

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB FILE NO. R158-24I

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by the agency submitted on 06/25/2024**

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NAC 387.XXX “Minimum daily period” defined. “Minimum daily period” means a minimum required number of qualifying instructional minutes.

NAC 387.XXX “Instructional minutes” defined. “Instructional minutes” mean a given length of time during which a student receives qualifying educational instruction. The following activities do not qualify as instructional minutes:

- ***Lunch and/or nutrition breaks***
- ***Open or unassigned periods***
- ***Sport, team, or club activities***
- ***Study halls that do not provide tier-one instruction or high-dosage tutoring***

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 387.015 “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 387.080 “School calendar” defined. ([NRS 385.080](#)) “School calendar” means a calendar showing all:

1. Days which are planned for school to be in session, including ***any short school days in session or*** contingent days;
2. ***Days scheduled for parent-teacher conferences;***
3. ***Days scheduled for kindergarten assessments pursuant to NAC 387.131(5).***
4. Days ~~for organized teachers’ conferences~~ ***scheduled*** for professional development; and

5. Holidays on which school is required to be closed.

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 387.119 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 387.120 School calendar: Submission; contents. ([NRS 385.080](#), [387.123](#), [388.090](#), [388A.110](#), [388A.366](#))

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.

(a) calendar submissions must include all data requested by the Department related to validating the total number of instructional days, instructional minutes, and start and end times provided under the school calendar.

2. Except as otherwise provided in subsection 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 at least two instructional periods. Each instructional period must consist of one or more school quarters. The first instructional period of a school 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: ~~At least~~
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(a) *In a district with a population less than 100,000, at least 33 percent* of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(b) *In a district with a population greater than 100,000, at least 50 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or*

(c) 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 to be counted as a school day in session.

5. *Up to 5 days* ~~day for an organized teachers' conference~~ for professional development, *or an equivalent number of minutes if the professional development is held only for a portion of the day, may be* convened by the board of trustees of a school district or a school *and 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 professional development day as day in session may not be scheduled within 20 school days of the last day of instruction.* A day for *professional development* ~~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.~~

6. A school calendar for an adult high school program, an alternative program, a program of distance education, *a program of competency-based education, a program of independent study,* or a program of instruction in a *juvenile detention facility or treatment facility* ~~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) *an alternative calendar pursuant to NAC 387.125;*

(b) a program that demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum; or

(c) *a program that demonstrates competency in the state instructional content standards 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, *a program of competency-based education pursuant to NAC 389.XXX, a program of independent study pursuant to NAC 389.710,* or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this subsection *provided said application expressly identifies its calendar configuration and how the program will demonstrate progress, completion, or competency.* ~~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.~~

7. Any changes to the school calendar, once approved by the Superintendent of Public Instruction, must be submitted to the Department within 10 business days of the change; this includes, but is not limited to, emergency closures, delays, half days, activation of contingent days, professional development days, or other adjustments. These changes are subject to the approval of the Superintendent of Public Instruction and may require additional remediation at the determination of the Superintendent.

NAC 387.131 School day in session. (NRS 385.080, 387.123)

1. Except as otherwise provided in this section and except for an alternative schedule approved pursuant to [NAC 387.125](#), a school day in session must consist of the following minimum daily periods for each grade ~~, including recess and time between activities, but not including the time allowed for lunch:~~

Grade	<i>Daily</i> Period
Kindergarten through 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school program, an alternative program, a program of distance education, a program of independent study, *a program of competency-based education*, or a program of instruction in a *juvenile detention facility or treatment facility* ~~home~~ is identical to the *minimum daily* period *per NAC 387.131(1)* ~~for a regular grade~~ unless the school district *or charter school*:

(a) *requests an alternative calendar pursuant to NAC 387.125, to include flexibilities* ~~Exercises its option~~ pursuant to subsection ~~2 4~~ of NAC 387.140; or

(b) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in 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.* ~~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 paragraph 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 paragraph, competency in curriculum that meets the state standards may be considered equivalent to the regular school curriculum.~~

(c) The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, *a program of competency-based education pursuant to*

NAC 389.XXX, a program of independent study pursuant to NAC 389.710 or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to *NAC 387.131(3)(b) provided said application expressly identifies its instructional time configurations and how the program will demonstrate progress, completion, or competency.* ~~this paragraph if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum.~~

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, *any day up to two days* on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

NAC 387.140 Short school day in session. ([NRS 385.080](#), [387.123](#))

1. The Superintendent of Public Instruction may authorize a school district to conduct *up to 5* short school days in session *for each school year.* ~~on a continuing basis for up to 1 school year when facilities or conditions so require.~~ To obtain the permission of the Superintendent of Public Instruction, a school district must submit an application in advance. ~~describing the circumstances which necessitate short school days in session as well as its plans to alleviate those circumstances. The application must include an estimation of the time needed to restore regular school days in session.~~

~~2. 1. The board of trustees of a school district may, for each school year:~~

~~—(a) Schedule up to 5 6 short school days in session per school; or~~

~~—(b) Delegate, in writing, to the superintendent of schools of the school district the authority to schedule the 5 short school days in session permitted pursuant to paragraph (a).~~

Ê Upon written request from the board of trustees of a school district *and in alignment with an application for an alternative calendar*, the Superintendent of Public Instruction may authorize the scheduling of more than 5 short school days in session. ~~when special circumstances so require.~~

~~3. The board of trustees of a school district may submit to the Department a district-wide policy for the approval of short school days in session. The policy must:~~

~~—(a) Include a process for determining approval of a short school day in session that is requested by a school within the school district;~~

~~—(b) Include a process for recording a short school day in session; and~~

~~—(c) Be applied consistently throughout the school district.~~

Ê ~~Upon review, the Department may make revisions to the policy. If a policy has been approved by the Department for a school district, the school district may approve a short school day in session for a school in accordance with the policy.~~

~~4. 2.~~ Upon the written approval of the Superintendent of Public Instruction, a school district may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program, *a program of competency-based education*, or receiving

instruction in a detention *facility home*. If a plan for an alternative program ~~is approved~~ pursuant to [NRS 388.537](#) or a plan for competency-based education pursuant to [NAC 389.XXX](#), and the plan contains a schedule which includes short school days in session, the approved plan shall be deemed written approval by the Superintendent for purposes of this subsection.

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

1. If there is an emergency which necessitates the closing of a particular school for a day because of natural disaster, uncontrollable circumstances, 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~~ *multiple* schools or campuses in a school district or charter school is necessary under the conditions specified in subsection 1 and the duration of the closing exceeds the number of required contingent days, the Superintendent of Public Instruction may permit any additional day to be counted as a school day in session if 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, *education services*, 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.

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 387.193 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 ~~ve~~ 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)~~ In the electronic learning management system *and*;

~~(b)~~ *By (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

~~(e)~~ **By (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.XXX Pupil enrolled in a program of competency-based education

- 1. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to NAC 388.XXX shall be deemed enrolled full time:***
 - a. If the student is in kindergarten or in any grade from grades 1 to 6 inclusive, is enrolled in:***
 - i. the minimum daily period required pursuant to NAC 387.131(1) or an approved program for the minimum daily period pursuant to subsection 3 of NAC 387.131; and***
 - ii. a program that demonstrates competency in the state instructional content standards equivalent to the regular school curriculum.***
 - b. If the student is in any grade from grades 7 to 12 inclusive, is enrolled in:***
 - i. The number of courses required for full-time pupils pursuant to NAC 387.345(3); or***
 - ii. A written plan has been prepared in collaboration with the student which demonstrates that the pupil will complete sufficient coursework during the school year toward the number of courses required for full-time pupils in a program that demonstrates competency in the state instructional content standards equivalent to the regular curriculum.***
 - c. Students may be enrolled in courses of distance education, courses of independent study, career and technical programming, dual credit courses, or credits for equivalent experience, without limitation, to meet requirements for full time enrollment.***
- 2. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to NAC 388.XXX shall be deemed to be in full attendance for a day:***
 - a. If the student is in kindergarten or in any grade from grades 1 to 6 inclusive, has attended school for at least 50 percent of the number of minutes required for the daily session of their grade as approved under NAC 387.131***
 - b. If the student is in any grade from 7 to 12 inclusive, has:***
 - i. Attended school for at least 50 percent of the number of minutes required for the daily session of their grade as approved under NAC 387.131; or***
 - ii. Completed hours specified in the written plan prepared in collaboration with the student which demonstrates that the pupil will complete sufficient coursework during the school year toward the number of courses required for full-time pupils in a program that demonstrates competency in the state instructional content standards equivalent to the regular curriculum.***

1. A pupil enrolled in a program of competency-based education utilizing this model of attendance must:

a. Maintain a study log; and

b. Meet or otherwise communicate with a person who is licensed pursuant to chapter 391 of NRS and 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. 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. All pupils enrolled in a program of competency-based education that has been approved pursuant to NAC 389.XXX must be enrolled in the electronic learning management system and the master register of enrollment, and reported for average daily enrollment reporting pursuant to NRS 387.1223.

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 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~~ *facilitly* 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 387.293 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 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 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 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 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 ~~one~~ *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 389.040 "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 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 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 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 389.670 Credit granted for performance on examination in lieu of course attendance; ~~Board of trustees required to prescribe application and eligible courses of study~~; effect of pupil's withdrawal from school; authority of State Board to review examination and minimum score required. (NRS 385.080, 385.110, 389.171)

1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171. The application must include, without limitation, the:

- (a) First and last name of the pupil;
- (b) Identifying information for the pupil, including, without limitation, the date of birth, individual identification number, ethnicity and gender of the pupil;
- (c) Grade level of the pupil;
- (d) Home telephone number of the pupil;
- (e) Name and identification number of the school in which the pupil is enrolled;
- (f) Signature of the school counselor at the school in which the pupil is enrolled; and
- (g) Name and number of the course of study for which the application is submitted.

~~2. The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to NRS 389.171, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.~~

3. The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of NRS 389.171, establish a committee of teachers and administrators to select an appropriate examination for each course of study ~~prescribed pursuant to subsection 2.~~ The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of NRS 389.171, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171 to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

4. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

5. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

6. The State Board of Education may review:

(a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and

(b) The minimum score required on any such examination.

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.XXX Determining programs

1. *Should a school district or charter school request an education program that upon review, may be qualified as hybrid in nature, the Superintendent of Public Instruction shall review the request and determine the most applicable program for approval.*

For the purposes of this section, hybrid is defined as a program consisting of elements from two or more programs as defined pursuant to NAC 387.120, NAC 387.125, NAC 387.190, NRS 388.537, NAC 389.XXX, NAC 389.710, or NAC 388.830.

NAC 389.XXX “Program of Competency-based education” defined. A program of competency-based education refers to an innovative program in effect school-wide or across a grade band in which students receive credit and/or promote to a higher grade when the pupil demonstrates mastery of a concept or skill pursuant to NAC 389.XXX, in alignment with the portrait of a learner and the academic content standards, regardless of the time, place, or pace at which the pupil progresses.

NAC 389.XXX Application to operate program of competency-based education; approval or denial of application

1. *The board of trustees of a school district or charter school may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of competency-based education.*

2. *The Superintendent of Public Instruction shall review each plan to operate a program of competency-based education submitted to the Department of Education and approve or deny the plan.*

NAC 389.XXX Plan to operate a program of competency-based education

1. *School districts and charter schools who wish to operate a program of competency-based education must develop a plan to operate a program at a specific school site in collaboration with:*

a. At least one educator assigned to the school site;

i. If special education students shall be included in the program, at least one educator must have a special education endorsement;

ii. If gifted and talented student shall be included in the program, at least one educator must have a gifted and talented endorsement; and

iii. If early education students shall be included in the program, at least one educator must have an early education endorsement.

b. At least one administrator assigned to the school site, to include the school principal.

- c. *At least one representative from the school's regional professional development program*
 - d. *At least one specialized instructional support personnel assigned to the school site, to include school counselors, school social workers, or school psychologists*
 - e. *A least one representative with subject matter expertise in providing services to students who are homeless, in foster care, or otherwise at-risk*
 - f. *At least one parent and one community member, neither of which may be an employee of the school district; as applicable, a tribal representative should further be included*
 - g. *If the school includes grades 7-12:*
 - i. *At least one student representative*
 - ii. *At least one postsecondary representative to support college and career-ready students*
2. *A plan to operate a program of competency-based education must:*
- a. *Identify how students may demonstrate mastery of a concept or skill in alignment with the academic content standards for the purposes of advancement, pursuant to (e) of this section.*
 - b. *Identify how students will be collaborated with to develop a plan for their progress toward competencies and completion of courses, their use of instructional time, and their measures of progress.*
 - c. *Identify a plan for the professional development of all school personnel supporting competency-based education programs.*
 - d. *Identify the use of instructional time and course schedules for each grade.*
 - e. *Identify the use of assessments, project-based learning, standards-based portfolios, and other modalities for the purposes of advancing or retaining a student in a course or grade.*
 - f. *Identify how special education students, English learners, students who have been identified as at-risk of not graduating or dropping out of school, and students identified as gifted and talented, shall be supported and integrated into competency-based learning at the school site.*
 - g. *Identify how social-emotional learning content standards will be integrated into school curriculum*
 - h. *Identify how students will be assessed at the beginning of each school year for the purposes of placement.*
 - i. *Identify the opportunities for tier two and tier three targeted interventions and supports for students*
 - j. *Identify the primary teaching strategies to be used*

NAC 389.XXX "Standards-based portfolio" defined. A standards-based portfolio consists of artifacts completed by students for the purpose of demonstrating competencies within a single subject in alignment with academic-content standards.

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 389.XXX Written plan with pupil for a program of competency-based education

1. A pupil, in collaboration with their parent or guardian, as applicable, shall develop a written plan in collaboration with each of their teachers to determine the student's plan for advancement throughout the school year in a given course, to include:

- a. Whether the student anticipates specific modules within the curriculum will take them more or less time;*
- b. Whether the student anticipates remaining or advancing in a given course;*
- c. The types of artifacts the student would most like to develop;*
- d. The learning goals and areas of interest for the student; and*
- e. The learning modalities most supportive to the student's learning.*

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 389.829 Requirements for participation in pilot program; submission and review of applications; selection of schools. (NRS 385.080, 389.210)~~

~~—1. To participate in the pilot program to provide competency-based education established pursuant to NRS 389.210, a school must meet the qualifications and conditions prescribed in subsection 2 of that section.~~

~~—2. The board of trustees of a school district or the governing body of a charter school that wishes to participate in the pilot program to provide competency-based education must submit an application to the Department on a form that has been prescribed by the Department and made available on the Internet website maintained by the Department.~~

~~—3. The Department shall review each application submitted pursuant to subsection 2 and select the schools to participate in the pilot program to provide competency-based education.~~

~~—(Added to NAC by Bd. of Education by R101-17, eff. 6-26-2018)~~

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)