

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

**LCB File No. R031-02**

Effective May 29, 2002

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

AUTHORITY: §§1 and 2, NRS 385.080 and 387.123.

**Section 1.** NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection 4 of section 2 of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until he is transferred from the school or his name is withdrawn from its master register. A pupil is not withdrawn from school if he is:

(a) Truant from school and documentation of the truancy is maintained by the school district;

or

(b) Absent from school *for a period of less than 1 school month*, with an expected date of return.

3. If a pupil:

(a) Enrolls in another school, the effective date of withdrawal is the day immediately after the last day that the pupil attended class.

(b) *Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.*

(c) Does not enroll in another school, the effective date of withdrawal is the date that the parent or legal guardian of the pupil notifies the school district of the withdrawal.

~~(e)~~ (d) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

~~(d)~~ (e) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the day immediately after the 10th consecutive school day that the pupil failed to attend school.

**Sec. 2.** NAC 387.220 is hereby amended to read as follows:

387.220 1. A record of withdrawal for the purpose of calculating basic support must be entered on the master register of enrollment and attendance with an effective date of withdrawal prescribed in paragraph ~~(d)~~ (e) of subsection 3 of NAC 387.200 for a pupil who is absent for at least 10 consecutive school days if his whereabouts or the reason for his absence cannot be determined.

2. A withdrawal for an unexplained absence must be recorded for any pupil who was enrolled in grades 7 to 12, inclusive, in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. The school district shall post and maintain the record maintained pursuant to this section separately from records of withdrawals of pupils counted for the purposes of apportionment for the current school year.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R031-02**

The State Board of Education adopted regulations assigned LCB File No. R031-02 which pertain to withdrawal of a student (chapter 387 of the Nevada Administrative Code) on April 13, 2002.

<b>Notice date:</b>	Workshop 2/11/2002 Hearing 3/17/2002	<b>Date of adoption by agency:</b>	4/13/2002
<b>Workshop date:</b>	3/2/2002	<b>Filing date:</b>	5/29/2002
<b>Hearing date:</b>	4/13/2002		

**INFORMATIONAL STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

**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 revisions to NAC 387, Withdrawal of a Student, was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted on March 2, 2002, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for a public hearing on Board adoption of permanent regulation language (LCB File R031-02) was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on April 13, 2002, to provide the opportunity for comments by affected parties and the public. There were public comments. The permanent language was adopted without revision on April 13, 2002.

**2. The number of persons who:**

<b>(a) Attended Each Hearing:</b>	Workshop: 5	Hearing: 2
<b>(b) Testified at Each Hearing:</b>	Workshop: 2	Hearing: 1

**and,**

<b>(c) Submitted Written Statements:</b>	Workshop: 0	Hearing: 0
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No written comments were submitted.

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 persons may obtain a copy of the summary.**

Comment was solicited through workshop notice of February 11, 2002, and public hearing notice of March 7, 2002. There were comments from the public.

At the workshop held March 2, 2002, Dotty Merrill, Interim Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, reminded that NAC 387.200 originally was intended to prevent withdrawal of students who are out of school for short periods of time. However, a longer period of time has become the more prevalent phenomenon. In response to Board Member Myer's question, Dr. Craig Kadlub, Director of Public Affairs, Clark County School District advised that the law states that every student must be enrolled in the attendance zone in which he or she lives, the school must take a student back upon return. However, he noted that the student may not be able to be put back in the multi-track program that they left from.

At the public hearing held April 13, 2002, Dotty Merrill, Interim Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, thanked the Board and urged adoption of the proposed language.

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 in LCB File R031-02 was adopted by the Nevada State Board of Education at the public hearing held April 13, 2002, 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.