

**LCB File No. T040-07**

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

**Filed with the Secretary of State on December 11, 2006**

**Explanation:** Matter in italics is new; matter in brackets [ ] to be omitted.  
**Statutory Authority:** NRS 385.080, 386.540, 387.123

**NAC 387.345 Calculating Basic Support (NRS 385.080, 386.540, 387.123)**

1. Except as otherwise provided in subsection 4 and 5, 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, superintendent of school 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 shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the basic support for the school district for the school year unless:
  - (a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by chapter 395 of NRS pursuant to NRS 395.020; or
  - (b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

The grade level of the pupil is determined by the number of credits held by the pupil.

6. *For the final basic support adjustments for a school district or charter school per NRS 387.1243(3), if the school district or charter school is to receive the growth adjustment benefits of a final count of pupils per NRS 387.1243(4) then that calculation will be based upon its maximum allowed enrollment as prescribed in NRS 387.1233(2).*

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T040-07**

The State Board of Education adopted temporary regulations assigned LCB File No. T040-07 which pertain to chapter 387 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on October 7, 2006. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 387.345 – Calculating Basic Support was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on October 7, 2006 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the proposed amendments to the regulation with additional amendments.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 7; First Hearing: 0; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: 0

A copy of any written comments may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada 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.

Comments were solicited through the workshop notice of August 31, 2006; and the public hearing notice of August 31, 2006. At the October 7, 2006 Workshop to Solicit Comments, there were no public comments to the proposed amendments to the regulation language. At the October 7, 2006 public hearings there were no public comment to the proposed amendments to the regulation language.

Summary of Comments:  
Workshop/Public Hearing Comments:

Workshop comments:

(a) There were no public comments during the workshop.

Public Hearing comments:

(a) There were no public comments during the public hearing.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held October 7, 2006. The reason for adopting the regulation is to allow the school district or charter school to receive the growth adjustment benefits of a final count of pupils based on the maximum allowed enrollment as prescribed in NRS 387.1233(2).

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no anticipated economic effect on the Department of Education. There are no beneficial, immediate and long term affects on the state, school district, and schools

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 governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 for a new fee or increase an existing fee.