the regulation provide a new fee or increase an existing fee?

This regulation does not provide for a new fee or increase an existing fee.