

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

LCB File No. R211-05

Effective February 23, 2006

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

AUTHORITY: §1, NRS 385.080 and 387.123.

A REGULATION relating to education; prescribing a maximum age for pupils who may be counted for the purpose of calculating the basic support for each school district; and providing other matters properly relating thereto.

Section 1. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in ~~[subsection 4,]~~ *subsections 4 and 5*, 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 count 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 pupil 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 courses or the equivalent of four periods per day if he is in grade 12.

5. A school district shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the basic support for the school district for that school year unless:

(a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by chapter 395 of NRS pursuant to NRS 395.020; or

(b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

↪ The grade level of the pupil is determined by the number of credits held by the pupil.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R211-05**

NAC 387.345 – Upper Age Limits for High School Pupils

The State Board of Education adopted regulations assigned LCB File No. R211-05 which pertain to chapter 387 of the Nevada Administrative Code on January 21, 2006.

Notice date: 10/25/2005
Hearing date: 1/21/2006

Date of adoption by agency: 1/21/2006
Filing date: 2/23/2006

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. One workshop was held on December 3, 2005. There were no public comments.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 387, a Upper Age Limits for High School Pupils, was sent to approximately 150 individuals and educational organizations. A public hearing was conducted on January 21, 2006 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: 32	Hearing: 13
b) Testified at Each Hearing: Workshop: 0	Hearing: 0
c) Submitted Written Statements: Workshop: 0	Hearing: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada 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.

Comments were solicited through the workshop notice of October 25, 2005 and a public hearing notice of December 14, 2006. At the October 25, 2005 Workshop to Solicit Comments, there were no public comments to the proposed language revisions. At the

January 21, 2006 public hearing there were no public comments to the proposed language.

Summary of Comments

Workshop Comments:

There were none.

Public Hearing Comments:

There were none.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada 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 Nevada State Board of Education adopted Legislative Counsel Bureau language, File #R211-05 at the public hearing held January 21, 2006. The reason for adopting the amendment is to allow for basic support apportionment for pupils who are over the normal age of a high school senior where an 18, 19 or 20 year old may need an extra year to complete required credits for high school graduation.

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

It is expected that there could be a fiscal impact on the Department of Education's Distributive School Account but it would not be a significant number of pupils. The beneficial, immediate and long term effects are unknown at this time. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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

There is no cost for the State Board of Education to adopt this regulation.

7. A description of any regulations of other state or governmental 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.

There is no duplication or overlap of any other governmental agency for this authority.

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.

There is no fee connected with this proposed regulation.