

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

LCB File No. R070-10

Effective October 15, 2010

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

AUTHORITY: §1, NRS 385.080 and 387.123.

A REGULATION relating to education; revising provisions governing the calculation of basic support for school districts and charter schools; and providing other matters properly relating thereto.

Section 1. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsections 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, the superintendent of schools 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 that 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 a pupil is determined by the number of credits held by the pupil.

6. *If a pupil is counted pursuant to this section and the pupil subsequently enrolls in a public school in another school district before the count day for that school district:*

(a) The pupil must be included in the count for the school district to which the pupil transferred; and

(b) The Department shall make appropriate adjustments to the apportionments made to the school district in which the pupil was initially counted to account for the transfer out of that school district.

7. Notwithstanding the provisions of NRS 387.1243 to the contrary, if the basic support for a school district or charter school is computed pursuant to NRS 387.1233 using an enrollment number that is larger than the actual enrollment of pupils for the current school year, that larger enrollment number shall be deemed the first-month enrollment number rather than the actual count of pupils on count day when determining whether there is an increase in the enrollment of pupils after the second school month pursuant to subsection 4 of NRS 387.1243.

8. For the purposes of subsections 2 and 3 of NRS 387.1233, the enrollment of pupils in a charter school includes the pupils enrolled in the charter school who reside in the school district in which the charter school is located and the pupils enrolled in the charter school who reside outside that school district.

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. R070-10

NAC 387.345 - Hold Harmless Affect on Calculating Basic support

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 387.345

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 May 14, 2010. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the new regulation amendments to R070-10; NAC 387.345 – Hold Harmless Affect on Calculating Basic Support. A public hearing was conducted on August 13, 2010 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.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 2; First Hearing: 19; 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 April 21, 2010; and a public hearing notice of July 7, 2010. At the May 14, 2010 Workshop to Solicit Comments, there was no public comment to the proposed new regulation. At the August 13, 2010 public hearing there was no public comment to the proposed new regulation language.

Summary of Comments:

Workshop comments:

There were no public comments at the workshop.

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 new regulation language at the public hearing held August 13, 2010. The reason for the proposed changes is to codify current practice relating to the application of the hold harmless in determining the allocation of basic support.

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 public or the business it regulates.

There is no cost to the Department of Education to adopt these regulations. There is no federal law affecting the proposed regulations. There is no duplication or overlap of state or local governmental agencies. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

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.