

**ADOPTED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R069-14

Effective October 24, 2014

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

AUTHORITY: §1, NRS 386.540 and 386.570.

A REGULATION relating to charter schools; authorizing certain charter schools to elect an alternative count day; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each school district to conduct an annual official enrollment count each school year. This enrollment count occurs on the “count day” each school year. (NRS 386.570) Under existing regulations, the count day for a charter school is the same as the count day for the school district in which the charter school is located and is the last day of the first school month of that school district. (NAC 386.355) **Section 1** of this regulation provides that, in lieu of using the count day for the school district in which a charter school is located, certain charter schools may elect to use the count day for the school district in which the majority of pupils who attend the charter school reside. **Section 1** requires the governing body to submit to the Superintendent of Public Instruction a written declaration of the year for which the election is made.

Section 1. NAC 386.355 is hereby amended to read as follows:

386.355 1. ~~{The}~~ *Except as otherwise provided in subsection 2, the* count day for a charter school is the same as the count day for the school district in which the charter school is located and is the last day of the first school month of that school district.

2. *In lieu of using the count day described in subsection 1, a governing body may elect to use the count day for the school district in which the majority of pupils who attend the charter school reside if the charter school:*

(a) Is sponsored by the State Public Charter School Authority;

- (b) Provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive; and*
- (c) Uses distance education as its primary method of instruction.*
- 3. If a governing body elects to use the count day described in subsection 2, the governing body shall submit to the Superintendent of Public Instruction a written declaration of that election on or before May 1 of the year for which the election is made.*
4. To receive apportionments from the State Distributive School Account, a charter school must have pupils enrolled and attending school and account for at least 20 school days in the first school month, which may include days on which class is not in session, including, without limitation, in-service days and conference days for teachers.
- ~~3.4~~ 5. If an individual pupil is enrolled and attending a charter school at least 1 school day before the count day, that pupil will be counted.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R069-14**

The Department of Education adopted regulations assigned LCB File No. R069-14 which pertain to chapter 386 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066

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

To authorize an alternative count day for a charter school in certain circumstances.

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 June 6, 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: 3**
- (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:**

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.

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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 regulation was adopted with a change of date in Section 2, Subsection 3: the governing body shall submit to the Superintendent of Public Instruction a written declaration of that election on or before [~~September 1~~] **May 1**

The change of date to May 1 was made by Deputy Superintendent Canavero because all school calendars are due May 1 to the Department of Education. The calendars determine count day. The change of date is to ensure virtual charter schools comply with the count day of the school district they have chosen.

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.