

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 18 – INTERIM-PROGRAM SCHOOLS IN COUNTY DETENTION HOMES,
INSTITUTIONS, AND JUVENILE EMERGENCY SHELTERS

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001 General Information

001.01 Purpose of this Chapter. The purpose of this rule is to provide a method of approval for Interim-program schools located in or operated by county detention homes, institutions and juvenile emergency shelters. Interim-program schools are schools that are created to ensure continuity of instruction for students who cannot attend public schools for reasons of health or safety while in these temporary residential placements and to insure that such students may receive academic credit from the approved or accredited schools to which they will transfer in order to make continued progress toward grade promotion or graduation. Interim-program schools may alternatively seek accreditation under Chapter 10 or approval under Chapter 14, rather than approval under this Chapter, if they choose.

001.02 Scope and Application of the Chapter. The method of approval in this Chapter is available only to Interim-program schools located in or operated by county detention homes established under Section 43-2,110 R.R.S., or in institutions as defined in Subsection 002.13 of this Chapter, or in juvenile emergency shelters established pursuant to 13-317 R.R.S.

001.03 Statutory Authority. This Chapter is adopted pursuant to Sections 79-318 and 79-1601 of the Revised Statutes of Nebraska (R.R.S.)

001.04 Approval of Interim-program Schools in County Detention Homes, Institutions and Juvenile Emergency Shelters. Interim-program schools located in or operated by county detention homes, institutions, and juvenile emergency shelters will be classified as approved if they meet all of the requirements of this Chapter. All schools located in or operated by county detention homes, institutions and juvenile emergency shelters that provide elementary or secondary instruction to children up to age twenty-one are required to be approved under the provisions of this Chapter or to be accredited under Chapter 10 or to be approved under Chapter 14.

001.05 Related Regulations. Provisions regarding accreditation of schools are contained in 92 NAC 10 (Rule 10). Provisions regarding approval of non-public schools are contained in 92 NAC 14 (Rule 14). Provisions regarding teacher certification and endorsement are contained in 92 NAC 21 (Rule 21) and 92 NAC 24 (Rule 24). Provisions regarding special education provisionally approved service providers are contained in 92 NAC 51 (Rule 51).

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001.06 Implementation of this Chapter. This Chapter will initially be used during the 2003-2004 school year to determine future approval status.

002 Definitions. As used in this Chapter:

002.01 Academic Advancement Plan means an individualized student plan of expected academic achievement in regular education that permits students to earn credit or to make academic advancement toward grade level promotion or graduation, and that is created for each student by the Interim-program school in consultation with the approved or accredited school to which the student in temporary residence shall return or transfer.

002.02 Board means the State Board of Education.

002.03 Commissioner means the State Commissioner of Education.

002.04 Compulsory Attendance. Except as provided in 79-202 R.R.S., every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child not less than seven years of age and not more than sixteen years of age shall cause such child to attend regularly the public, private, denominational, or parochial day schools which meet the requirements for legal operation prescribed in Chapter 79 each day that such schools are open and in session, except when excused by school authorities, unless such child has graduated from high school.

002.05 County Detention Home means a detention home in connection with the juvenile courts of this state established and maintained by the county boards of the counties of Nebraska pursuant to 43-2,110 R.R.S. that provides regular or special education services with a special education rate approved by the Department.

002.06 Course means a particular subject, subject area, or defined sequence of learning experiences scheduled during a school day with a certificated teacher assigned and with one or more students enrolled and in attendance

002.07 Credit means a statement of the academic worth of a successfully completed course as a measure of student achievement or accomplishment of state and/or district content standards leading to promotion from one grade to the next or to graduation.

002.08 Department means the State Department of Education, which is comprised of the Board and the Commissioner.

002.09 Elementary Grades means those grades designated by the school as elementary but not to include any above grade eight.

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002.10 Enroll shall mean admitting, allowing to attend and providing services of the school to a person.

002.11 Governing Body means a board or individual elected or appointed to provide direction to an Interim-program school. In the case of a sole proprietorship, the governing body shall mean the owner.

002.12 High School Grades means grades 9 through 12 in a school with a four-year high school and grades 10 through 12 in a school with a three-year high school.

002.13 Institution shall mean any public or private facility, not owned or operated by a public school district, that provides a residential program and regular or special education services with a special education rate approved by the Department.

002.14 Integrated Course or Curriculum means a course or curriculum that is organized by concepts, themes, or ideas and includes content from two or more subjects or fields.

002.15 Interim-program School means those schools located in or operated by county detention homes (as defined in Subsection 002.05), institutions (as defined in Subsection 002.13), or juvenile emergency shelters (as defined in Subsection 002.16).

002.16 Juvenile Emergency Shelter means a facility which provides temporary twenty-four-hour physical care and supervision in crisis situations and at times when an appropriate foster care resource is not available to persons eighteen years of age and younger for which a municipal corporation has contracted pursuant to 13-317 R.R.S. and which shelter also provides regular or special education services with a special education rate approved by the Department.

002.17 Minimum Curriculum means a curriculum that includes language arts, social science, science, and mathematics. Interim-program schools may also provide, in addition, vocational education, computer education, foreign language, visual and performing arts, and personal health and physical fitness.

002.18 School means an individual attendance area or center that provides either elementary or secondary education.

002.19 School Day means those days, Monday through Friday, within the full twelve month calendar year that are designated in the Interim-program school's annual calendar as devoted to the instructional program of the interim-program school.

002.20 School Liaison means a person having a Bachelors Degree who is assigned to carry out the duties described in Subsections 004.02F1 and 004.02F2.

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002.21 Secondary Grades means those grades designated by the school as secondary, but not to include any below grade seven.

002.22 Student or pupil means all persons (including children, emancipated minors, and adults) between the ages of five and twenty-one who have not completed high school or earned a General Equivalency Diploma (GED).

002.23 Teach as defined in Section 79-101 R.R.S. means and includes, but is not limited to, the following responsibilities: The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; the assessment and diagnosis of the individual educational needs of the pupils; the planning, selection, organizing, prescribing, and directing of the learning experiences of pupils; the planning of teaching strategies and the selection of available materials and equipment to be used; and the evaluation and reporting of student progress.

003 Procedures for Approval

003.01 Application for Initial Approval. A governing body of an interim-program school seeking approval or seeking to add grades to a previously approved Interim-program school shall make application on forms supplied by the Department.

003.02 Recommendation by the Commissioner. If it is determined through visitation and reporting that the applicant Interim-program school can comply with the provisions of this Chapter, a recommendation by the Commissioner will be made to the Board that the Interim-program school be granted approval.

003.03 Conditional Approval. Upon favorable action by the Board, the applicant Interim-program school will be granted conditional approval for one school year.

003.04 Noncompliance. If it is determined by the Commissioner that an Interim-program school has failed to comply with the provisions of this Chapter at any time during the year of conditional approval it shall be just cause, following notice, to initiate proceedings before the Board to immediately terminate the conditional approval.

003.05 Duration of Approval. Continued approval following the initial year of conditional approval is granted for one school year from July 1 to June 30, or less if stated. Renewal of approval is granted based upon the Interim-program school's compliance with this Chapter during the prior school year. As detailed in this Chapter, failure to comply with mandatory standards in Section 004.01 may cause an Interim-program school to lose its approval during the school year.

003.06 School Site Review. State Department of Education staff shall

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conduct periodic on-site visits to Interim-program schools to review and determine compliance with the provisions of this Chapter.

004 Requirements for All Interim-Program Schools

004.01 Mandatory Requirements for Legal Operation. To be eligible for approval or to continue as an approved Interim-program school, the following requirements shall be met. Failure to comply with Sections 004.01A through 004.01I shall be just cause for the Commissioner to initiate proceedings before the Board to terminate approval and end legal operation during the school year.

004.01A Teachers. Interim-program schools shall use only persons certificated pursuant to 92 NAC 21 to teach and to administer the educational program.

004.01B Grade Levels. The Interim-program school shall operate, offer instruction in, and give credit in only the grades for which the school is approved.

004.01C Required Instruction. The Interim-program school shall make available instruction in language arts, mathematics, science and social studies/history each school day for all students from the inception of their admission in all grades for which the school is approved. Students may be provided instruction in other courses in addition to or in lieu of the four subject-areas mentioned above based upon their academic advancement plan.

004.01D Academic Advancement. Interim-program schools shall initiate contact and work with accredited or approved schools to secure academic credit leading to grade promotion or graduation for student work completed while in their program, including diplomas for students who have satisfactorily completed sufficient credits to meet the requirements for graduation of the student's approved or accredited high school. Interim-program schools shall not issue diplomas.

004.01E Instructional Time. The minimum curriculum of each Interim-program school shall be available for students each school day, Monday through Friday, throughout the twelve-month calendar year. The interim-program school schedules each student with a minimum of 3.5 clock hours of instructional time each school day. The Interim-program school shall provide a minimum of 700 clock hours of instructional time each calendar year. Time scheduled for the school lunch period shall not be counted in meeting the instructional time requirements of the school day or the calendar year. Time scheduled for recreation shall not be counted in meeting the instructional time requirements of the school day or the calendar year unless it is a physical fitness course taught by a certified teacher.

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004.01F High School Credit. Each Interim-program School shall base one hour of high school credit on 15 clock hours of instruction or shall have in writing, for each high school course, the goals, expected student performance for accomplishment of the goals, and the credit to be awarded to the student upon successful completion of the course.

004.01G Assurance Statement. Each Interim-program school shall, by November 1 of each year, submit to the Department an Assurance Statement, as prescribed by the Department, signed by a representative of the governing body affirming compliance or specifically noting any noncompliance with the regulations in this Chapter.

004.01H Reports. The head administrator of each school shall submit a Fall Personnel Report and a Curriculum Report to the Department by the date indicated on the prescribed forms.

004.01H1 Additions of certificated staff after September 1 shall be reported to the Department at the time of contracting.

004.01I Admissions. An Interim-program school shall enroll only students who have been placed in the county detention home, institution or juvenile emergency shelter in which the interim-program school is located or which operates the interim-program school and who are unable to attend public school for reasons of health or safety.

004.02 The Interim-program School System. Regulations contained in this section apply to all approved Interim-program schools.

004.02A School Policies

004.02A1 Annual Update. The governing body annually updates a written set of policies based upon the purposes and goals of the Interim-program school. This document is on file in each school building.

004.02A2 Instructional Time and School Calendar. The school has a written policy which identifies and describes the scheduled school days and the instructional time scheduled for students each school day throughout the calendar year. The school has a daily, weekly, and annual calendar that shows the school days and scheduled vacations for students. The policy(ies) or regulations stipulate the conditions for which individual students may be excused from the school day.

004.02B The Instructional Program

004.02B1 Purpose and Goals. The instructional program of the Interim-program school is based on a written statement of purposes and/or goals developed by the governing body. This document is on file in each school building and each certificated staff member is provided a copy.

004.02B2 Written Guides. Each Interim-program school has written guides or frameworks for each curriculum area provided by the school. The guide in each of the curriculum areas addresses, as appropriate, instruction in written composition. An Interim-program school may develop its own curriculum or use a curriculum approved by an accredited public school or an approved or accredited private school. In addition to the instructional program required by this Chapter, an Interim-program school may offer a GED preparatory program for those students not seeking to graduate from an accredited or approved school.

004.02B3 Student Records The school provides a comprehensive cumulative record of attendance, academic progress, and dates of enrollment in and withdrawal from the school for each student enrolled. Interim-program schools comply with 79-2,105 R.R.S. and provide a copy of student files or records concerning a student at no charge, upon request, to any public or private school to which the student transfers.

004.02C Number, Preparation, and Assignment of Staff Members

004.02C1 System Administrator Each Interim-program school has a head administrator who holds a Nebraska Administrative and Supervisory Certificate with an endorsement for superintendent, or principal, or special education. Interim-program schools may share a head administrator with other schools or with a public school district or ESU. In Interim-program schools, the head administrator's responsibilities include, but are not limited to, the evaluation of teacher performance, review of policies, programs, and reports.

004.02C2 Head-Teacher/Principal. An Interim-program school having less than twenty teachers shall have a principal or designate one teacher as head teacher. The head teacher shall hold at least an Initial, Prestandard, Standard, or Professional Nebraska Teaching Certificate issued pursuant to 92 NAC 21. When the number of teachers reaches twenty or more, an administrator holding a Nebraska Administrative and Supervisory Certificate is assigned as principal at least one-half time for administration and supervision.

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004.02C3 Certificates. A copy of the certificate or permit of each school staff member who is required to have a certificate is on file in the Interim-program school's administrative office.

004.02C4 School Liaison. Each Interim-program school has a person designated as a school liaison who meets the requirements of 002.20.

004.02C5 Teacher Aides. An Interim-program school may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are non-teaching in nature if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

004.02C6 Professional Development. Each teacher participates in at least 10 hours of professional development activities each year.

004.02D Materials and Facilities

004.02D1 Library Resources. Staff and students in an Interim-program school have access to library media resources at least once every other week.

004 02D2 Healthful Conditions. Each Interim-program school maintains safe, healthful and sanitary conditions within the school building and on the school grounds and meets fire, safety, and health codes. Each such school complies with the requirements of Rule 59 (92 NAC 59: Methods for Competency Assessment of School Staff Who Provide Medications).

004.02E School System Performance: Evaluation and Improvement

004.02E1 Written Report. Each Interim-program school annually prepares a written report to the governing body that includes, but need not be limited to, aggregate student demographics, school days of attendance, the school's progress in implementing student academic advancement plans, and actual academic advancement or academic credits earned. The report shall not contain any personally identifiable student information.

004.02E2 Admissions Process. Each Interim-program school uses a uniform admissions process that examines what each student has been

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studying and what yet needs to be taught in that subject area for the student to receive credit for academic advancement and develops an academic advancement plan for each student. The Interim-program school consults student records regarding previous assessments and works with the school the student last attended or the school to which the student shall transfer in meeting these requirements.

004.02F Relationship with School Districts

004.02F1 Academic Advancement and Graduation. The school liaison of the Interim- program school initiates contact with the appropriate accredited or approved school to develop an academic advancement plan intended to achieve academic progress leading to grade promotion or to graduation of students. The school liaison seeks to secure grade promotion or diplomas from schools for those students who have met their school's requirements.

004.02F2 Special Education. The school liaison of the Interim-program school initiates contact with the school district responsible for providing special education services to each student with a disability to insure that each student with a disability is provided by the responsible school district with special education and related services pursuant to 92 NAC 51. The school liaison works with the responsible school district to insure continuation of special education services and information.

005 Special Education Requirements

005.01 Responsibilities of the Public School District. The duty of providing or contracting for special education services for all students with verified disabilities pursuant to 92 NAC 51 remains with the responsible public school district. The Interim-program schools may assist the public school districts in fulfilling those responsibilities.

005.01A Determining the Responsible Public School District. Pursuant to 79-1127 and 92 NAC 51 each school district shall provide or contract for special education programs and transportation for all resident children with disabilities who would benefit from such programs.

005.01B Becoming a Special-Education Service Provider. An Interim-program school may apply to become a provisionally approved special education service provider pursuant to the provisions of 92 NAC 51.

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006 Regulations Pertaining to the Instructional Programs of Interim-program Schools Offering Elementary, Middle School or High School Programs.

006.01 Required Elementary Instructional Program. The elementary instructional program of an Interim-program school is based on state standards for student learning and consists of at least the following:

006.01A Reading and Language Arts. The curriculum includes development and practice of skills and understanding in reading, writing, speaking, and listening. It helps children develop appreciation of literature, creativity and expression.

006.01B Mathematics. The curriculum includes development, practice, and application of numeration, computation, estimation, problem solving, geometry/spatial concepts, measurement and related topics.

006.01C Social Studies. The curriculum helps children to develop an understanding of the world and its people. It includes experiences drawn from geography, history, economics, government, citizenship, career awareness, human relations, current affairs, and cultural studies. This includes instruction in American history and stories about the exploits and deeds of American heroes, singing patriotic songs, memorizing the Star-Spangled Banner and America, and reverence for the flag and proper conduct for its presentation as provided in 79-724 R.R.S.

006.01D Science. The curriculum helps children develop an understanding of science concepts and processes, and includes science as inquiry. It includes experiences drawn from physical science, life science, earth and space science, science and technology, and history and nature of science.

006.02 Required Middle-Grades Instructional Program. The Middle Grades instructional program of an Interim-program school is based upon state standards for student learning and consists of at least the following:

006.02A Reading/Language Arts. The curriculum includes experiences designed to help students expand, develop and apply reading skills introduced in the elementary grades. It includes reading both for information and enjoyment. It includes activities that engage students in using language for a variety of reading, writing, speaking, and listening purposes.

006.02B Mathematics. The curriculum includes practice in numeration, computation, estimation, problem solving, geometry/spatial concepts, and measurement. It introduces algebraic and statistical concepts and provides

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opportunities for students to develop understanding of the structure of mathematics.

006.02C Social Studies. The curriculum includes content and experiences drawn from geography, history, economics, citizenship, government, cultural studies, and current events. This includes instruction in American history that makes the course interesting and attractive and to instill a love of country as provided in 79-724 R.R.S. All history courses stress contributions of all ethnic groups in the development and growth of America.

006.02D Science. The curriculum includes elements of life, physical, earth and space sciences, science as technology, and history of science. Learning activities emphasize science as inquiry and scientific processes and concepts.

006.03 Required High School Program. The high school instructional program of an Interim-program school is based upon state standards for student learning and consists of at least the following:

006.03A Language Arts. The curriculum includes written composition, critical reading, interpretation of fiction and non-fiction, oral presentation, and application of listening skills.

006.03B Mathematics. The curriculum includes communicating, reasoning, problem solving, numeration, computation, estimation, measurement, geometry, data analysis, probability, and statistical concepts, and algebraic concepts.

006.03C Social Science. The curriculum includes content drawn from American and world history, geography, economics, civics, government and citizenship and may also include content from other social science areas such as sociology, psychology, and anthropology. This includes instruction in the U.S. and Nebraska Constitutions, the benefits and advantages of our government, the dangers of Nazism, Communism, and similar ideologies, the duties of citizenship, and the appropriate patriotic exercises to include Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day and Veteran's Day as provided in 79-724 R.R.S. All history courses stress contributions of all ethnic groups in the development and growth of America.

006.03D Science. The curriculum includes science concepts and processes, science as inquiry, physical science, life science, earth and space science, science and technology, and history and nature of science.

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006.03E Other. Subject fields may include foreign language, career and technical education, computer education, personal health and physical fitness, and visual and performing arts.

006.04 Utilizing Different Curricula. Interim-program schools may continue the curriculum of the school from which the student came, or the school which the student shall attend upon leaving the Interim-program school or use their own courses or use performance-based curriculum as described in Subsection 006.04A or some combination to assist students to continue to make academic progress toward grade promotion or graduation.

006.04A Performance-based curriculum for each course is defined in writing and includes goals, representative instructional experiences, assessments, and expected student performance for the accomplishment of the goals. The written description is approved by the governing body and is on file in the school. The performance-based curriculum provides learning opportunities for students equivalent to or greater than similar courses provided in approved or accredited schools.

006.05 Local Options for Providing High School Courses.

006.05A Integrated Courses. Interim-program schools providing high school courses may provide integrated courses, as defined in Section 002.14, if the school has on file locally a description of the curriculum or course including a list of the goals, and an explanation of the subjects included.

006.06 Multi-site and Distance Learning Options for Providing High School Courses. Curriculum requirements for the high school may be provided through one or more of the following course options:

006.06A Synchronous Course Option: Synchronous courses are those multi-site or distance learning courses in which the teacher and student(s) are simultaneously present; can both see and hear one another; and questions may be answered and instructional accommodations made immediately. This includes:

006.06A1 Teacher Sharing. Instruction provided through contractual or cooperative arrangements with other schools, educational service units, and/or postsecondary institutions in which either the teacher(s) or student(s) move to be located at the same site to provide classroom instruction provided: (a) each course is taught by a teacher holding a valid Nebraska Teaching Certificate; (b) each course is shown on the high school class

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schedule along with the name of the teacher; (c) at least one high school student is enrolled and participating in each course; and (d) each course is made available to all students at the school's expense. A copy of the written agreement with the cooperating school/agency is on file in the school.

006.06A2 Interactive Audio-Visual Options. Multi-site or distance learning instruction may be met through synchronous interactive audio-visual instruction provided: (a) each course is taught by a teacher holding a valid Nebraska Teaching Certificate; (b) each course is shown on the high school class schedule along with the name of the teacher; (c) at least one high school student is enrolled and participating in the course; (d) each course is made available to all students at the school's expense; and (e) a teacher holding a valid Nebraska Teaching Certificate monitors student progress and general appropriateness of the course and is present in the classroom while the course is being taught unless:

006.06A2a The off-site interactive teacher holds a valid Nebraska Teaching Certificate and a school employee is present in the receiving classroom, or

006.06A2b The off-site interactive teacher holds a valid Nebraska Teaching Certificate, maintains two-way audio and video communication with the distance learning classroom, and has a direct telephone connection with a supervising adult in the school.

006.06B Asynchronous Course Options. Asynchronous courses are those multi-site or distance learning courses in which communication between teacher and student is delayed, as are the cases, for example with written correspondence courses and many computer-delivered courses. This includes:

006.06B1 University of Nebraska Independent Study High School Options. High school courses may be provided by teachers of the University of Nebraska Independent Study High School provided that (a) each course is shown on the high school class schedule; (b) at least one high school student is enrolled and participating in the course; (c) each course is made available to all students at the school's expense; and (d) a teacher holding a valid Nebraska Teaching Certificate is present during the assigned period (one teacher may supervise more than one course) to monitor and assist with instruction.

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006.06B2 Other Distance Learning Technology Options. Distance learning multi-site instructional units may be met through courses delivered by other methods of distance technology provided that each course is reviewed in advance and recommended for school use by a committee of at least one local teacher and one local school administrator and is approved by the governing body of the school, and the written review and statement of approval are on file in the school; and provided (a) each course is shown on the high school class schedule; (b) at least one high school student is enrolled and participating in each course; (c) each course is made available to all students at the school's expense; (d) a teacher holding a valid Nebraska Teaching Certificate is present during the assigned period (one teacher may supervise more than one course) to monitor and assist with instruction; and (e) each student enrolled in such a course is assigned to a local teacher holding a Nebraska Teaching Certificate who monitors student progress and general appropriateness of the course.

007 Loss of Approval

007.01 Section 004.01 of this Chapter lists requirements that must be met at all times by Interim-program schools as a condition of approval. Failure to meet the provisions of Section 004.01 may result in the Board terminating approval of the school during the school year. Noncompliance with other regulations in this Chapter will result in the assessment of violations which, if not corrected, will result in a recommendation to the Board for probation or loss of approval.

007.02 Violations. In determining the future approval status of an Interim-program school, each failure to meet a numbered regulation other than those contained in Section 004 shall constitute a separate violation.

007.03 Reporting Violations. An Interim-program school shall report any existing violations to the Department on its annual Statement of Assurance.

007.04 Correction of Violations. Interim-program schools will have until February 1 to correct violations or to prepare a written plan for correction of a violation that existed at the time of submission of the Statement of Assurance. Written evidence of the correction of the violations or a written plan developed in accordance with Section 007.04A must be submitted to the Department.

007.04A Interim-program schools having an uncorrected violation may submit a written plan to the Department by February 1 for correcting the violation before the following school year. Such plans may be approved by the Board if evidence provided indicates that the violation occurred after August 1, and the violation

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could not reasonably be corrected immediately before or during the current school year. Written evidence of the correction must be submitted to the Department by the following September 1.

007.05 Effect of Violations on Interim-Program Schools. If, after consultation with school officials, the Commissioner determines that an approved Interim-program school has any uncorrected violations, he or she shall make the applicable following recommendations to the Board:

007.05A An APPROVED INTERIM-PROGRAM SCHOOL having an uncorrected violation and no written plan under Section 007.04A shall be recommended for APPROVAL ON PROBATION for the following year.

007.05B An APPROVED INTERIM-PROGRAM SCHOOL having a plan under Section 007.04A and having the same uncorrected violation after September 1 of any requirement shall be recommended for APPROVAL ON PROBATION for the current year.

007.05C An APPROVED INTERIM-PROGRAM SCHOOL ON PROBATION continuing to have the same uncorrected violation after February 1 shall be recommended for NONAPPROVAL for the following school year.

007.06 Provisions for Notice and Hearing

007.06A When the Commissioner makes a recommendation to the Board for an Interim-program school to be placed on probation or for denial or revocation of approval, notice of the recommendation and of the right to request a hearing shall be given to the school system by certified mail sent at least 30 calendar days prior to the date of the Board meeting at which the recommendation is to be considered. Copies will be sent to the head administrator of the school, and to the presiding officer of the governing body, if known. This notice shall specify the basis for the recommendation.

007.06B If the Interim-program school notifies the Commissioner at least seven days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board shall schedule a hearing date.

007.06C All hearings arising under this Chapter shall be conducted in accordance with the hearing procedures of 92 NAC 61, including provisions of that Chapter relating to evidence. Any action taken or recommended by the Commissioner adverse to the Interim-program school may be the subject of a petition by such school system under 92 NAC 61, in which case all the provisions of 92 NAC 61 shall apply to such appeal.

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007.07 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board shall make a determination of the future approval status of the Interim-program school and shall inform the school in writing of its determination.

008 Accreditation or Approval Violation

008.01 Failure to Accept Credit. Failure of accredited or approved schools to accept the academic credit earned at Interim-program schools or to issue diplomas to students transferring from Interim-program schools who have met the requirements for graduation of their own approved or accredited high school shall be treated as a violation of a requirement for accreditation under 92 NAC 10 or approval under 92 NAC 14.