

Chapter 387 of NAC

LCB File No. T022-09

ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION

Filed with the Secretary of State on April 2, 2009

NAC 387.215 Reason for withdrawal of pupil. (NRS 385.080, 387.123) 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 of the pupil to enroll in another:
 - ~~— (a) Grade level within the same school;~~
 - ~~— (b) Track within the same school; or~~
 - ~~— (c) School within the same school district.~~~~
- ~~— 2. Withdrawal of the pupil to enroll in another school 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 in a school in another state.~~
- ~~— 4. Withdrawal of the pupil at the request of the school.~~
- ~~— 5. Withdrawal of the pupil by the pupil or the parent or guardian of the pupil for any of the following reasons:
 - ~~— (a) The pupil is receiving a failing grade in at least two of the subjects in which he is enrolled;~~
 - ~~— (b) Pregnancy;~~
 - ~~— (c) Marriage;~~
 - ~~— (d) Employment;~~
 - ~~— (e) The pupil's physical or mental condition or attitude, certified pursuant to NRS 392.050;~~
 - ~~— (f) Authorization by the juvenile division of the district court pursuant to NRS 392.090;~~
 - ~~— (g) Self-supported or parental support in accordance with NRS 392.100;~~
 - ~~— (h) Apprenticeship in accordance with NRS 392.110; or~~
 - ~~— (i) Any other reason not specified in paragraphs (a) to (h), inclusive.~~~~
- ~~— 6. Absence of the pupil for 10 consecutive school days if the whereabouts of the pupil are unknown.~~
- ~~— 7. Incarceration.~~
- ~~— 8. Withdrawal pursuant to NRS 392.060, 392.070 or 392.080.~~
- ~~— 9. Death.~~
- ~~— 10. Any other reason for withdrawal.~~
- ~~— 11. Withdrawal for unexplained absence, as set forth in subsection 2 of NAC 387.220.]~~

1. Withdrawal of the pupil: Still enrolled in district

- (a) Student enrolled in same school and/or program.***
- (b) Student withdrawn to a different school, not charter, within same district.***
- (c) Student withdrawn to a district sponsored charter school.***
- (d) Student withdrawn, receiving educational services but not assigned to a particular school.***

2. *Transferred: Student known to be receiving services*
 - (a) *Student withdrawn to another public school district (not charter) or public agency within Nevada.*
 - (b) *Student withdrawn to a nonpublic K-12 school or setting in Nevada.*
 - (c) *Student withdrawn, receiving equivalent instruction at home (NRS 392.070).*
 - (d) *Student withdrawn to a public or nonpublic school in another state.*
 - (e) *Student withdrawn to a public or nonpublic school in another country.*
 - (f) *Student withdrawn to a state sponsored charter school.*
3. *Withdrawn: Known not to be attending K-12 school*
 - (a) *Withdrawal of the student by the student (must be at least age of majority) or the parent or guardian of the student for any of the following reasons:*
 - (a)i *Credit deficiency;*
 - (a)ii *Pregnancy;*
 - (a)iii *Marriage;*
 - (a)iv *Employment;*
 - (a)v *Student has long term medical condition, or in drug treatment or a rehabilitative setting that prevents them from receiving services (NRS 392.050);*
 - (a)vi *Authorization by juvenile division for the district court pursuant to NRS 392.090;*
 - (a)vii *Self-supported or parental support in accordance with NRS 392.100;*
 - (a)viii *Apprenticeship in accordance with NRS 392.110;*
 - (a)ix *Any other reason not specified in paragraphs 3(a)i through 3(a)viii, inclusive.*
 - (b) *Student withdrawn because age exceeds age restrictions.*
 - (c) *Student was removed from the education system for reasons other than health:*
 - (c)i *Permanent expulsion;*
 - (c)ii *Disciplinary or other eligibility reasons; or*
 - (c)iii *Incarceration.*
 - (d) *Student withdrawn to adult basic education, or some type of education program that does not lead to a diploma or other credential recognized by the state:*
 - (d)i *Student withdrawn to GED program; or*
 - (d)ii *Student withdrawn to adult vocational/technical program.*
 - (e) *Student's status is unknown:*
 - (e)i *Absence of the student for 10 consecutive days and whose whereabouts are unknown;*
 - (e)ii *Absence of the student for the entire stat month with no expected date of return; or*
 - (e)iii *Unexplained absence as set for the in NAC 387.220.*
 - (f) *Attendance excused upon completion of 12 grades of elementary and high school (NRS 392.060).*
 - (g) *Attendance excused for distance residence from nearest school (NRS 392.080).*
4. *Exited: Neither completed or dropped out*
 - (a) *Deceased*
 - (b) *Student is under the age for compulsory attendance and withdrawn from school (usually for reasons of immaturity).*

(c) Student returned to school after receiving a completion credential or after they reached the age until which the state guarantees an education; and subsequently exited school.

~~[(d) Attendance excused upon completion of 12 grades of elementary and high school (NRS 392.060).~~

~~—(e) Attendance excused for distance residence from nearest school (NRS 392.080).]~~

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T022-09**

The State Board of Education adopted temporary regulations assigned LCB File No. T022-09 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 March 19, 2009. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 387.215 – Reason for Withdrawal of Pupil was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on March 20, 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: 27; First Hearing: 16; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 2; 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 Doris Arnold, Executive Assistant, 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 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 February 11, 2009; and a public hearing notice of February 11, 2009. At the March 19, 2009 Workshop to Solicit Comments, there was public comment to the proposed amendments to the regulation language. At the March 20, 2009 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

- (a) Dr. Bryn Lapenta, Washoe County School District, supported the proposed amendments.
- (b) Ruth Johnson, Clark County School District, supported the proposed amendments.

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 Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, 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 March 20, 2009. The need the purpose of the proposed change to NAC 387.215 is 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.