

Chapter 387 of NAC

ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION

LCB File No. T003-10

(Filed with the Secretary of State on September 14, 2010)

AS APPROVED BY THE STATE BOARD ON August 13, 2010
PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF EDUCATION/
STATE BOARD FOR OCCUPATIONAL EDUCATION

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

Authority: NRS 385.080, 387.123 and 388.874.

Section 1. NAC 387.193 is hereby amended to read as follows:

NAC 387.193 Pupil ~~[enrolled]~~ *enrollment and attendance* in program of distance education.
(NRS 385.080, 387.123, 388.874)

1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed an enrolled pupil if, for each course of distance education in which the pupil is enrolled:

(a) The course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; ~~and~~

~~—(b) A teacher meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.]~~

(b) The pupils' name is included in the school district or charter school's electronic learning management system or master register of enrollment and attendance; and

(c) Evidence of work progression by the pupil ~~[has completed work]~~ in each course as ~~[evidenced]~~ documented through the electronic learning management system used in the distance education program or the pupil has participated in a real time class session conducted by licensed personnel authorized by the school for the course.

(1) If a pupil is admitted into the distance education program during the calendar week prior to count day as described in NRS 387.1233 and the pupil has not had work progression in each course, a pupil can be deemed an enrolled pupil if:

(I) the school can document that the pupil has attended or participated in a required school orientation session into the program or some similar admittance process into the school; and

(II) within the first calendar week after count day as described in NRS 387.1233, there is evidence of work progression by the pupil in each course as documented through the electronic learning management system used in the distance education program or evidence

that the pupil has participated in a real time class session conducted by licensed personnel authorized by the school for the course; or

(III) within the first calendar week after count day as described in NRS 387.1233, licensed personnel have met or otherwise communicated with the pupil to discuss the pupil's progress in the courses.

2. Each pupil enrolled in a course of distance education offered through a program of distance education must be recorded in full attendance for each week that: ~~[a teacher meets or otherwise communicates with the pupil during the course to discuss the pupil's progress. Each weekly meeting or communication with a pupil must be included in the master register of enrollment and attendance required by NAC 387.171.]~~

(a) *evidence is provided of work progression by the pupil ~~[has completed work]~~ in each course as ~~[evidenced]~~ documented through the electronic learning management system used in the distance education program or has participated in a real time class session conducted by licensed personnel authorized by the school for the course; or*

(b) licensed personnel meet or otherwise communicate with the pupil to discuss the pupil's progress in the courses.

The verification of weekly attendance of the pupil must be included in the master register of enrollment and attendance required by NAC 387.171.

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

(a) The board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862.

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

4. A pupil shall be deemed enrolled full-time in a program of distance education if:

(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;

(b) The time that the pupil spends in the program is recorded by the pupil, the parent or legal guardian of the pupil, or by a computerized program; and

(c) The pupil satisfies the requirements of subsection 5 or 6, as applicable for his grade level.

5. For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

6. For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:

(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 4 of NAC 387.345; or

(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

7. If a pupil is enrolled part time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS
REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. T003-10

NAC 387.193 - Pupil Enrolled in Program of Distance Education

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 387.193

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 Temporary Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on August 12, 2010. There was public comment.

The Notice of Intent to Act Upon a Temporary Regulation for public hearing and adoption of the new regulation amendments to NAC 387.193 – Pupil enrolled in Program of Distance Education. A public hearing was conducted on August 13, 2010 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 19; First Hearing: 15; Second Hearing: N/A
b) Testified at Each Hearing: First Workshop: 4; First Hearing: 1; Second Hearing: N/A
c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comments were solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of July 8, 2010; and a public hearing notice of July 8, 2010. At the August 12, 2010 Workshop to Solicit Comments, there was public comment to the proposed new temporary regulation. At the August 13, 2010 public hearing there was public comment to the proposed new temporary regulation language.

Summary of Comments:

Workshop comments:

1. Mike Kazek, Head of School, Nevada Virtual Academy stated that along with many Charter Schools he supports the Temporary Regulation.
2. Alan Staggs, Principal, Silver State Charter School stated he is very pleased with the Temporary Regulation but feels strongly that in Section 1, III and Section 2, b the wording should read licensed teacher rather than licensed personnel.
3. Gary Waters, Executive Director, Beacon Academy pointed out that in Section 2 it should read courses rather than course, and he thinks the term licensed personnel is essential. He stated that he is in full support of the temporary regulation
4. Bryn Lapenta, WCSD stated she fully supports the temporary regulation as it is written.

Public Hearing comments:

Mike Kazek, Head of School, Nevada Virtual Academy stated he supports licensed personnel as the preferred language.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, or by writing to the Nevada 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 Nevada State Board of Education adopted the proposed temporary regulation language at the public hearing held August 13, 2010. The reason for the proposed changes is to streamline the audit process for Distance Education student enrollment and attendance.

5. The estimated economic effect of the adopted temporary regulation on the business that 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 public or the business it regulates.

There is no cost to the Department of education to adopt these temporary regulations. There is no federal law affecting the proposed temporary regulations. There is no

duplication or overlap of state or local governmental agencies. The proposed temporary regulations do not establish a new fee nor increase an existing fee of the regulating agency.

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

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

7. A description of any regulations of other state or governmental agencies which the proposed temporary 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 temporary regulation does not provide for a new fee or increase an existing fee.