

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

LCB File No. R019-09

Effective October 27, 2009

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

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

A REGULATION relating to pupils; revising provisions governing the recordation of the withdrawal of pupils from public schools; and providing other matters properly relating thereto.

Section 1. NAC 387.048 is hereby amended to read as follows:

387.048 “Dropout” means any pupil who withdrew during the previous school year for any reason specified in ~~[subsections 4 to 7, inclusive, or]~~ subsection ~~[11]~~ **3** of NAC 387.215.

Sec. 2. NAC 387.215 is hereby amended to read as follows:

387.215 The reason listed in the master register of enrollment and attendance for the withdrawal of a pupil must be stated as one of the following:

1. ~~[Withdrawal]~~ *For a pupil who will receive educational services in the same school district, withdrawal* of the pupil to ~~[enroll in another:~~
 - ~~—(a) Grade level within the]~~ :
 - (a) *Enroll in the* same school ~~];~~
 - ~~(b) Track within the same school; or~~
 - ~~—(c) School]~~ *or a program within the same school, including, without limitation, another grade level or track within the same school;*

(b) *Enroll in another school, other than a charter school,* within the same school district ~~[-]~~ ;

(c) *Enroll in a charter school that is sponsored by the board of trustees of the school district; or*

(d) *Receive educational services from the school district if the pupil is not assigned to a particular school within the school district.*

2. ~~[-Withdrawal]~~ *For a pupil who will receive educational services from a source other than the school district, withdrawal* of the pupil to ~~[-enroll in another]~~ *transfer and:*

(a) *Enroll in a public school , other than a charter school, in another school district in* this State, including, without limitation, enrollment in a detention home or alternative program that is not located within the school district ~~[-]~~

~~—3.— Withdrawal of the pupil to enroll] ;~~

(b) *Enroll in a private school in this State;*

(c) *Receive instruction as a homeschooled child pursuant to NRS 392.070;*

(d) *Enroll* in a school in another state ~~[-]~~

~~—4.— Withdrawal of the pupil at the request of the school.~~

~~—5.— Withdrawal] ;~~

(e) *Enroll in a school in another country; or*

(f) *Enroll in a charter school that is not sponsored by the board of trustees of the school district.*

3. *For a pupil who is not known to be receiving educational services, withdrawal* of the pupil ~~[-by]~~ *from the system of K-12 public education:*

(a) *By* the pupil or the parent or guardian of the pupil , *as applicable*, for any of the following reasons:

~~[(a)]~~ (1) The pupil is ~~[receiving a failing grade in at least two of the subjects in which he is enrolled;~~

~~—(b)]~~ *credit deficient;*

(2) Pregnancy;

~~[(e)]~~ (3) Marriage;

~~[(d)]~~ (4) Employment;

~~[(e)]~~ (5) The pupil’s physical or mental condition ~~[or attitude,]~~ *prevents or renders inadvisable the pupil’s attendance at school or the pupil’s application to study*, certified pursuant to NRS 392.050 ~~;~~

~~—(f)]~~, *including, without limitation, a long-term medical condition or admission to a program of substance abuse treatment or a rehabilitative setting;*

(6) Authorization by the juvenile division of the district court pursuant to NRS 392.090;

~~[(g)]~~ (7) Self-supported or parental support in accordance with NRS 392.100;

~~[(h)]~~ (8) Apprenticeship in accordance with NRS 392.110; or

~~[(i)]~~ (9) Any other reason not specified in ~~[paragraphs (a) to (h),]~~ *subparagraphs (1) to (8)*,

inclusive.

~~[(6.—Absence)]~~

(b) *Because the pupil’s age exceeds the maximum age at which the pupil is entitled to a public education in this State.*

(c) *Due to:*

(1) *Permanent expulsion;*

(2) *Disciplinary or other eligibility reasons; or*

(3) *Incarceration.*

(d) *To enroll in an educational program for adults or other educational program which does not offer a diploma, including, without limitation:*

(1) *A program of general educational development; or*

(2) *A program of vocational or technical education for adults.*

(e) *As a result of the unknown enrollment status of the pupil due to the absence of the pupil ~~for~~:*

(1) *For 10 consecutive school days if the whereabouts of the pupil are unknown ~~f~~*

~~7. Incarceration.~~

~~8. Withdrawal] or the reason for the pupil's absence cannot be determined;~~

(2) *For 1 month when an expected date of return is not known; or*

(3) *For unexplained absence, as set forth in subsection 2 of NAC 387.220.*

(f) *When attendance is excused pursuant to NRS 392.060 ~~f, 392.070 or~~ for completion of the 12 grades of elementary and high school courses.*

(g) *When attendance is excused pursuant to NRS 392.080 ~~f~~*

~~9. Death.~~

~~10. Any other reason for withdrawal.~~

~~11. Withdrawal for unexplained absence, as set forth in subsection 2 of NAC 387.220.]~~

because the pupil's residence is located at such a distance from the nearest public school as to render attendance unsafe or impractical.

4. *For a pupil who exits the system of public education, withdrawal of the pupil:*

(a) *Due to the death of the pupil;*

(b) When the pupil is less than 7 years of age and was enrolled in public school; or

(c) After reenrolling, if the pupil was previously withdrawn for a reason set forth in paragraph (d) of subsection 3.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R019-09**

The State Board of Education adopted regulations which pertain to chapter 387 of the Nevada Administrative Code.

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on October 8, 2009. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to R019-09; NAC 387.215 and 387.048– Reason for Withdrawal of Pupil was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on October 9, 2009 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 14; First Hearing: 15; 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: N/A

A copy of any written comments 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. A description of how comments were 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 September 8, 2009; and a public hearing notice of September 8, 2009. At the October 8, 2009 Workshop to Solicit Comments, there was no public comment to the proposed amendments to the regulation language. At the October 9, 2009 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

There were no comments.

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing 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 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held October 9, 2009. The need the purpose of the proposed change to NAC 387.048 and 387.215 was based on the mandated cohort graduation rate from the United States Department of Education. A workgroup, consisting of members from Washoe, Clark, Elko, and Nye County discussed and requested that the Nevada Department of Education update NAC 387.215 to include withdrawal codes that would provide stakeholders with a higher degree of detail when recording and reporting dropouts.

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 economic effect on the Department of Education. There is no economic effect on the public or the business it regulates.

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.