

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R136-22

August 17, 2022

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

AUTHORITY: §§ 1, 3-5, 8, 10, 13, 33 and 34, NRS 385.080; §§ 2, 6, 7, 9, 11, 15-19, 22-24 and 26-32, NRS 385.080 and 387.123; §§ 12 and 14, NRS 385.080 and 388.095; § 20, NRS 385.080, 387.123 and 389.155; §§ 21 and 25, NRS 385.080, 387.123 and 388.570.

A REGULATION relating to education; revising provisions relating to counting attendance and enrollment of pupils; imposing certain requirements upon school districts with respect to pupils who attend a school pursuant to certain agreements to pay tuition; requiring each school district to report any pupil who is chronically absent; revising requirements for a school calendar; prescribing the first day of a school year for certain purposes; revising application requirements for a school district to offer a program of instruction based on an alternative schedule; imposing certain requirements for certain days in which a school is closed to be counted as a school day in session; revising the manner and method by which public schools and school districts are required to maintain certain information relating to enrollment and attendance; revising certain obsolete references; revising requirements relating to the maintenance of records by an agency with personally identifiable information about a pupil; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Education to adopt regulations relating to education. (NRS 385.080) Existing law also requires the State Board to adopt regulations for counting enrollment and calculating the average daily attendance of pupils. (NRS 387.123)

Before the enactment of Senate Bill No. 543 (S.B. 543) of the 2019 Legislative Session, existing law established the Nevada Plan as the formula for the distribution of state financial aid to the public schools in this State. (NRS 387.121, as that section existed before July 1, 2021) Under the Nevada Plan, the Legislature established, each legislative session, an estimated weighted average basic support guarantee per pupil. (NRS 387.122, as that section existed before July 1, 2021) The basic support guarantee for each school district was computed by multiplying the basic support guarantee per pupil that was established by law for the school district for each school year by pupil enrollment. (NRS 387.121-387.1223, as those sections existed before July 1, 2021) To facilitate the computation of the basic support guarantee, each school district was required to submit quarterly reports concerning the average daily enrollment of pupils in the

school district. (NRS 387.1223, as that section existed before July 1, 2021) Existing regulations, adopted before the enactment of S.B. 543, provide that 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 for the immediately preceding quarter. (NAC 387.345) Existing regulations define “weighted count of enrollment” and specify how certain pupils will be accounted for in the weighted count of enrollment for the purposes of computing basic support. (NAC 387.115, 387.220, 387.294, 387.310, 387.320, 387.345)

S.B. 543, in general, replaced the Nevada Plan with the Pupil-Centered Funding Plan as the formula for the distribution of state financial aid to the public schools in this State. (Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4193) Among the various changes made by S.B. 543 was the elimination of references to the “basic support” of a school district. However, under the Pupil-Centered Funding Plan set forth in existing law, the amount of money appropriated to each school district each year continues to be based, in part, on pupil enrollment. To facilitate the computation of this yearly apportionment from the State Education Fund for each school district, existing law continues to require each school district to quarterly report to the Department of Education the average daily enrollment of pupils enrolled in the school district in the immediately preceding quarter of the school year. (NRS 387.1223)

Sections 24 and 29-32 of this regulation revise existing regulations to remove outdated references to “basic support.” **Section 2** of this regulation designates the reports on average daily enrollment submitted quarterly to the Department as “average daily enrollment quarterly reports.” **Section 32** of this regulation requires the count of pupils used to determine the reported average daily enrollment to be based on the weighted count of enrollment. **Sections 6, 30 and 31** of this regulation specify how certain pupils who attend school pursuant to certain agreements to pay tuition are required to be accounted for in the weighted count of enrollment. **Sections 6, 30 and 31** also require certain information regarding those pupils to be submitted to the Department when the school district submits the average daily enrollment quarterly report.

Existing regulations define “weighted count of enrollment” to count only six-tenths of all pupils enrolled in kindergarten. (NAC 387.115) **Section 11** of this regulation revises the definition to instead count only six-tenths of pupils enrolled in kindergarten in a program of instruction that provides less than 240 minutes of instruction in each school day.

Existing regulations require, with certain exceptions, a school calendar to be divided into 10 school months containing not more than 20 potential school days per month. (NAC 387.120) **Sections 4, 5 and 12** of this regulation instead require a school calendar to be divided into at least two instructional periods consisting of one or more school quarters. **Section 34** of this regulation repeals the definition of “school month.”

Existing law and regulations require a school district to schedule 3 contingent days to be used if a natural disaster, inclement weather or an accident necessitates closing a majority of the facilities within a school district. (NRS 388.095; NAC 387.120) **Sections 12 and 14** of this regulation specify that inclement weather includes hazardous air conditions. If the closure of all schools in a school district is necessary because of such conditions, and the duration of the closing exceeds the number of required contingent days, **section 14** authorizes the Superintendent of Public Instruction to permit any additional day to be counted as a school day in session under certain circumstances.

Existing regulations authorize the Superintendent of Public Instruction to authorize a school district to conduct short school days in session, which are defined as any day in which pupils are scheduled to be engaged in classes and other activities for two-thirds of a full school

day in session. (NAC 387.105, 387.140) **Section 10** of this regulation revises the definition to reduce the amount of time in which pupils are required to be scheduled to attend school for a day to at least 50 percent of a full school day in session for a school day to qualify as a short school day in session.

Existing law prohibits a child who is not 5 years of age on or before the first day of a school year from being admitted to kindergarten. (NRS 392.040) **Section 12** of this regulation provides that the first day of the school year is the first “instructional day” scheduled for the school year. **Section 3** of this regulation defines “instructional day” to mean, in general, a school day in which pupils are scheduled to be engaged in classes or other instructional activities and not solely in testing or assessments.

Section 13 of this regulation revises requirements for an application for a school district to provide a program of instruction based on an alternative schedule.

Existing regulations require each school district to submit to the Superintendent of Public Instruction for approval a legend of symbols and system of recording relating to the enrollment and attendance of pupils. (NAC 387.163) **Section 15** of this regulation requires each school district and charter school to instead use a list of codes and symbols published by the Department to record such information. **Sections 9 and 21** of this regulation make a conforming change to reflect the removal of the requirement that a school district obtain approval of a list of legends and symbols.

Existing law requires the Superintendent to prescribe a uniform program for the collection, maintenance and transfer of data. (NRS 385A.820) **Section 15** requires each school district and charter school to use this program to record enrollment and attendance.

Existing regulations require each school or school district to maintain a master register of enrollment and attendance. (NAC 387.171) **Sections 16, 17, 19 and 23** of this regulation revise requirements concerning the master register and the information that is required to be maintained on the master register.

Sections 18 and 20 of this regulation revise the circumstances under which a pupil is considered to be in full attendance for a school day. **Section 22** of this regulation revises the circumstances under which a pupil is considered withdrawn from a school.

Section 7 of this regulation requires each school district to report any pupil who is “chronically absent,” as defined in **section 7**.

Existing regulations require each school district to submit to the Superintendent for approval procedures for reporting enrollment and attendance with respect to a pupil placed in a detention home or alternative program in the school district. (NAC 387.283) **Section 25** of this regulation requires each school district or charter school to submit such procedures to the Superintendent or his or her designee.

Under existing regulations, certain pupils who receive instruction at home or in a medical facility are prohibited from being reported as having accumulated more days of attendance in a school year than the number of school days in session during that school year. (NAC 387.286, 387.291) **Sections 26 and 27** of this regulation revise this prohibition to prohibit such pupils from being reported as having accumulated more days of attendance than the minimum number of days of free school required by existing law, which is currently 180 days. (NRS 388.090)

Section 28 of this regulation eliminates certain reporting requirements for a school district concerning pupils who participate in a program of instruction through correspondence.

Existing regulations require each agency with personally identifiable information about a pupil to maintain a permanent record of certain information about the pupil. (NAC 388.289)

Section 33 of this regulation revises the information that is required to be permanently maintained.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Average daily enrollment quarterly report” means a report concerning the average daily enrollment of pupils that is required to be submitted quarterly to the Department pursuant to NRS 387.1223.*

Sec. 3. 1. *“Instructional day” means a day that is identified on a school calendar as a school day in session or a short school day in session in which pupils enrolled in a school are scheduled to be engaged in classes or other instructional activities.*

2. The term does not include a school day in session or short school day in session in which pupils enrolled in a school are scheduled to be engaged solely in testing or assessments.

Sec. 4. *“Instructional period” means one of the academic terms making up a school year.*

Sec. 5. *“School quarter” means a period of 3 consecutive months within an instructional period commencing on the first day of January, April, July or October.*

Sec. 6. 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 agreement to pay tuition approved by the Department:*

(a) Only the school district in which the pupil attends school shall make a note of the pupil’s residence and attendance status next to his or her name on the master register of enrollment and attendance; and

(b) The school district in which the pupil attends school and the school district in which the pupil resides shall, when each school district submits to the Department an average daily

enrollment quarterly report, also submit a supplementary report of enrollment and attendance, marked “Interlocal Pupils,” and a copy of the agreement to pay tuition approved by the Department.

2. For calculating the yearly apportionment for each school district, the enrollment of these pupils will be added to the weighted count of enrollment of the school district in which the pupil attends school for each average daily enrollment quarterly report.

Sec. 7. 1. *Each school district shall report to the Department each pupil enrolled in the school district who is chronically absent.*

2. For the purposes of this section, a pupil is “chronically absent” if the pupil is absent for 10 percent or more of the school days for which he or she is enrolled. For the purposes of this subsection, a pupil is absent for a school day if, during the school day, the pupil is not:

(a) Physically on school grounds;

(b) Participating in instruction or instructional activities at an approved location off school grounds; and

(c) In attendance for 50 percent or more of the minutes of instruction scheduled for the pupil for the school day, regardless of whether the failure to be in attendance is excused or unexcused.

Sec. 8. NAC 387.010 is hereby amended to read as follows:

387.010 As used in NAC 387.010 to 387.355, inclusive, *and sections 2 to 7, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 387.012 to 387.117, inclusive, *and sections 2 to 5, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 9. NAC 387.065 is hereby amended to read as follows:

387.065 “Reenrollment” means the enrollment of a pupil in a public school in this State ~~in accordance with an approved legend of symbols and system of recording~~ after the pupil has previously been enrolled in the same school during the current school year.

Sec. 10. NAC 387.105 is hereby amended to read as follows:

387.105 “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 *not* in attendance for ~~two-thirds of~~ *the required minimum daily period for* a full school day in session in their respective grades and departments ~~but are in attendance for at least 50 percent of that period.~~

Sec. 11. NAC 387.115 is hereby amended to read as follows:

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.

Sec. 12. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not apply to all its schools ~~or grades~~, the district shall submit as many calendars as are necessary for application to all its schools ~~and grades~~. 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~~ 6 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~~ *at least two instructional periods. Each instructional period must consist of one or more* ~~than 20 potential~~ school ~~days per month.~~ *quarters.* The first ~~day~~ *instructional period* of ~~the first~~ *a* school ~~month is the first day of attendance by pupils.~~ *year must commence on July 1 and the last instructional period of the school year must end on June 30.*

3. *For the purposes of subsection 2 of NRS 392.040, the first day of a school year is the first instructional day scheduled for that school year.*

4. 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*, uncontrollable circumstances, ~~or~~ an accident ~~or~~ *inclement weather, including, without limitation, hazardous air conditions; 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 ~~or~~ *to be counted as a school day in session.*

~~4~~ 5. Any day for an organized teachers' conference for professional development convened by the board of trustees of a school district or a school 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, or an equivalent number of minutes if teachers' conferences are held only for a portion of a day, may be convened by a school or school district in any school year.

~~5.1~~ 6. 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.

Sec. 13. NAC 387.125 is hereby amended to read as follows:

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

- (a) A description of the alternative schedule; and
- (b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and the community.

Sec. 14. NAC 387.151 is hereby amended to read as follows:

387.151 1. If there is an emergency which necessitates the closing of a particular school for a day because of ~~inclement weather,~~ *natural disaster*, uncontrollable circumstances, ~~or~~ an accident ~~or~~ *inclement weather, including, without limitation, hazardous air conditions*, 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 ~~or~~ *if the school district:*

(a) Has in place a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, which has been approved by the Department and which includes the schools that are to be closed; and

(b) Certifies to the Superintendent of Public Instruction, in a form prescribed by the Department, that affected pupils will be provided with all necessary services, including, without limitation, nutrition services and any services required to comply with a pupil's individualized education program or plan developed pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 15. NAC 387.163 is hereby amended to read as follows:

387.163 1. Each school district *and charter school* shall ~~submit to the Superintendent of Public Instruction for approval a:~~

~~—(a) Legend of~~ *use the list of codes and* symbols ~~{to be used throughout the district to record daily attendance, including attendance for partial days, and}~~ *published by the Department* to record ~~{the status of each pupil, including, without limitation, the}~~ enrollment, reenrollment, transfer, ~~{and}~~ withdrawal ~~{of each pupil, if applicable.}~~

~~—(b) System of recording}~~ *and* attendance. ~~{, enrollment, reenrollment and withdrawal.}~~

~~→}~~ A school district *or charter school* may ~~{obtain approval for more than one legend of}~~ *develop a list of codes concerning attendance for the purpose of capturing more detailed information about an absence so long as such codes correspond to the codes concerning attendance in the list of codes and* symbols ~~{and more than one system of recording.}~~ *published by the Department.*

2. ~~{A}~~ *Each school district and charter school must use the automated* system of ~~{recording}~~ *information prescribed by the Superintendent of Public Instruction pursuant to NRS 385A.820 to record enrollment and attendance. Each school district and charter school* must ~~{include the}~~ *use* internal controls established for the system, including, without limitation, the name and title of each person who is authorized to make entries into the system.

~~{3. Any change in the symbols or system of recording used by a school district must be submitted to the Superintendent of Public Instruction for approval. A school district shall not use or authorize the use of a revised legend of symbols or system of recording until the Superintendent of Public Instruction has approved the revision.}~~

Sec. 16. NAC 387.171 is hereby amended to read as follows:

387.171 Each *public* school or school district shall maintain a master register of enrollment and attendance containing the following information for each pupil:

1. The name of the pupil.

2. The date of birth of the pupil.
3. The school in which the pupil is enrolled.
4. The grade or ungraded category of educational service to which the pupil is admitted.
5. The dates, if applicable, of enrollment and reenrollment.
6. The date of withdrawal, if applicable, and the reason for the withdrawal, as described in

NAC 387.215.

7. The pupil's record of daily attendance.
8. The gender of the pupil.
9. The ethnic group or race to which the pupil belongs, according to the following

designations:

- (a) American Indian/Alaskan Native;
- (b) Asian ; ~~for Pacific Islander;~~
- (c) Black ~~+~~ *or African-American;*
- (d) Hispanic ~~+~~ *or Latino;*
- (e) White ~~+~~;

(f) Native Hawaiian or Pacific Islander; or

(g) Two or more races.

10. If the pupil is enrolled in a program of distance education, the information required by subsection 2 of NAC 387.193.

11. A unique identifier for the pupil.

↪ The master register of enrollment and attendance ~~may~~ *must* be maintained on ~~an electronic database or other computerized~~ *the automated* system ~~if the school district obtains the~~

~~approval~~ of information prescribed by the Superintendent of Public Instruction ~~+~~ pursuant to *NRS 385A.820*.

Sec. 17. NAC 387.175 is hereby amended to read as follows:

387.175 1. Each master register of enrollment and attendance and any supporting documents must be maintained and be available for inspection by the Department at any time during the school year and for 5 years after the last day of the school year. A printout *or electronic record* of the master register at the end of each school ~~month~~ *quarter* satisfies the requirements of this subsection if the printout *or electronic record* is maintained for 5 years after the last day of the school year.

2. Each class record book must be maintained and be available for inspection by the Department at any time during the school year and for 2 years after the last day of that school year. A printout *or electronic record* of the class record book at the end of each school ~~month~~ *quarter* satisfies the requirements of this subsection if the printout *or electronic record* is maintained for 2 years after the last day of the school year.

3. At the close of each school year, each officer who is responsible for maintaining the school's master register of enrollment and attendance shall sign a statement testifying to the accuracy and truthfulness of the reports of attendance and enrollment which are recorded in the master register. Such a statement must be included in the master register of enrollment and attendance. If a different officer becomes responsible for maintaining the master register during a school year, the officer who vacated the position shall attest to the accuracy and truthfulness for the period of the school year during which he or she was responsible for the master register and the officer that replaces him or her shall attest to the accuracy and truthfulness for the period of the school year during which he or she was responsible for the master register.

Sec. 18. NAC 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in NAC 387.193, 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; ~~and~~
- (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 and 387.291 ~~;~~

~~—(a) A~~ *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 ~~two-thirds~~ *50 percent* of the ~~required number of~~ minutes ~~in the daily session for the pupil's grade or department or, if applicable, if he or she is in attendance for at least two-thirds of the required number of class periods per~~ *of instruction scheduled for the pupil for the school* day . ~~;~~ ~~as determined by the school district; and~~

~~—(b) A half day of attendance must be recorded for a pupil if he or she is in attendance for at least one-third of the required number of minutes in the daily session for the pupil's grade or department or, if applicable, if he or she is in attendance for at least one-third of the required number of class periods per day, as determined by the school district.~~

Sec. 19. NAC 387.193 is hereby amended to read as follows:

387.193 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:

(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 full-time 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; 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 be recorded in full attendance for each week that the school district or charter school has evidence of the pupil's progression in each course as documented:

(a) In the electronic learning management system;

(b) By 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 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.

↪ 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.

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 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. 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.

8. 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.

Sec. 20. NAC 387.195 is hereby amended to read as follows:

387.195 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 ~~more than two-thirds~~ **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, 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 on the monthly reports submitted to the Department.

Sec. 21. NAC 387.197 is hereby amended to read as follows:

387.197 1. A school district that provides instruction to children who are detained in detention homes 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 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.]~~ *of enrollment and attendance.*

2. Except as otherwise provided in this subsection, if a child is detained in a detention home 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.

Sec. 22. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection 7 of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until the pupil is transferred from the school or his or her name is withdrawn from its master register. A pupil is not withdrawn from school if he or she is:

(a) Truant from school and documentation of the truancy is maintained by the school district; or

(b) Absent from school for a period of less than ~~10~~ **20 consecutive** school ~~month,~~ **days** with an expected date of return ~~10~~ **within 20 school days after the first day of the period in which the pupil is absent.**

3. If a pupil:

(a) Enrolls in another school ~~10~~ **before the pupil has completed the school year**, the effective date of withdrawal is the last day that the pupil attended class.

(b) *Enrolls in another school after the pupil has completed the school year, the effective date of withdrawal is the last school day of the school calendar for the school year.*

(c) Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.

~~(e)~~ (d) Does not enroll in another school ~~and~~ *and the parent or legal guardian of the pupil notified the school district of the withdrawal*, the effective date of withdrawal is the last day that the pupil attended class.

~~(d)~~ (e) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

~~(e)~~ (f) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the ~~day immediately after the~~ 10th consecutive school day that the pupil failed to attend school.

(g) Does not attend school for 20 consecutive school days and the whereabouts of the pupil are known, the effective date of withdrawal is the 20th consecutive school day that the pupil failed to attend school.

Sec. 23. NAC 387.215 is hereby amended to read as follows:

387.215 The reason listed in the master register of enrollment and attendance for the withdrawal of a pupil must be stated as one of the following:

1. For a pupil who will receive educational services ~~from~~ *from* the same school district ~~or~~ *or charter school*, withdrawal of the pupil to ~~enroll in~~ *enroll in*:

(a) ~~Enroll in the~~ *The* same school or a program within the same school, including, without limitation, another grade level or track within the same school;

(b) ~~Enroll in another~~ *Another* school ~~[, other than a charter school,]~~ within the same school district ~~[,]~~ *or operated under the same charter contract;*

(c) ~~Enroll in a~~ *A* charter school that is sponsored by the board of trustees of the school district ~~[,]~~ *from which the pupil was receiving educational services;* or

(d) ~~Receive~~ *An* educational ~~[services from the school district if the pupil is not assigned to a particular school within the school district.]~~ *program for adults or other educational program which offers a diploma.*

2. For a pupil who will receive educational services from a source other than the school district ~~[,]~~ *or charter school,* withdrawal of the pupil to transfer and:

(a) Enroll in a public school ~~[, other than a charter school,]~~ in another school district in this State ~~[, including, without limitation, enrollment in a detention home]~~ or ~~[alternative program that is not located within the]~~ *a university* school ~~[district,]~~ *for profoundly gifted pupils;*

(b) Enroll in a private school in this State;

(c) Receive instruction as a homeschooled child pursuant to NRS 392.070;

(d) Enroll in a school in another state;

(e) Enroll in a school in another country; ~~or~~

(f) Enroll in a charter school that is ~~not~~ sponsored by the board of trustees of ~~the~~ *a* school district ~~[,]~~;

(g) Enroll in an education program for adults or other educational program which offers a diploma; or

(h) Enroll in a charter school that is sponsored by the State Public Charter School

Authority.

3. For a pupil who is not known to be receiving educational services, withdrawal of the pupil from the system of K-12 public education:

(a) By the pupil or the parent or guardian of the pupil . ~~}; as applicable, for any of the following reasons:~~

~~——(1) The pupil is credit deficient;~~

~~——(2) Pregnancy;~~

~~——(3) Marriage;~~

~~——(4) Employment;~~

~~——(5) The pupil's physical or mental condition prevents or renders inadvisable the pupil's attendance at school or the pupil's application to study, certified pursuant to NRS 392.050, including, without limitation, a long-term medical condition or admission to a program of substance abuse treatment or a rehabilitative setting;~~

~~——(6) Authorization by the juvenile division of the district court pursuant to NRS 392.090;~~

~~——(7) Self-supported or parental support in accordance with NRS 392.100;~~

~~——(8) Apprenticeship in accordance with NRS 392.110; or~~

~~——(9) Any other reason not specified in subparagraphs (1) to (8), inclusive.}~~

(b) Because the pupil's age exceeds the maximum age at which the pupil is entitled to a public education in this State.

(c) Due to:

(1) Permanent expulsion;

(2) Disciplinary or other eligibility reasons; or

(3) Incarceration.

(d) To enroll in an educational program for adults or other educational program which does not offer a diploma, including, without limitation:

(1) A program ~~{of general educational development;}~~ *that offers a high school equivalency assessment;* or

(2) A program of vocational or technical education for adults.

(e) As a result of the unknown enrollment status of the pupil due to the absence of the pupil:

(1) For 10 consecutive school days if the whereabouts of the pupil are unknown or the reason for the pupil's absence cannot be determined;

(2) For ~~{1 month when an expected date of return is not known; or}~~ *20 consecutive school days if the whereabouts of the pupil are known;*

(3) For unexplained absence, as set forth in subsection 2 of NAC 387.220 ~~{-}~~; *or*

(4) For failing to return for the next school year for unknown reasons.

(f) When attendance is ~~{excused}~~ *no longer required* pursuant to NRS 392.060 for completion of the 12 grades of elementary and high school courses.

(g) When ~~{attendance is excused pursuant to NRS 392.080 because}~~ the pupil's ~~{residence is located at such a distance from the nearest public school as to render}~~ *physical or mental condition prevents or renders inadvisable the pupil's attendance* ~~{unsafe or impractical.}~~ *at school or the pupil's application to study, certified pursuant to NRS 392.050, including, without limitation, a long-term medical condition or admission to a program of substance use treatment or a rehabilitative setting.*

4. For a pupil who exits the system of public education, withdrawal of the pupil:

(a) Due to the death of the pupil;

(b) When the pupil is less than 7 years of age and was enrolled in public school; or

(c) ~~{After reenrolling, if the pupil was previously withdrawn for a reason set forth in paragraph (d) of subsection 3.}~~ *Upon completion of a course, program of instruction or activity.*

Sec. 24. NAC 387.220 is hereby amended to read as follows:

387.220 1. A record of withdrawal for the purpose of calculating ~~{basic support}~~ *yearly apportionment* must be entered on the master register of enrollment and attendance with an effective date of withdrawal prescribed in paragraph ~~{(e)}~~ *(f)* of subsection 3 of NAC 387.200 for a pupil who is absent for at least 10 consecutive school days if the pupil's whereabouts or the reason for his or her absence cannot be determined.

2. A withdrawal for an unexplained absence must be recorded for any pupil who was enrolled in grades 7 to 12, inclusive, in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. The school district shall post and maintain the record maintained pursuant to this section separately from records of withdrawals of pupils counted for the purposes of apportionment for the current school year.

Sec. 25. NAC 387.283 is hereby amended to read as follows:

387.283 1. Each school district *and charter school* shall submit to the Superintendent of Public Instruction ~~{}~~ *or his or her designee*, in advance, 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 home or alternative program in the district ~~{}~~ *or charter school*.

2. The procedures must describe in detail:

(a) The method by which the school district *or charter school* determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention home or alternative program;

(b) The means by which the district *or charter school* ensures that a pupil in a detention home 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 or alternative program;

(c) How the school district *or charter school* will account for a pupil who is receiving instruction in a detention home or alternative program located within the district ~~§~~ *or in the charter school*, but who is a resident of ~~another~~ a school district ~~§~~ *in which the detention home or alternative program is not located*; and

(d) How the school district *or charter school* will account for a pupil who is a resident of the school district *in which the detention home or alternative program is located* and for whom the school district *or charter school* is providing for the pupil to receive instruction in a detention home or alternative program located in another school district.

3. The Superintendent of Public Instruction *or his or her designee* may approve or reject the submitted procedures. If the Superintendent *or his or her designee* rejects the procedures, the Superintendent shall prescribe the method of reporting for that school district *or charter school* for that school year. The approval of the Superintendent of Public Instruction is effective until the school district *or charter school* revises the procedures.

~~4.— 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.~~

Sec. 26. NAC 387.286 is hereby amended to read as follows:

387.286 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 *minimum* number of ~~{school}~~ days ~~{in-session during that}~~ of free school ~~{year}~~ required by NRS 388.090.

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, or a separate monthly report may be submitted, marked "Individual Tutoring at Home or in a Medical Facility."

Sec. 27. NAC 387.291 is hereby amended to read as follows:

387.291 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 *minimum* number of ~~{school}~~ days ~~{in session during that}~~ of free school ~~{year}~~ *required by NRS 388.090.*

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, or a separate monthly report may be submitted, marked "Instruction of Groups in a Medical Facility."

Sec. 28. NAC 387.293 is hereby amended to read as follows:

387.293 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 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.”}~~

Sec. 29. NAC 387.294 is hereby amended to read as follows:

387.294 1. If a pupil is enrolled full-time in a regular school program of a school district and the pupil is concurrently enrolled in a program of distance education provided by the same school district, the pupil must be counted only once for purposes of apportionment and the school district is not eligible for additional ~~{basic support}~~ money for the pupil.

2. If a pupil is enrolled full-time in a regular school program of a charter school and the pupil is concurrently enrolled in a program of distance education provided by the same charter school, the pupil must be counted only once for purposes of apportionment and the charter school is not eligible for additional ~~{basic support}~~ money for the pupil.

3. The count of pupils who are enrolled part-time in a program of distance education pursuant to subparagraph (3) of paragraph (a) of subsection 2 of NRS 387.1223 is based upon the percentage of time, rounded to the nearest whole number, that each pupil participates in a program of distance education during a school day in proportion to the total time that services are provided to full-time pupils enrolled in a regular school program of the school district or charter school, as applicable. The requirements for the count of pupils enrolled part-time in a program of distance education set forth in this subsection and subparagraph (3) of paragraph (a) of subsection 2 of NRS 387.1223 apply to pupils who are enrolled full-time in a:

(a) Public school of a school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school.

(b) Charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

Sec. 30. NAC 387.310 is hereby amended to read as follows:

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

(a) ~~{Make}~~ *The school or school district in which the pupil is enrolled shall make* a note of the pupil's residence next to his or her name on the master register of enrollment and attendance; and

(b) ~~{Submit a supplementary report of}~~ *The school district in which the pupil is enrolled shall, when the school district submits to the Department an average daily enrollment quarterly report, also submit a supplementary report of enrollment and attendance, marked "Out-of-State {Pupils" at the end of the first school month.} Pupils," and a copy of the agreement to pay tuition approved by the Department.*

2. For calculating the ~~{basic support}~~ *yearly apportionment* for each school district, the enrollment of out-of-state pupils will be deducted from the weighted count of enrollment for ~~{the first school month.}~~ *each average daily enrollment quarterly report.* 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.

Sec. 31. NAC 387.320 is hereby amended to read as follows:

387.320 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 *, when the school district submits to the Department an average daily enrollment quarterly report, also* submit a supplementary report of enrollment and attendance, marked "Resident Pupils Attending School ~~{Out-of-State.}~~ *Out-of-State,*" and a *copy of the agreement to pay tuition approved by the Department.*

2. ~~{The report must be submitted at the end of the first school month.~~

~~—3.~~ For calculating the ~~{basic support}~~ *yearly apportionment* for each school district, the enrollment of these pupils will be added to the weighted count of enrollment for ~~{the first school month.}~~ *each average daily enrollment quarterly report.*

Sec. 32. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsections 3 and 4, ~~{the count of pupils}~~ for calculating the ~~{basic support}~~ *yearly apportionment* for each school district *, the count of pupils*

used to determine the average daily enrollment of pupils in a 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, *must be based on the weighted count of enrollment of pupils in the school district for that quarter*, 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~~ *yearly apportionment* for the school district for a school year unless the pupil is in a minimum of:

- (a) Six courses or the equivalent of six periods per day if he or she is in grade 9, 10 or 11; or
- (b) Four courses or the equivalent of four periods per day if he or she is in grade 12.

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~~ *yearly apportionment* 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.

↪ 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.

Sec. 33. NAC 388.289 is hereby amended to read as follows:

388.289 1. Each agency with personally identifiable information shall, pursuant to the provisions of 34 C.F.R. §§ 300.610 to 300.626, inclusive:

(a) Protect the confidentiality of personally identifiable information at its collection, storage, disclosure and destruction;

(b) Appoint one official to assume responsibility for ensuring the confidentiality of any personally identifiable information;

(c) Train or instruct all persons collecting or using personally identifiable information regarding these policies and procedures; and

(d) Maintain a current listing for public inspection of the names and positions of those employees within the agency with personally identifiable information who may have access to personally identifiable information.

2. Each agency with personally identifiable information shall:

(a) Inform the parents when the personally identifiable information collected, maintained or used is no longer needed to provide educational services to the pupil;

(b) Maintain a permanent record of the pupil's name, *last known* address, telephone number, ~~{grades, attendance, classes}~~ *grade level, enrollment and the courses* the pupil ~~{attended, grades he or she}~~ completed, ~~{and}~~ the year he or she completed them ~~{;}~~ and *the grades he or she earned in them; and*

(c) Upon the request of the parent of a pupil, destroy any personally identifiable information, except the information listed in paragraph (b), which is no longer necessary to provide educational services to the pupil.

3. An agency with personally identifiable information shall not disclose personally identifiable information except as authorized by law.

4. An agency with personally identifiable information may include student teachers and related service interns among those persons who have a legitimate educational interest in accessing education records pursuant to policies developed in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the related regulations.

Sec. 34. NAC 387.100 is hereby repealed.

TEXT OF REPEALED SECTION

387.100 “School month” defined. (NRS 385.080) “School month” means one of the 10 divisions of a school year.