

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

LCB File No. R076-25

January 14, 2026

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

AUTHORITY: §§ 1-3, NRS 385.080 and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174; §§ 4-6, NRS 385.080 and 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175; § 7, NRS 385.080 and 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174.

A REGULATION relating to education; prescribing the procedure for the award of grants under a program to provide transportation assistance to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend and requirements governing the operation of such a program; requiring each school district to develop a process for the parents or legal guardians of certain pupils to request transportation assistance; requiring the board of trustees of each school district to submit an application to the Department of Education to implement a system of open enrollment; establishing the requirements governing the operation of a system of open enrollment; prescribing certain required considerations when determining the capacity for a grade level at a public school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; (2) requires the board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; and (3) requires the Superintendent of Public Instruction to establish a process to review such policies and procedures for compliance with applicable law. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175) **Section 5** of this regulation establishes the process for the submission and review of such policies and procedures.

Existing law: (1) requires a school district to give priority for enrollment in a school outside the zone of attendance that a pupil is otherwise required to attend to pupils who live in the zone of attendance of certain schools that have received low ratings of performance; and (2)

authorizes a school district to use a lottery to determine which pupils will be enrolled in a grade level at a public school outside the zone of attendance of those pupils. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175) **Section 6** of this regulation authorizes a school district, after prioritizing the pupils for which priority is required by existing law, to prioritize pupils in any manner not prohibited by law. **Section 6** also clarifies the circumstances under which a school district may use a lottery to prioritize pupils for enrollment in a grade level at a school that is outside the zone of attendance that the pupils are otherwise required to attend.

Existing law requires the board of trustees of a school district to: (1) determine the capacity for each grade level within each public school in the school district; and (2) annually publish such information on the Internet not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175) **Section 6** prescribes certain considerations in which the board of trustees of a school district must engage when making such a determination.

Existing law requires the Department of Education, to the extent that money is available, to establish a program to award grants of money on behalf of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. (Section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174) **Section 2** of this regulation establishes the requirements for a school district or organization to be eligible to receive such a grant and the process to award such grants to school districts or organizations. **Section 2** also requires a school district to establish a means for the parent or guardian of a pupil who attends a school outside the zone of attendance that the pupil is otherwise required to attend to request transportation assistance, regardless of whether the school district or an organization in the school district has received or intends to apply for a grant to provide transportation assistance. **Section 3** of this regulation prescribes requirements governing the operation of programs to provide transportation assistance that are funded by grants. **Section 3** also establishes the requirements for a pupil to be eligible to receive transportation assistance through such a program.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. Pursuant to section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, the Department shall, to the extent that money is available for this purpose, award grants of money to school districts and organizations to support transportation to public schools outside the zone of attendance pursuant to subsection 1 of section 3 of this regulation for pupils who:

(a) *Attend a school district which has elected not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupils are otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175; and*

(b) *Meet the requirements of subsection 2 of section 3 of this regulation.*

2. *To be eligible for such a grant:*

(a) *A school district must:*

(1) *Meet the requirements of paragraph (a) of subsection 1; and*

(2) *Have adopted policies or procedures governing the attendance of pupils at schools outside the zone of attendance that the pupil is otherwise required to attend that have been approved by the Department pursuant to section 5 of this regulation.*

(b) *An organization must have entered into an agreement that meets the requirements of this paragraph with one or more school districts described in paragraph (a). Such an agreement must provide for the sharing of data for the purpose of compliance with the prioritization requirements of subsection 5 and the eligibility requirements of subsection 2 of section 3 of this regulation.*

3. *Regardless of whether a school district or an organization operating within the school district has received a grant of money pursuant to this section or intends to apply for such a grant, each school district shall develop a process for the parent or legal guardian of a pupil to request transportation assistance on behalf of the pupil at the same time that the pupil applies to attend a public school outside the zone of attendance that the pupil is otherwise required to attend through a system of open enrollment implemented pursuant to section 5 of this regulation. The request for transportation assistance must require the requester to:*

- (a) Identify the type of transportation that will best serve the pupil and his or her family;
- (b) Identify whether the pupil has any special needs with regard to transportation due to a disability or any other reason;
- (c) Identify whether the pupil has previously attended a public school outside the zone of attendance that the pupil is otherwise required to attend without transportation assistance;
- (d) Provide the attestation required by paragraph (b) of subsection 2 of section 3 of this regulation; and
- (e) Provide verification that the pupil meets the requirements to be eligible for transportation assistance established by subsection 2 of section 3 of this regulation.

4. A school district or organization that wishes to receive a grant pursuant to this section must submit an application to the Department. The application must include:

- (a) A financially sound plan for implementing the program proposed for funding that includes, without limitation:
 - (1) The approximate cost of each program of transportation assistance that the school district or organization proposes to fund using the grant; and
 - (2) The methodology used by the school district or organization to determine the costs identified pursuant to subparagraph (1);
- (b) Evidence that the program proposed for funding:
 - (1) Has established a means to inform an applicant for transportation assistance:
 - (I) Whether the pupil to whom the application pertains is eligible for transportation assistance;
 - (II) Whether the pupil will receive transportation assistance;

(III) If the pupil will receive transportation assistance, the form of transportation assistance that the pupil will receive; and

(IV) If the pupil will not receive transportation assistance, any additional transportation options available in the community; and

(2) Will comply with the requirements of this section and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, and section 3 of this regulation;

(c) A count of the number of pupils for whom parents or guardians have requested transportation assistance through the program proposed for funding and the anticipated cost to provide transportation assistance to a pupil for 1 school year; and

(d) The number of pupils described in paragraph (c) who fall into each category listed in subsection 5 based upon information disclosed by their parents or legal guardians in their request for transportation assistance pursuant to subsection 3.

5. In accordance with the eligibility requirements set forth in subsection 2 of section 3 of this regulation, the Department shall:

(a) Give first priority to programs that will provide transportation assistance to high numbers of pupils who applied through the system of open enrollment pursuant to section 5 of this regulation to attend a public school outside the zone of attendance that the pupil is otherwise required to attend which received, in the immediately preceding school year, a rating of performance pursuant to the statewide system of accountability for public schools that is higher than the rating of performance received by the public school that the pupil is otherwise required to attend;

(b) Give secondary priority to programs that will provide transportation assistance to high numbers of pupils who are directly certified for free and reduced-price meals pursuant to 42 U.S.C. § 1758(b)(4), migrants, homeless or have been placed in foster care; and

(c) Give tertiary priority to other programs that meet the requirements of this section and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, and section 3 of this regulation.

Sec. 3. 1. A program of transportation assistance supported by a grant pursuant to section 2 of this regulation must:

(a) Provide transportation assistance to eligible pupils through:

(1) Agreements between school districts and organizations to provide transportation to pupils;

(2) A community program developed by a school district or organization to provide transportation to pupils; or

(3) The provision of reimbursement to the parents or legal guardians of pupils for the cost of transportation;

(b) Provide the broadest range of options for transportation that is feasible;

(c) Prioritize applicants eligible for transportation assistance through the program in the order specified in subsection 5 of section 2 of this regulation; and

(d) If there is insufficient money available to provide transportation assistance to all eligible applicants in a level of priority identified in subsection 5 of section 2 of this regulation, award transportation assistance to applicants within that level of priority in the order in which applications were received.

2. *To be eligible to receive transportation assistance through a program funded pursuant to section 2 of this regulation, a pupil must:*

(a) *Live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and*

(b) *Attest that he or she has no other viable form of transportation available to him or her.*

3. *For the purposes of this section and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, a pupil has no other viable form of transportation available to him or her if the pupil has no reliable means to:*

(a) *Arrive at school on time for the beginning of the school day; or*

(b) *Depart from school at the conclusion of the school day.*

Sec. 4. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this regulation.

Sec. 5. 1. *The board of trustees of each school district shall submit to the Department an application in the form prescribed by the Department to implement a system of open enrollment pursuant to which a pupil in the school district may attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175. Such an application must contain, without limitation, a copy of the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.*

2. *Within 30 days after receipt of an application submitted pursuant to subsection 1, the Department shall:*

(a) Review and evaluate the application in accordance with a rubric to evaluate the degree to which the system of open enrollment proposed by the application complies with the requirements of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, and other applicable law; and

(b) Approve or deny the application and provide the applicant with the score the application received on the rubric described in paragraph (a).

3. The Department shall publish the rubric described in paragraph (a) of subsection 2 on an Internet website operated by the Department.

4. Approval of a system of open enrollment by the Department pursuant to this section remains in effect and does not require renewal. The board of trustees of the school district must reapply for approval if the board of trustees wishes to change the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

Sec. 6. 1. After prioritizing pupils described in sub subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district may prioritize pupils for enrollment in a grade level within a public school for which applications exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, in any manner not prohibited by law.

2. Pursuant to sub subparagraph (II) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district may use a lottery to:

(a) Select pupils described in sub subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, for enrollment in a grade level if the applications for the enrollment of such pupils in that grade level exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

(b) Select pupils from another category of pupils prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, are enrolled.

(c) Select pupils who are not prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, and all pupils prioritized for enrollment pursuant to subsection 1 are enrolled.

3. When determining capacity for a grade level within a public school pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district shall assess and consider:

(a) The total number of instructional teaching stations at the school; and

(b) The total number of seats available for each instructional teaching station, giving consideration to:

- (1) The subject matter of the course for which the instructional teaching station is established;*
- (2) The grade level for which the instructional teaching station is established;*
- (3) The instructional model used at the instructional teaching station; and*
- (4) The number of paraprofessionals or other school personnel available to support the instructional teaching station.*

4. *For purposes of this section, “instructional teaching station” means a distinct location designated for a pupil or a group of pupils to engage in learning tasks facilitated by a teacher or other school employee whose duties include rendering direct educational service to pupils.*

Sec. 7. 1. This section becomes effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Sections 1 to 6, inclusive, of this regulation become effective:

- (a) On May 1, 2026, for the purpose of accepting and evaluating applications pursuant to sections 2 and 5 of this regulation; and
- (b) On July 1, 2026, for all other purposes.