

**LCB File No. R211-05**

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**AMENDMENT TO NAC 387.345**

It is recommended that a new regulation be adopted in response to the lack of an actual maximum age for a Nevada high school pupil. Recently it was discovered that some schools were admitting students as old as 23 years. There are other options for adults such as an adult high school diploma program, GED programs, etc. The lack of a regulation in this area could be corrected by the State Board's allowance for certain pupils.

NRS 392.040.6(c) gives us a base from which to add 12 years of school. The NRS states that if a pupil who is 7 years old on September 30, is prepared for first grade he is admitted to first grade; but if he is not, he is admitted to kindergarten. This fixes the age of the oldest kindergarten pupil as 7 years on September 30.

Adding the years from the first through the twelfth (12) grades, plus a one year allowance for a pupil who repeats a year, will result in a maximum age of 20 years on September 30.

The regulation could be added to NAC 387.345 as new section 5.

**NAC 387.345 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 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 may count a pupil who is no older than 20 years of age on the 30th day of September for the purpose of calculating Basic Support for that year, excepting special education pupils, who may be 21 years of age pursuant to NRS 392.020.2, or pupils who have been excepted by the Superintendent of Public Instruction. The pupil's class placement is determined by the number of credits he/she holds.*

## REFERENCE

**NRS 395.020 Eligibility for benefits.** A person with a disability is eligible to receive the benefits provided pursuant to this chapter if:

- 1. He is a resident of the State of Nevada;
- 2. He is under 22 years of age, except that where the enrollment period for the school year is before his 22nd birthday, he remains eligible to complete that school year irrespective of his age;
- 3. The Department of Education has prescribed minimum standards for the provision of a special education program and related services to persons with such a disability; and
- 4. His school district:
  - (a) Has prepared an appropriate plan for the individualized education of the person with a disability; and
  - (b) Is unable to provide an appropriate special education program and related services for his particular disability and grade or level of education.