

Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



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**STATE OF NEVADA**  
**NEVADA DEPARTMENT OF EDUCATION**

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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 **Monday, February 28, 2022** via [Lifesize](#) and 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:

**10:05 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.120 – School calendar; submission; contents; NAC Chapter 387.125 – Program of instruction based on an alternative schedule; and NAC Chapter 387.151 – Emergency closing as day in session.**

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](mailto:NVBoardEd@doe.nv.gov), by telephone at 775-687-9224 or in person at the Nevada Department of Education, 700 E. 5<sup>th</sup> St, Carson City, Nevada. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to the Department via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5<sup>th</sup> St, Carson City, Nevada. 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 Friday, February 25, 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:** February 28, 2022

**RE:** Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.120 – School calendar; submission; contents; NAC Chapter 387.125 – Program of instruction based on an alternative schedule; and NAC Chapter 387-151 – Emergency closing as day in session.

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 alternative calendars and emergency closures 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 387.120 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, 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 school months which contain not more than 20 potential school days per month. The first day of the first school month is the first day of attendance by 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 *ingure 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 in accordance with NRS 388.820-874; and*

*b) That the district certifies in their application to the Superintendent of Public Instruction that:*

- i. Students in affected school buildings for which the day in session is requested were provided distance learning*
- ii. Licensed teachers and/or substitutes will be accessible to students through the internet or by phone during regularly scheduled instructional hours*
- iii. All students have an ability to access and participate in distance learning during the days of closure; access must include access to the technology necessary to participate in distance education; accommodations for students without access must be provided*
- iv. The district shall engage in specific plans and undertake measures to maintain a continuity of services for the unique needs of English learners, students with Individualized Education Programs, students with 504 plans, and other special populations*
- v. Students must receive access to the nutrition services they are entitled to*

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