

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

LCB File No. R028-01

Effective November 1, 2001

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

AUTHORITY: §1, NRS 385.080 and 388.520.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a pupil with a disability who was enrolled in a school or public agency subsequently enrolls in another school or public agency, the school or public agency in which the pupil was enrolled shall, not later than 10 school days after receipt of notice of the pupil's enrollment in another school or public agency, transmit the educational records of the pupil to the school or public agency in which the pupil is currently enrolled.

2. If a school or public agency requires the consent of the parent or guardian of a pupil before transmitting educational records of the pupil, the school or public agency shall transmit the educational records of the pupil pursuant to subsection 1 not later than 10 school days after it receives such consent.

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

LCB File No. R028-01

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 388, Transfer of Educational Records for
Students with Disabilities
(LCB File R028-01)**

IMPACT STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 388:

- 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 Intent to Act Upon a Regulation for the public hearing for Board permanent adoption of temporary regulation language was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on October 6, 2001, to provide the opportunity for comments by affected parties and the public. There were no public comments.

- 2. The Number of Persons Who:**

a) Attended Each Hearing: Hearing: 11

b) Testified at Each Hearing; Hearing: 0

and,

c) Submitted Written Statements: Second Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, 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 public hearing notice of August 28, 2001. There were no comments from the public at public hearing.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, 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 permanent regulation language (LCB File R028-01) was adopted by the Nevada State Board of Education at the public hearing held October 6, 2001, without revision.

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 no economic effect on the business which is regulated. 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 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.

10/9/01