

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R037-14

Effective June 23, 2014

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

AUTHORITY: §1, NRS 392B.100.

A REGULATION relating to education; prescribing procedural requirements for participation by a child in the Program of School Choice for Children in Foster Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest

Existing law establishes the Program of School Choice for Children in Foster Care, to be administered by the Department of Education, and requires the State Board of Education to adopt regulations prescribing the process for the submission of an application by a legal guardian or custodian of a child to participate in the Program. (NRS 392B.100) This regulation provides requirements for such an application. This regulation further requires that, upon notification by the Department of the receipt of an application on behalf of a child to participate in the Program, the board of trustees, or its designee, of the school district in which the child resides and the board of trustees, or its designee, of the school district in which the child wishes to attend school, if different, must provide the Department with a statement addressing whether participation in the Program would be in the best interests of the child.

Section 1. Chapter 392B of NAC is hereby amended by adding thereto a new section to read as follows:

1. The legal guardian or custodian of a child seeking to have the child participate in the Program must submit to the Department an application in the manner and on a form prescribed by the Department. The application must include, without limitation:

- (a) The name, age and current grade level, if applicable, of the child;*
- (b) An indication of whether the child has an individualized education program;*

(c) A statement affirming that the child is eligible to participate in the Program pursuant to NRS 392B.110;

(d) A statement of the reasons for requesting that the child participate in the Program, including, without limitation, how participation in the Program would be in the best interests of the child; and

(e) The information required by subsection 2 of NRS 392B.110.

2. Upon receipt of notification of an application on behalf of a child to participate in the Program from the Department pursuant to subsection 3 of NRS 392B.110:

(a) The board of trustees, or its designee, of the school district in which the child resides; and

(b) If the legal guardian or custodian of the child wishes to enroll the child in a public school in a school district other than the school district in which the child resides, the board of trustees, or its designee, of the school district in which the legal guardian or custodian of the child wishes to enroll the child,

↪ shall complete and return to the Department within 10 days a form prescribed by the Department addressing whether approval or denial of the application to participate in the Program would be in the best interests of the child.

3. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).