

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, June 23, 2022** at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:05 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX – Average Daily Enrollment defined; NAC Chapter 387.XXX – Average Daily Enrollment School Year Quarters defined; NAC Chapter 387.XXX – Instructional period defined; NAC Chapter 387.100 – Instructional Day defined; NAC Chapter 387.105 – Short school day in session defined; NAC Chapter 387.120 – School calendar; submission; contents; NAC Chapter 387.125 – Program of instruction based on alternative schedule; NAC Chapter 387.151 – Emergency closing as day in session; NAC Chapter 387.286 – Pupil receiving individual instruction at home or in medical facility; Chapter 387.291 – Pupil receiving group instruction in medical facility; NAC Chapter 387.310 – Nonresident pupils; NAC Chapter 387.320 – Pupil who attends school in another state or country; NAC Chapter 387.XXX – Pupil who attends school in another district.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page, by contacting Dylan Fuson, Board Secretary, Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-687-9224, or in person at the Nevada Department of Education, 700 E. Fifth Street, Carson City, Nevada, 89701. Persons wishing to comment upon the proposed action of the Nevada Department of Education may provide in-person testimony, submit written comment to the Nevada Department of Education via email at NVBoardED@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. Fifth Street, Carson City, Nevada, 89701. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Wednesday, June 22, 2022

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: June 6, 2022

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX – Average Daily Enrollment defined; NAC Chapter 387.XXX – Average Daily Enrollment School Year Quarters defined; NAC Chapter 387.XXX – Instructional period defined; NAC Chapter 387.100 – Instructional Day defined; NAC Chapter 387.105 – Short school day in session defined; NAC Chapter 387.120 – School calendar; submission; contents; NAC Chapter 387.125 – Program of instruction based on alternative schedule; NAC Chapter 387.151 – Emergency closing as day in session; NAC Chapter 387.286 – Pupil receiving individual instruction at home or in medical facility; Chapter 387.291 – Pupil receiving group instruction in medical facility; NAC Chapter 387.310 – Nonresident pupils; NAC Chapter 387.320 – Pupil who attends school in another state or country; NAC Chapter 387.XXX – Pupil who attends school in another district.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding average daily enrollment is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

NAC 387.XXX *“Average daily enrollment” defined. (NRS 385.080, NRS 387.1211) “Average daily enrollment” means the total number of pupils enrolled in and scheduled to attend a public school in a specific school district during a period of reporting divided by the number of days school is in session during that period.*

NAC 387.XXX *“Average daily enrollment school year quarters” defined. “Average daily enrollment school year quarters” represent July 1 – September 30 for Quarter One, October 1 – December 31 for Quarter 2, January 1 – March 31 for Quarter 3, and April 1 – June 30 for Quarter 4.*

NAC 387.XXX *“Instructional period” defined. “Instructional period” means an academic term making up the school year during which pupils enrolled in a school are scheduled to be engaged in registration, classes, or other instructional activities.*

NAC 387.100 *“~~[School-month]~~ Instructional day” defined. (NRS 385.080) “Instructional day” ~~[School-month]~~ ~~[means one of the 10 divisions of a school year.]~~ is a day that is identified on the school calendar as a school day in session or short school day in session in which students are scheduled to be in attendance.*

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

NAC 387.105 *“Short school day in session” defined. (NRS 385.080) “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]~~ a minimum of half 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)

NAC 387.120 **School calendar: Submission; contents. (NRS 385.080, 386.540, 386.550, 387.123, 388.090)**

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 *or grades*, 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. Except as otherwise provided in subsection 5 and except for a school calendar that accompanies an alternative schedule approved pursuant to [NAC 387.125](#), a school calendar must contain at least 180 school days in session. This period must be divided

into ~~10~~ *a minimum of 2 instructional periods* ~~school months~~ which ~~contain not more than 20 potential school days per month~~ *align with the average daily enrollment school year quarters*. The first day of the ~~first school month~~ *school year* is the first *instructional* day ~~of attendance by scheduled for~~ pupils.

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, *natural disaster, hazardous air conditions*, ~~or~~ 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 *as day in session*.

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.

5. A school calendar for an adult high school program, an alternative program, a program of distance education or a program of instruction in a detention home must contain at least 180 school days in session unless the school district or governing body of the charter school, as applicable, obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum. The approval of an adult high school program pursuant to [NAC 387.190](#), an alternative program pursuant to [NRS 388.537](#) or a program of distance education pursuant to [NAC 388.830](#) shall be deemed written approval by the Superintendent pursuant to this subsection if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this subsection, demonstrated competency in curriculum that meets the state standards may be considered equivalent to the regular school curriculum.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77] — (NAC A by Bd. of Education, 9-6-83; 6-23-86; R033-99, 11-3-99; A by Dep't of Education by R024-01, 11-1-2001; A by Bd. of Education by R006-02, 4-5-2002; R043-04, 7-16-2004; R137-05, 10-31-2005; R134-07, 6-17-2008)

NAC 387.125 Program of instruction based on alternative schedule. ([NRS 385.080](#), [388.090](#))

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 shall:~~

~~—(a) 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.

(Added to NAC by Bd. of Education by R043-04, eff. 7-16-2004)

NAC 387.151 Emergency closing as day in session. ([NRS 385.080](#), [387.123](#), [388.090](#))

1. If there is an emergency which necessitates the closing of a particular school for a day because of inclement weather, *natural disaster, hazardous air conditions*, ~~or~~ 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 *if*:

- a) *The district has a Department-approved program of distance education in place which includes the schools that are to be closed in accordance with NRS 388.820-874; and*
- b) *That the district submits a certification of services in a format prescribed by the Department to the Superintendent of Public Instruction.*

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

NAC 387.286 Pupil receiving individual instruction at home or in medical facility. ([NRS 385.080](#), [387.123](#))

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 licensed teacher employed by the school district shall be deemed enrolled within that district if ~~he or she~~ *the pupil* 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 *minimum number of days of school required by NRS 388.090.* ~~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 individualized education program, and all reporting of enrollment and attendance must be based upon the requirements of that program.

4. The pupil may be reported monthly as enrolled and in attendance at the school ~~he or she~~ *the pupil* 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; R033-99, 11-3-99)

NAC 387.291 Pupil receiving group instruction in medical facility. ([NRS 385.080](#), [387.123](#))

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 licensed teacher employed by the school district shall be deemed enrolled within that district if ~~he or she~~ *the pupil* is scheduled to receive at least 15 hours of instruction per week directly from the supervising teacher. If a pupil does not attend or participate in the instruction for more than 10 consecutive school days, the

school district shall report the pupil as a withdrawal pursuant to [NAC 387.215](#). The pupil may reenroll after such a withdrawal if ~~he or she~~ *the pupil* is able and willing to participate in the instruction.

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 *minimum number of days of free school required by NRS 388.090*. ~~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 individualized education program, 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 or she~~ *the pupil* 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; A by R033-99, 11-3-99)

NAC 387.310 Nonresident pupils. ([NRS 385.080](#), [387.123](#))

1. If a pupil *is a resident of another state and* enrolled in a school in this State ~~is a resident of another state pursuant to an agreement to pay tuition approved by the Department~~, the school or school district in which ~~he or she~~ *the pupil* is enrolled shall:

(a) Make a note of the pupil's residence next to *the pupil's* ~~his or her~~ name on the master register of enrollment and attendance; and

(b) Submit a supplementary report of enrollment and attendance, marked "Out-of-State Pupils" *along with a copy of any contract or written agreement, as applicable, when they submit average daily enrollment school year quarter reports.* ~~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 *average daily enrollment school year quarter reports.* ~~first school month.~~ A school district shall maintain a list of out-of-state pupils who are enrolled in the school district but not included in the weighted count of enrollment.

3. A school district shall maintain records for:

(a) Pupils who do not reside in this State but attend school within this State pursuant to a contract or written agreement;

(b) Foreign exchange pupils who participate in a program of education pursuant to a reciprocal agreement entered into by the school district; and

(c) Foreign pupils who are not included in paragraph (b) and who are in this country with visas.

4. Foreign exchange pupils who participate in a program of education pursuant to a reciprocal agreement entered into by a school district may be included in the school district's count of pupils for purposes of apportionment.

[Dep't of Education, Pupil Accounting Reg., eff. 12-15-77] — (NAC A by Bd. of Education, 9-6-83; 6-23-86; R033-99, 11-3-99)

NAC 387.320 Pupil who attends school in another state or country. (NRS 385.080, 387.123)

1. If a pupil is a resident of this State but attends school in another state or country pursuant to an agreement to pay tuition approved by the Department, 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~~ *along with a copy of any contract or written agreement, as applicable, when they submit average daily enrollment school year quarter reports. 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 *average daily enrollment school year quarter reports. 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; R033-99, 11-3-99)

NAC 387.XXX Pupil who attends school in another district. (NRS 385.080, 387.123)

1. If a pupil is a resident of a school district in this state but attends school in an adjoining school district in this state pursuant to an approved agreement per NRS 392.010, the school district of residence and school district of attendance shall:

a. Submit a supplemental report of enrollment and attendance marked "Interlocal Students" along with a copy of any contract or written agreement, as applicable, when they submit average daily enrollment school year quarter reports.

2. Only the school district of attendance shall make a note of the pupil's residence and attendance status next to the pupil's name in the master register of enrollment and attendance; and

3. For the purposes of calculating the basic support for each school district, the enrollment of these pupils will be added to the weighted count of enrollment for the district of attendance for the average daily enrollment school year quarter reports.