

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB FILE NO. R076-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/27/2025**

NAC 388.XXX Review and approval of programs for open enrollment

- 1. Effective May 1, 2026, school districts must submit an application packet to the Department for a system of open enrollment, to include copies of all policies and procedures per NRS 388, applications, guidance, and internal desk manuals, for review and approval.*
- 2. After initial approval, districts are required to submit such an application to the Department only if a change has been made to the policies and procedures or application.*
- 3. The Department shall evaluate these materials for compliance and best practices pursuant to publicly available rubrics, providing their approval and evaluation score within 30 days of receipt.*

NAC 388.XXX Prioritization of students under a system of open enrollment

- 1. When receiving new applications under a system of open enrollment, Districts must provide the following priority placement of students*
 - (1) Students that live in the zone of attendance of a one- or two-star school, and*
 - (2) any other preference or priority as established by the district*
 - (i) districts may elect to use a lottery system for applicants pursuant to section (a)(2), or in the event there is not capacity to place all students requesting placement in (a)(1).*

NAC 388.XXX Determining Capacity

- 1. For the purposes of calculating school capacity, districts must assess:*
 - (a) the total number of instructional teaching stations at the school site*
 - (b) the total number of seats available per instructional teaching station pursuant to building occupancy, with consideration of the student-teacher ratio for the course, dependent upon grade level, subject matter, and the support of instructional aides and instructional support personnel.*

NAC 388.XXX Teaching Station defined

A teaching station is defined as a distinct location designed for a group of students to engage in a specific learning task facilitated by a teacher or instructional support personnel.

NAC 387.XXX Award of grants; application to receive grant; prioritization of award of grants.

- 1. The Department shall, to the extent money is available, award grants of money to school districts to support transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. Each district supported by a grant awarded pursuant to this section must:*
 - (a) Responsive to responses from a family engagement survey regarding the transportation mechanism that would best serve families, to include ensuring support for children with disabilities, do one or more of the following:*
 - (1) enter into agreements with transportation providers to provide services to students; (2) Develop a community program to provide transportation services to students; or (3) create a system of individual reimbursement to families.*
 - (b) Develop a mechanism for families to apply for transportation support*
 - (c) have an approved system of open enrollment in place*
- 2. A school district that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:*
 - (a) Includes an implementation plan which is financially sound;*
 - (b) Is responsive to the needs identified by families and provides the broadest system of supports feasible*
 - (c) includes a count of students estimated to request transportation services, and an estimated cost per student for the provision of such services*

(d) includes a count of students in each tier of eligibility/priority as follows:

- (1) Students that live in the zone of attendance of a one- or two-star school and are direct certified FRL, homeless, migrant, or foster care*
- (2) students that live in the zone of attendance of public school, regardless of star rating, who are direct certified FRL, homeless, migrant, or foster care*
- (3) a student that lives in the zone of attendance of a one- or two-star school that is designated FRL*
- (4) a student that lives in the zone of attendance of a public school, regardless of star rating, that is designated FRL*
- (5) as funding is available, any other students*
 - (i) in the event funding is not available for all students in a tier, transportation funding should be allocated in the order of application received.*

3. The Department shall prioritize the award of grants pursuant to the tiered priority of students in section (2).