

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R069-14

May 14, 2014

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

AUTHORITY: §1, 386.540 and 386.570.

A REGULATION relating to charter schools; authorizing an alternative count day for a charter school in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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 September 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.