

Joe Lombardo
Governor

Steve Canavero, Ph.D.
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 2025**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. 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:

9:08 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387, 388, 389, and 390, inclusive, for the purposes of providing cleanup, alignment, and clarity within and across regulatory processes.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email leading up to and for the duration of the workshop.

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 to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387, 388, 389, and 390, inclusive.

The proposed regulation regarding cleanup, alignment, and clarity of language across regulatory processes is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

A handwritten signature in blue ink, appearing to read "Steve Canavero".

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

NAC 387.345 Count of pupils for purposes of calculating basic support. ([NRS 385.080](#), [387.123](#), [388A.110](#))

1. Except as otherwise provided in subsections 3 and 4, the count of pupils for calculating the basic support for each school district for any quarter during a school year is the weighted count of the average daily enrollment of pupils in the school district for the immediately preceding quarter of the school year, reported to the Department pursuant to subsection 1 of [NRS 387.1223](#), including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school or university school for profoundly gifted pupils.

2. On a form prescribed by the Superintendent of Public Instruction, the superintendent of schools of each school district shall certify to the Department on or before October 1, January 1, April 1 and July 1 of each school year the weighted count of enrollment for the immediately preceding quarter of the school year. If a charter school or a university school for profoundly gifted pupils submits a form pursuant to this subsection, the charter school or university school for profoundly gifted pupils shall, upon the request of the sponsor of the charter school, the governing body of the university school for profoundly gifted pupils or a school district in which a pupil enrolled in the charter school or university school for profoundly gifted pupils resides, provide a copy of the form to the requester.

3. A school district shall not count a pupil who enrolls in grade 9, 10, 11 or 12 as a full-time pupil for the purpose of calculating the basic support for the school district for a school year unless the pupil ~~is in a minimum of:~~

(a) *Is enrolled in at least* Six courses *making up the minimum daily period requirements pursuant to NAC 387.131* ~~or the equivalent of six periods per day~~ if he or she is in grade 9, 10 or 11; or

(b) *Is enrolled in at least* Four courses *making up at least 50% of the minimum daily period pursuant to NAC 387.131* ~~or the equivalent of four periods per day~~ if he or she is in grade 12; *if enrolled in only four courses, the student must be validated as on track to graduate.*

4. A school district shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the basic support for the school district for that school year unless:

(a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by [NRS 388.5223](#) to [388.5243](#), inclusive, pursuant to [NRS 388.5223](#); or

(b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

Ê The grade level of a pupil is determined by the number of credits held by the pupil.

5. For the purposes of subsections 2 and 3 of [NRS 387.1223](#), the enrollment of pupils in a charter school or in a university school for profoundly gifted pupils includes the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside in the school district in which the charter school or university school for profoundly gifted pupils is located and the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside outside that school district.

NAC 387.193 Pupil enrolled in a program of distance education

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 *full time pupil* if:

a) *The student is in kindergarten or in any grade from grades 1 to 8, inclusive, and is* ~~must be~~ *enrolled in:*

i. *The minimum daily period required pursuant to NAC 387.131; or*

ii. *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.*

b) *The student is in any grade from grades 9 to 12, inclusive, and is enrolled in* ~~must:~~

i. ~~Be enrolled in~~ *The number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or*

ii. ~~Has~~ *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.*

- c) *For each course of distance education in which the pupil is enrolled, the course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834*
- d) *The name of the pupil is included in the electronic learning management system ~~or~~ and the master register of enrollment and attendance required by NAC 387.171.*

~~(a) The school district or charter school has evidence, as documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171, of:~~

- ~~(1) The progress of the pupil toward completing the number of courses required for fulltime pupils specified in the written plan for enrollment for the pupil developed pursuant to paragraph (b) of subsection 6;~~
- ~~(2) The enrollment of the pupil in the minimum daily period required pursuant to NAC 387.131(1), or, documentation of approval for an exception to the minimum daily period pursuant to subsection 3 of NAC 387.131; and~~
- ~~(3) The enrollment in a curriculum that is equivalent to the regular school curriculum; and~~
- ~~(b) For each course of distance education in which the pupil is enrolled:~~
 - ~~(1) 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~~
 - ~~(2) The name of the pupil is included in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.~~

2. Each pupil enrolled in a course of distance education offered through a program of distance education ~~must~~ *may* be recorded in ~~full~~ attendance ~~for each week that~~ *when the* school district or charter school has evidence of the pupil's progression in each course as documented: ~~(a)~~ *and;*
- ~~(b) By (a)~~ *(a)* the pupil's participation in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or
 - ~~(c) By (b)~~ *(b)* the pupil meeting or otherwise communicating with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.
- i. The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 and the master register of enrollment and attendance required by NAC 387.171 for that pupil. *This record must be available in real time for the school district or charter school through the electronic learning management system or 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 or an exception pursuant to subsection 6 of NAC 387.120 has been approved;~~
- ~~(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 or her 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 3 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. 3. If a pupil is enrolled part time in a program of distance education, the record of the parttime attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.
8. 4. As used in this section, “electronic learning management system” means an electronic system used by a school district or charter school to track the enrollment, attendance, progression and participation of a pupil enrolled in a course of distance education offered through a program of distance education provided by the school district or charter school.

NAC 387.195 Pupil placed for independent study

1. Except as otherwise provided in subsection 2, any pupil who is placed for independent study by a school district pursuant to a plan approved in accordance with NAC 389.720 shall be deemed to be in full attendance for a day if the combined number of minutes during which the pupil is:
 - (a) Attending school; and
 - (b) Completing the hours specified in his or her contract for independent study, equals at least 50 percent of the number of minutes required for the daily session of his or her grade or category.
2. A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is 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 *or demonstrates competency in the state instructional content standards 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.
3. A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:
 - (a) The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or
 - (b) A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.
4. A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil’s attendance.
5. A pupil placed for independent study must be reported as enrolled *in the report concerning the average daily enrollment of pupils submitted quarterly to the Department pursuant to NRS 387.1223.* ~~on the monthly reports submitted to the Department.~~

NAC 388.825 Form and contents of application for inclusion on list of approved courses; approval or denial of application; renewal of application; modification of course. ([NRS 388.874](#))

1. The Department shall prescribe the form for an application for inclusion of a course of distance education on the list of approved distance education courses prepared and published by the Department. The Department shall not accept or review an application for a course that contains a commercial advertisement. Each application must include:

- (a) The name of the person or entity that is the provider of the course of distance education;
- (b) The original signature of the person or authorized representative of the entity submitting the application;
- (c) If applicable, the date on which the application was approved by the board of directors, board of regents, board of trustees or other governing body of the entity that submitted the application;
- (d) If applicable, a description of the regional or national accreditation status attained by the entity that submitted the application and the date on which such accreditation was granted; and
- (e) For each course identified in the application:
 - (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, including, without limitation, the syllabus for the course, a list of each textbook that will be used for the course and any supplemental materials that will be used for the course;
 - (5) A description of the method used for delivery of instruction, including, without limitation, the method by which a teacher will meet or otherwise communicate with each pupil enrolled in the course at least ~~once~~ **three times** each week to discuss the pupil's progress;
 - (6) A description of the manner by which the academic achievement of pupils enrolled in the course will be assessed and the criteria that will be used to determine the grades assigned to pupils who complete the course;
 - (7) If the subject area offered by the course is a subject area for which the State Board of Education has:
 - (I) Adopted standards of content and performance pursuant to [NRS 389.520](#), documentation which demonstrates that the course is aligned with those standards; or
 - (II) Otherwise adopted regulations setting forth the requirements for the subject area offered by the course, documentation which demonstrates that the course is aligned with those requirements;
 - (8) If available at the time the application is submitted, the name of the teacher who will provide instruction for the course and, if the course is a core academic subject, as defined in [NRS 389.018](#), a copy of the license of the teacher;
 - (9) If a teacher has not been identified at the time the application is submitted, a description of the qualifications that will be used to employ a teacher for the course; and
 - (10) The name, address and telephone number of the person who will administer the course.

2. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice of its approval or denial of the application to the applicant. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department.

3. Except as otherwise provided in [NAC 388.860](#), if a course is approved pursuant to this section, the approval is valid for 3 years, commencing with the date on which the course is first included on the list of approved distance education courses published by the Department. The Department shall prescribe forms for the renewal of an application. A provider of a course of distance education must submit an application for renewal to the Department at least 60 days before the expiration of the approval to maintain the course on the list of approved distance education courses.

4. If a provider of a course of distance education intends to change or modify the course with regard to the items set forth in subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the course without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the course.

(Added to NAC by Bd. of Education by R007-02, eff. 4-5-2002)

NAC 388.830 Submission and review of application for program; approval or denial of program; period of validity; renewal of application; modification of program; enrollment of pupils in program. ([NRS 385.080](#), [388.874](#), [388A.105](#), [388A.110](#), [388A.168](#), [390.105](#), [390.600](#), [390.700](#))

1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

- (a) The name of the school district or charter school submitting the application;
- (b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;
- (c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;
- (d) The name, address and telephone number of the person who will administer the program of distance education;
- (e) A list designating each course of distance education that will be offered through the program;
- (f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;
- (g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of [NAC 388.825](#);
- (h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of [NAC 387.193](#) and [387.294](#);
- (i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with [NRS 388.850](#);
- (j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by [NRS 390.105](#) and [390.700](#);
- (k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and
- (l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to [NRS 388.834](#) and [NAC 388.825](#) for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by

the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in this subsection and [NAC 388.860](#), if a program of distance education is approved pursuant to this section, the approval is valid for ~~3~~ **5** years after the date of approval *or until the school district revises the procedures or program, whichever is less.*

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Public Charter School Authority, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in [NAC 388.860](#) does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

(Added to NAC by Bd. of Education by R007-02, eff. 4-5-2002; A by R134-07, 6-17-2008; A by Dep't of Education by R035-14, 12-22-2014; A by Bd. of Education by R061-14, 12-22-2014; R061-14, 12-22-2014, eff. 8-1-2016; R097-17, 1-30-2019)

NAC 389.659 Units of credit or semesters required for promotion to next higher grade level; waiver of certain requirements. ([NRS 385.080](#))

1. If a pupil enrolls in the 9th grade:

(a) Except as otherwise provided in subsection 2, the pupil must:

(1) Earn a minimum of 5 units of credit or complete 2 semesters of high school to be promoted to the 10th grade.

(2) Earn a minimum of 11 units of credit or complete 4 semesters of high school to be promoted to the 11th grade.

(3) Earn a minimum of 17 units of credit or complete 6 semesters of high school to be promoted to the 12th grade.

(b) *These requirements apply to all students, inclusive of those enrolled in approved programs of competency-based education, innovation, or distance education.*

(c) A school district shall evaluate the transcripts of the pupil if the pupil transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

2. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) The superintendent determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if the superintendent determines that extenuating circumstances exist.

(Added to NAC by Bd. of Education by R091-99, eff. 1-14-2000; A by R022-09, 10-27-2009; R037-12, 9-14-2012)

NAC 389.668 Credit which may be granted in fractional time units. ([NRS 385.080](#)) A high school which provides instruction in fractional time units may grant credit proportionately to the requirements for basic units of credits, but the school may not record less than one-fourth of a unit.

a) Schools providing programs of innovation or competency-based education may use fractional time units not less than one-fourth of a unit to grant credit based on the demonstrated proficiency of the student in the course of study.

NAC 389.674 Credit for equivalent experience outside campus or program. ([NRS 385.080](#), [385.110](#))

1. A school district may, under suitable criteria, allow credit toward graduation from high school for a pupil's experiences outside the high school campus if those experiences are equivalent in kind and amount to the educational experiences being offered in the high school.

(a) Pupil experiences outside the high school campus may be integrated into a program of competency-based education as approved pursuant to NAC 389.XXX, provided the experience aligns with project-based learning and/or content standards, and is included in the pupils plan pursuant to 387.XXX(3)

2. A school district may, under suitable criteria, allow credit toward completion of an adult high school program for a pupil's experiences outside the adult high school program if those experiences are equivalent in kind and amount to the educational experiences being offered in the adult high school program.

(Added to NAC by Bd. of Education, eff. 12-16-82; A by R134-07, 6-17-2008)

NAC 389.700 Transcript of high school record. ([NRS 385.080](#))

1. In preparing a transcript of a pupil's high school record of courses, credits and grades, the school district shall use:

- (a) The form of transcript prescribed by the Superintendent of Public Instruction; or
- (b) An alternative form approved by the Superintendent.

(c) programs of competency-based education wishing to use an alternative form must submit their request to the Superintendent by June 1, prior to the school year in which they intend to use the alternative form.

2. In lieu of issuing the original transcript of a pupil's record, a school district may issue a photostatic copy if it is certified by the principal of the school to be a true, or official, copy of the original.

3. Each school district shall provide on all its permanent records and transcripts an explanation of the system of symbols which it uses for grading.

NAC 389.720 Plan to operate program; approval or denial of plan; written policy; system of recordkeeping. ([NRS 385.080](#), [389.155](#))

1. The board of trustees of a school district may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of independent study. The program of independent study must contain the information prescribed in subsection 3 and must be offered as part of:

- (a) An adult high school program;
- (b) An alternative program for the education of pupils at risk of dropping out of school;
- (c) A program of distance education;

(d) a program of competency-based education; or

~~—(d)—~~ *(e) Any other educational program offered by the school district.*

2. The Superintendent of Public Instruction shall review each plan to operate a program of independent study submitted to the Department of Education and approve or deny the plan. If the plan is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the plan for a program of independent study upon appeal.

3. The board of trustees of a school district which provides for independent study shall:

(a) Develop a written policy for independent study, which must include, without limitation, the process by which a pupil may appeal a decision by the board of trustees which denies the pupil from enrolling in a course of independent study.

(b) Establish a system of recordkeeping for each pupil enrolled in a course of independent study. For each course that a pupil participates in, the record must include, without limitation:

(1) A copy of the written agreement required pursuant to [NAC 389.750](#);

(2) A record of all communication between the pupil and the teacher;

(3) A record of the assignments that the pupil has completed; and

(4) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

(Added to NAC by Bd. of Education by R051-98, eff. 9-9-98; A by R134-07, 6-17-2008)

NAC 389.730 Courses allowed; courses outside school district. ([NRS 385.080](#), [389.155](#))

1. A pupil who is enrolled in school or in an alternative program pursuant to [NRS 388.537](#), an adult high school program approved pursuant to [NAC 387.190](#), *a program of competency-based education pursuant to [NAC 389.XXX](#)*, or a program of distance education established by a school district may complete any required or elective course by independent study if the board of trustees of the school district in which the pupil is enrolled provides for independent study in accordance with [NAC 389.710](#) to [389.750](#), inclusive.

2. A course of independent study may be taken at a location outside of the school district in which the pupil is enrolled upon the written approval of the board of trustees of the school district in which the pupil is enrolled.

NAC 389.750 Written agreement with pupil. ([NRS 385.080](#), [389.155](#))

1. A pupil shall enter into a written agreement with the teacher of the course of independent study or the board of trustees of the school district or its designee before the pupil may begin a course or program of independent study. A pupil may enter into a written agreement if the pupil participates in:

(a) An adult high school program;

(b) An alternative program;

(c) A program of distance education; ~~or~~

(d) *A program of competency-based education; or*

(e) Any other educational program offered by the school district.

2. Such an agreement must include, without limitation:

(a) The objectives of the course or program.

(b) A timeline for the completion of the assigned course work.

(c) A schedule of the communications between the pupil and the teacher that satisfies the requirements of subparagraph (2) of paragraph (a) of subsection 2 of [NRS 389.155](#).

(d) The method by which the teacher will assess the learning of the pupil.

(e) If a pupil is under 18 years of age, the written approval of a parent or guardian of the pupil to participate in the course of independent study.

(Added to NAC by Bd. of Education by R051-98, eff. 9-9-98; A by R218-99, 5-4-2000; R134-07, 6-17-2008)

NAC 390.051 “Semester” defined. ([NRS 385.080](#)) “Semester” means one of ~~the~~ two *instructional periods, as defined in [NAC 387.XXX](#), academic terms* that make up the school year at a school. ~~that offers a traditional 9-month school schedule.~~

(Added to NAC by Bd. of Education by R037-99, 11-3-99, eff. 7-1-2000)—(Substituted in revision for part of NAC 389.034)

NAC 389.040 “Unit of credit” defined. ([NRS 385.080](#)) “Unit of credit” means an amount of credit which is awarded to a pupil for successful completion of a course containing at least 120 hours of instruction, or the equivalent *pursuant to [NAC 389.XXX](#).*

NAC 389.034 “Semester” defined. ([NRS 385.080](#)) “Semester” means one of ~~the~~ two *instructional periods, as defined in NAC 387.XXX*, ~~academic terms~~ that make up the school year at a school. ~~that offers a traditional 9-month school schedule.~~

NAC 389.036 “Trimester” defined. ([NRS 385.080](#)) “Trimester” means one of ~~the~~ three *instructional periods, as defined in NAC 387.XXX*, ~~academic terms~~ that make up the school year at a school. ~~that offers a 12-month school program or a school program involving alternative scheduling whose regular academic year consists of three terms.~~

~~**NAC 387.015 “Average daily attendance” defined.** ([NRS 385.080](#)) “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.
—(Added to NAC by Bd. of Education, eff. 6-23-86)~~

NAC 387.058 “Instructional program” defined. ([NRS 385.080](#)) “Instructional program” means a program designed to enable a pupil to earn *any available and State Board approved diploma*. ~~standard high school diploma, an adult standard diploma, an adjusted diploma or an alternative diploma.~~

NAC 387.XXX University school for profoundly gifted pupils: duty to comply with provisions of this chapter. A university school for profoundly gifted pupils shall comply with the applicable provisions of this chapter.

NAC 387.119 Uniform system of accounting; financial reports. ([NRS 385.080](#))

1. To ensure a uniform system of accounting, each school district, *charter school, and university school for profoundly gifted pupils* shall use the *uniform system of budgeting and accounting developed by the Department pursuant to NRS 387.3035, referred to as the Chart of Accounts. Nevada Financial Accounting Handbook for Local Education Agencies.*

2. Each school district, *charter school, and university school for profoundly gifted pupils* shall provide to the Department financial reports that attribute expenditures to each school or cost center within the school district in a format prescribed by the Department.

3. As used in this section, “cost center” means an account to which costs are recorded for services that benefit the school district as a whole and are not directly attributable to a particular school.

(Added to NAC by Bd. of Education by R033-99, eff. 11-3-99)

NAC 387.185 Recording attendance.

1. Except as otherwise provided in NAC 387.193, *or NAC 387.XXX* a pupil may be counted as in attendance only if the pupil is actually at school or engaged in an instructional activity which is:

- (a) Sponsored by the school;
- (b) Part of the program of the school;
- (c) Personally supervised by a member of the staff of the school; and
- (d) At a location approved by the school.

2. Except as otherwise provided in NAC 387.193, 387.286, *387.XXX* and 387.291, a full day of attendance must be recorded for a pupil if he or she is in attendance as described in subsection 1 for at least 50 percent of the minutes of instruction scheduled for the pupil for the school day.

NAC 387.190 Adult high school program. ([NRS 385.080](#))

1. A person who:
 - (a) Is at least 18 years of age or who meets the requirements for participation in a program of education for incarcerated persons established pursuant to [NAC 388H.040](#);
 - (b) Has not received his or her high school diploma; and
 - (c) Is not currently enrolled in a high school,
Ê may be enrolled as a pupil in an adult high school program designed to enable him or her to obtain a diploma.
 2. A person who is at least 16 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to [NRS 388.537](#) may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled only for the purpose of preparing to take a high school equivalency assessment.
 3. Before commencing an adult high school program, a school district must apply to the Department for permission to conduct the program. The application must be made on a form provided by the Department and include the:
 - (a) Name of the course to be taught; ~~and~~
 - (b) Proposed beginning and ending dates for each class.
 - (c) The procedures to be used for the reporting of enrollment and attendance with respect to a pupil enrolled in a program of adult education*
 4. The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the application for an adult high school program upon appeal.
 5. An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for 5 years after the date of approval *or until the school district revises the procedures or program, whichever is less.* ~~The board of trustees of a school district shall update its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.~~
 6. A class that is part of an approved program may begin or end at any time during the school year.
 7. A school district that offers an adult high school program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved 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; R029-01, 11-1-2001; R134-07, 6-17-2008; R067-14, 10-24-2014)

NAC 387.197 Child detained in detention ~~home~~ facilities or alternative program. ([NRS 385.080](#), [387.123](#), [388.570](#))

1. A school district that provides instruction to children who are detained in detention ~~homes~~ facilities or alternative programs pursuant to [NRS 388.550](#), [388.560](#) and [388.570](#) shall maintain, for the children who receive the instruction, a class record book in accordance with [NAC 387.165](#) and *ensure students are included in the master register of enrollment and attendance required by NAC 387.171* ~~a master register. A school district shall obtain the written approval of the Superintendent of Public Instruction pursuant to [NAC 387.163](#) to use a separate legend of symbols and system of recording attendance for children who are detained in the detention homes or alternative programs than the legend of symbols and system of recording that is used throughout the school district.~~
2. Except as otherwise provided in this subsection, if a child is detained in a detention ~~home~~ facility or alternative program, the school district of the child's residence shall be deemed the school district responsible for providing educational services to the child and is the only school district that may include the child in the count of pupils for purposes of apportionment. A school district other than the district of the child's residence may include the child in the count of pupils for purposes of apportionment of that school district if the school district has:

- (a) Entered into a written agreement with the school district of the child's residence to provide educational services to the child; or
- (b) Obtained the written approval of the Superintendent of Public Instruction to provide educational services to the child.

(Added to NAC by Bd. of Education by R033-99, eff. 11-3-99)

NAC 387.283 Pupil placed in detention ~~home~~ *facility* or alternative program. (NRS 385.080, 387.123, 388.570)

1. Each school district shall submit to the Superintendent of Public Instruction, in advance, *an application, to include a* written proposal of its procedures to be used for the reporting of enrollment and attendance with respect to a pupil placed in a detention *facility* ~~home~~ or alternative program in the district.
2. The *application and* procedures must describe in detail:
 - (a) The method by which the school district determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention *facility* ~~home~~ or alternative program;
 - (b) The means by which the district ensures that a pupil in a detention ~~home~~ *facility* or alternative program is not included in the count of enrollment and attendance of both a regular school and a program of instruction in a detention ~~home~~ *facility* or alternative program;
 - (c) How the school district will account for a pupil who is receiving instruction in a detention ~~home~~ *facility* or alternative program located within the district, but who is a resident of another school district; and
 - (d) How the school district will account for a pupil who is a resident of the school district and for whom the school district is providing for the pupil to receive instruction in a detention ~~home~~ *facility* or alternative program located in another school district.
3. The Superintendent of Public Instruction may approve or reject the submitted *application and* procedures. If the Superintendent rejects the procedures, the Superintendent shall prescribe the method of reporting for that school district for that school year. The approval of the Superintendent of Public Instruction is effective *for 5 years or* until the school district revises the procedures, *whichever is less*.
4. *Students enrolled in a program of instruction in a detention facility or alternative program must be reported as enrolled in the report concerning the average daily enrollment of pupils submitted quarterly to the Department pursuant to NRS 387.1223. ~~Each school district shall submit to the Department, in the manner prescribed by the Department, a monthly report of enrollment and attendance for all pupils enrolled in a program of instruction in a detention home or alternative program.~~*

(Added to NAC by Bd. of Education, eff. 9-6-83; A 6-23-86; R033-99, 11-3-99)

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 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 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 would normally attend *pursuant to Department guidance.*, ~~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 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 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 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 would normally attend *pursuant to Department guidance.*, ~~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 387.330 Adult high school program: Standards; enrollment and attendance; allocation of money by Department. (NRS 385.080, 387.123)

1. An adult high school program must be operated in accordance with the standards prescribed in [NAC 387.190](#) and any additional standards prescribed by the Department. A school district that offers a program for pupils to obtain an adult standard diploma shall *ensure students are included in the master register of enrollment and attendance required by NAC 387.171* and maintain ~~a register of enrolled pupils and~~ a list of classes that are offered.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in [NAC 387.165](#).

3. Reports of enrollment and attendance must be submitted to the Department:

- (a) On a form prescribed by the Department for that purpose; and
- (b) Annually on the date prescribed by the Department.

4. The Department shall determine the amount of money allocated to a school district that operates a program for pupils to obtain an adult standard diploma based upon a plan or formula developed by the Department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.

[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; R029-01, 11-1-2001; R134-07, 6-17-2008)

NAC 388.180 Length of school day. (NRS 385.080, 388.090) Except as otherwise provided by [NAC 387.125](#), ~~subsection 2 of NAC 387.131, NAC 387.291,~~ and [NAC 387.286](#), 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](#).

[Dep't of Education, eff. 12-15-77] — (NAC A by Bd. of Education, 2-7-83; 7-14-88; R043-04, 7-16-2004)

NAC 388.510 General requirements; effective period. (NRS 385.080, 388.537)

1. A plan for an alternative program submitted for approval pursuant to [NRS 388.537](#) must be on a form approved by the Department of Education and must address the considerations set forth in [NRS 388.537](#) and [NAC 387.283](#)

2. A plan for an alternative program that is approved pursuant to [NRS 388.537](#) remains in effect for 5 years after the date of approval *or until the school district revises the procedures, whichever is less.* ~~The board of trustees of a school district shall update its plan for an alternative program at least once annually if a substantive change is made to the plan.~~

(Added to NAC by Bd. of Education, eff. 11-14-94; A by R134-07, 6-17-2008)

NAC 388.520 Plan to provide for independent study. (NRS 385.080, 388.537)

1. An alternative program may include a plan to provide for independent study pursuant to [NAC 389.710](#) to [389.750](#), inclusive.

2. A plan to provide for independent study must include:

- (a) A description of the pupils targeted for enrollment in courses of independent study.
- (b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.
- (c) The names of the courses of independent study to be taught.
- (d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in [NAC 389.720](#) and [NAC 387.195](#).

(e) A statement of the maximum period allowed to complete the courses of independent study.

(f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

(Added to NAC by Bd. of Education, eff. 11-14-94; A by R134-07, 6-17-2008)

~~NAC 387.293 Pupil instructed through correspondence by licensed teacher.~~

~~1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once each week for instructional purposes.~~

~~2. For reporting attendance, the school district may consider the pupil to be in full attendance if the teacher and the pupil meet or otherwise communicate with each other at least **three times** once each week for instructional purposes.~~

~~—3.— The pupil must be reported monthly as enrolled and in attendance in the school the pupil would attend if he or she were not receiving instruction through correspondence, or a separate monthly report may be submitted, marked “Instruction of Pupils Through Correspondence.”~~

NAC 389.840 Indications of college readiness. (NRS 385.080) The successful completion by a pupil of the standards for college readiness set forth in [NAC 389.835](#) is a strong indication:

1. That the pupil is ready to participate successfully as a freshman who is enrolled in a postsecondary educational institution as a full-time student.

2. That the pupil has:

(a) Attained high academic achievement in the subject areas required for an advanced diploma pursuant to [NAC 390.430](#);

(b) Cognitive skills, including, without limitation, logical reasoning skills and linguistic expression skills, that are developed through achievement in the subject areas required for an advanced diploma pursuant to [NAC 390.430](#);

(a) Competencies in alignment with the portrait of a graduate

- (c) Ancillary academic skills relating to study habits and self-direction;
- (d) An awareness of the expectations for behavior in an academic environment; and
- (e) Adequate test scores based upon the benchmark test scores established by the Board of Regents of the University of Nevada that should enable a pupil to avoid being placed in remedial classes as a postsecondary student.

(Added to NAC by Bd. of Education by R041-10, eff. 6-30-2010)

NAC 387.115 “Weighted count of enrollment” means the unweighted count of enrollment except that ~~the number of pupils in kindergarten who are enrolled in a program of instruction that provides less than 240 minutes of instruction in each school day and~~ pupils who are 3, 4 and 5 years of age who are not enrolled in kindergarten but are receiving special educational services pursuant to NRS 388.435 must be stated as six-tenths of the unweighted count of enrollment.

NAC 387.501 Submission of information relating to physical condition of school. ([NRS 385.080](#)) On or before August 1 of each *odd-numbered* year, each school district shall:

1. Review the physical condition of each school within the school district; and
2. Submit the information relating to the physical condition of each school to the State Board of Education in the form and manner prescribed by the Superintendent of Public Instruction.

(Added to NAC by Bd. of Education by R034-99, eff. 11-3-99)