

**NOTICE OF INTENT TO ACT UPON A REGULATION
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
NEVADA STATE BOARD OF EDUCATION/NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **Friday, October 7, 2011, via video conference at the following locations: Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City; and 9890 South Maryland Parkway, Las Vegas, Nevada.**

The time for the public hearing has been scheduled as follows:

9:30 A.M. Public Hearing and Possible Board Adoption of Proposed Regulation, NAC 387.193, Pupil Enrolled In Program of Distance Education

NOTE: This is the first and only public hearing and possible action to adopt may be taken.

The purpose of the hearing is to receive comments from all interested persons regarding revisions to temporary regulation language that pertain to **NAC 387** of the Nevada Administrative Code.

The need and purpose of the proposed temporary regulations is to streamline the audit process for Distance Education student enrollment and attendance.

There is no economic effect on the Department of Education.

There is no economic effect of the regulation on the business that it regulates. There is no beneficial economic effect on the business that it regulates.

There is no economic effect of the regulation on the public. There are no adverse effects. There are no immediate or long-term effects on the public. The estimated cost to the agency for enforcement of the proposed regulation is none.

There is no cost to the Department of Education to adopt these regulations. There is no federal law affecting the proposed regulations. There is no duplication or overlap of state or local governmental agencies. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Career and Technical Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written submissions must be received by the Department of Education **on or before Thursday, September 22, 2011.** The following statement applies for hearings noticed above for possible Board adoption: If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Education/Nevada State Board for Career and Technical Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed temporary regulation will be on file at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada, 89701-5096, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice of hearing has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices; the 17 county main public libraries, and at the Nevada State Library and Archives.

9/2/11

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

LCB File No. R016-11

August 31, 2011

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

AUTHORITY: §§1-3, NRS 387.123 and 388.874.

A REGULATION relating to education; revising provisions governing the enrollment and attendance of pupils in a program of distance education; and providing other matters properly relating thereto.

Section 1. NAC 387.171 is hereby amended to read as follows:

387.171 Each 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. If the pupil is enrolled in a program of distance education, the information required by subsection ~~{2}~~ 3 of NAC 387.193.

10. The ethnic group or race to which the pupil belongs, according to the following designations:

- (a) American Indian/Alaskan Native;
- (b) Asian or Pacific Islander;
- (c) Black;
- (d) Hispanic; or
- (e) White.

→ The master register of enrollment and attendance may be maintained on an electronic database or other computerized system if the school district obtains the approval of the Superintendent of Public Instruction.

Sec. 2. 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, for each course of distance education in which the pupil is enrolled:

(a) 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}~~

(b) ~~{A teacher meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.}~~ *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; and*

(c) Except as otherwise provided in subsection 2, the school district or charter school has evidence of the pupil's progression in the course, as documented in the electronic learning management system or as documented 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.

2. If a pupil is initially enrolled in a program of distance education during the calendar week immediately preceding the count day prescribed by NRS 387.1233 and the school district or charter school does not have evidence of the pupil's progression in each course of distance education as required by paragraph (c) of subsection 1, the pupil shall be deemed an enrolled pupil if:

(a) The school district or charter school documents that the pupil attended an orientation for the program of distance education or a similar admittance process for the program of distance education; and

(b) Within the first calendar week after count day, the school district or charter school has evidence of the pupil's progression in each course as documented:

(1) In the electronic learning management system;

(2) 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

(3) 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.

3. 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 ~~fa teacher meets or otherwise communicates with the pupil during the course to discuss the pupil's progress. Each weekly meeting or communication with a pupil must be included in the master register of enrollment and attendance required by NAC 387.171.~~

~~3.1~~ *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 master register of enrollment and attendance required by NAC 387.171 for that pupil.

4. 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.}~~ 5. 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.}~~ 6 or ~~{6.}~~ 7, as applicable for his or her grade level.

~~{5.}~~ 6. 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.}~~ 7. 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 4 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}~~ 8. 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.

9. *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. 3. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection ~~{7}~~ 8 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 1 school month, with an expected date of return.

3. If a pupil:

(a) Enrolls in another school, the effective date of withdrawal is the day immediately after the last day that the pupil attended class.

(b) 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.

(c) Does not enroll in another school, the effective date of withdrawal is the date that the parent or legal guardian of the pupil notifies the school district of the withdrawal.

(d) 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) 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.