

LCB File No. T031-03

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

Filed with the Secretary of State on April 18, 2003

Explanation: Matter in *italics* is new; matter in brackets **[H]** is material to be omitted.

AUTHORITY: NRS 385.080

Section 1. NAC 387.345 is hereby amended as follows:

Section 2. Calculating Basic Support. (NRS 385.080, 386.540, 387.123)

1. Except as otherwise provided in subsection 4, the count of pupils for calculating the basic support for each school district for any school year is the weighted count of enrollment of pupils in the school district on the last day of the first school month of the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year. The last day of the first school month for that district is the last day of the first school month of the school calendar in which the greatest number of pupils attend.

2. If a school district operates any of its schools under a school calendar which does not provide for enrollment and attendance of pupils on the last day of the first school month as prescribed in subsection 1, the school district may, upon the written approval of the superintendent of public instruction, include in the count of enrollment as prescribed in subsection 1, the count of pupils attending under such a calendar on the school day of that calendar which is within 5 school days of the school day closest to the county day prescribed in subsection 1.

3. On a form prescribed by the superintendent of public instruction, the superintendent of schools of each school district shall certify to the department by November 1 of each school year the weighted count of enrollment as of the day prescribed in subsection 1. If a charter school submits a form pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the form to the requester.

4. A school district shall not count a pupil who enrolls in the ninth grade during or after the 2000-2001 school year as a full-time pupil for the purpose of calculating the basic support for the school district for a school year unless the pupils is in a minimum of:

- (a) Six courses or the equivalent of six periods per day if he is in grade 9, 10 or 11; or
- (b) *Four* ~~{Five}~~ courses or the equivalent of *four* ~~{five}~~ periods per day if he is in grade 12.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T031-03**

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

The Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred and twenty-five individuals and educational organizations on the State Board Mailing List. One workshop was held on April 12, 2003. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations on the State Board Mailing List. One public hearing was conducted on April 12, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

2. The Number of Persons Who:

a) **Attended Each Hearing:** Workshop: 19 Public Hearing: 19

b) **Testified at Each Hearing:** Workshop: 1 Public Hearing: 0

and,

c) **Submitted Written Statements:** Workshop:0 Public Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Assistant to the Board, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comment was solicited through the workshop notice and public hearing notice of March 11, 2003.

At the Workshop to Solicit Comments on April 12, 2003, one individual from the public gave comment regarding the proposed regulation language: Jane Kadoich, Director of Guidance, Clark County School District, spoke in support of the proposed change. She also asked that her comments in support be included as part of the public testimony for the Public Hearing as well. It was noted by Deputy Superintendent Keith Rheault that the

proposed change from five to four required courses for twelfth grade students would not impact this year's twelfth graders.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Assistant to the Board, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The temporary regulation language was adopted by the Nevada State Board of Education on April 12, 2003, without change.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

There is an anticipated economic effect on the business which is to be regulated which is in favor of the school districts which will receive the per pupil basic support based upon the number of twelfth grade students enrolled in four or more classes being with the 2003-04 school year. There is no anticipated economic effect on members of the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee.