

**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).*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066**  
**Informational Statement**  
**LCB File No. R037-14**

**1. A clear and concise explanation of the need for the adopted regulation:**

To prescribe procedural requirements for participation by a child in the Program of School Choice for Children in Foster Care.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on April 24, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, 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. The number of persons who:**

- (a) Attended each hearing: 27**
- (b) Testified at each hearing; 0**
- (c) Submitted written comments: 0**

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the Hearing:**

- (a) Name:**
- (b) Business Address;**
- (c) Business telephone number;**
- (d) Electronic mail address;**
- (e) Name of entity or organization represented: Washoe County School District (WCSD)**

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

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on April 24, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

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**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulations were adopted as submitted; there was no public comment

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

**(a) Estimated economic effect on the businesses which they are to regulate**

None.

**(b) Estimated economic effect on the public which they are to regulate**

None

**8. The estimated cost to the agency for enforcement of the proposed regulation: None**

**9. A description of any regulations of other State of governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. None.**

**10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. None.**

**11. Of the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used. None.**