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GUIDANCE MEMORANDUM 25-10

TO: All Local Education Agencies

FROM: Dr. Steve Canavero, Interim Superintendent of Public Instruction 

DATE: October 2, 2025

SUBJECT: Updates Regarding Systems of Open Enrollment

BACKGROUND

The 83rd (2025) Session of the Nevada Legislature concluded on June 2, 2025. This memo is intended to inform all Local Education Agencies (LEAs) of key changes to state law enacted through Assembly Bill (AB) 533 and Senate Bill (SB) 460, regarding systems of open enrollment and transportation.

OVERVIEW OF CHANGES TO SYSTEMS OF OPEN ENROLLMENT

Existing law permits families the choice to enroll their student in a school district, charter school, university school for profoundly gifted students, or private school; provisions are also in place for families to ensure that students, such as English learners, students with disabilities, or students in foster care, are able to attend a school that meets their needs. School districts are also empowered to independently establish a system of open enrollment wherein students may apply for variances to attend schools outside of their zone of attendance but within their district. Please note that out-of-district variances will continue to operate under a separate, albeit aligned, system.

Under AB533 and effective July 1, 2026, all school districts will be required to have a system of open enrollment which permits families to apply for variances to attend schools outside of their zone of attendance, free of charge, with priority for students zoned to attend one- and two-star schools. To support equity of access to these opportunities, SB460 allocated \$7 million to the Nevada Department of Education (Department) to furnish awards supporting transportation services for students attending public schools outside of their zone of attendance and demonstrating financial need. A compliance checklist, providing a high-level summary of the requirements under Nevada Open Enrollment, is attached to this memo.

IMPORTANT INFORMATION FOR FAMILIES

Under a system of Nevada Open Enrollment pursuant to AB533, all school districts will be required to provide a list of schools eligible for open enrollment, along with the total number of seats available by grade in each school. This system will offer priority to students zoned to attend one- and two-star schools but is open to all students. As capacity allows, schools are required to accept students regardless of their academic, artistic, or athletic ability, designation, attendance history, or location; a district may deny an application only if the student was suspended for 10 or more days or expelled in the current or immediately preceding school year. Once a student has been accepted to attend a school outside of their zone of attendance, their transfer will be

considered permanent. Please note that magnet schools, career and technical academies, and dual enrollment schools, while operating under a system of open enrollment, are not included in Nevada Open Enrollment, as these schools have separate application processes which may take into consideration student goals and performance.

Each district will be required to make their application and underlying policies and procedures, to include their methodology for determining capacity, available to the public in the five most spoken languages in Nevada. Districts will also be required to report information to the Department on an annual basis regarding the number of applications received, the number approved and denied, and the reason for each denial.

Implementation Efforts

All provisions under AB533 will be implemented in good faith by all districts for SY26-27, to include the following elements under a system of open enrollment:

- Priority for students in one- and two-star schools
- Acceptance regardless of ability, designation, location, etc.
- Permanent student transfers
- A system to appeal denials
- Applications made available in the five most spoken languages
- Reporting requirements
- Transportation services
 - Please see the Compliance Checklist for more information

Due to the timing and complexity of certain requirements, the Department shall work with districts to support compliance with all provisions under the bill by October 1, 2026, to include:

- A method to calculate capacity
- Quarterly updates regarding capacity and open seats
- Comprehensive policies and procedures, available in the five most spoken languages
 - Please see the Compliance Checklist for more information

Several districts currently offer open enrollment, to include Clark County School District’s Change of School Assignment and Washoe County School District’s School of Choice. These programs will open for application in October 2025 for SY26-27 as scheduled. The Department anticipates further information regarding Nevada Open Enrollment applications, policies, and transportation to be available to families no later than March 2026.

STATE AND DISTRICT REQUIREMENTS

Districts are required to document their process and methodology for the Nevada Open Enrollment system, along with any exceptions to such a system. These policies must include, at minimum:

- The methodology used to determine the number of vacancies by school and grade level
- The timeline for posting vacancies, accepting applications, providing notice to families, appeals, transportation requests
- Information regarding priority and placement processes and transportation access

Districts are further required to publicly post these policies in addition to the following reporting requirements:

<i>District Data and Reporting Requirements</i>	<i>District</i>	<i>NDE</i>	<i>Posted</i>	<i>Frequency</i>
<i>Number of vacancies available in each school by grade level</i>	X	X		Quarterly
<i>Number of students transferred across zones of attendance</i>		X	X	Annual
<i>Number of students transferred by school</i>		X	X	Annual
<i>Number of applications, status, and reasoning</i>		X	X	Annual
<i>Changes/transfers of students using transportation</i>			X	Annual

Department responsibilities include developing regulations for both the Nevada Open Enrollment system and transportation access; reviewing and approving the methodologies, policies and procedures, and reports developed by each district; and ensuring that district processes are equitable and transparent.

IMPLEMENTATION TIMELINE AND NEXT STEPS

The Department intends to convene a working group consisting of district representatives and subject matter experts in early October to begin developing guidance and frameworks, regulatory language, and the necessary policies and procedures to establish the open enrollment system. These efforts will contribute to an Open Enrollment toolkit for use by districts and parents. The Department anticipates that the working group will convene weekly for an approximate 8-10 weeks. An approximate timeline is available below.

<i>Approximate Date</i>	<i>Task</i>
<i>October 2025</i>	Working Group Convenes, Workshop Regulation Concepts
<i>October 2025</i>	Clark and Washoe Open Enrollment Open for Application
<i>January 2026</i>	Working Group Concludes, Regulatory Hearing
<i>March 2026</i>	Information on Transportation Available

Please submit your subject matter representatives for engagement with the working group to develop the frameworks for Open Enrollment via the [Request for Engagement](#) form by October 10, 2025, selecting “Open Enrollment”.

CONCLUSION

If you have any questions, please reach out to Amelia Thibault, Office of Division Compliance, at acthibault@doe.nv.gov.

cc: Megan Peterson, Deputy Superintendent, Student Investment Division
Amelia Thibault, Director, Office of Division Compliance

<i>Topic</i>	Statutory (AB 533) Reference	Compliance Question	Check
<i>Policy</i>	“The board of trustees of each school district shall: (a) Adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection...” NRS 338.040	Has the district adopted policies and procedures for open enrollment?	
<i>Policy</i>	“(b) Ensure that any application of a school district for pupils to apply to attend a school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.” NRS 338.040	Are application forms available in the five most common non-English languages?	
<i>Application</i>	“(5) Not require a pupil to complete an application to attend a public school unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend...” NRS 338.040	Does the district require applications only for students requesting to attend a school outside their zone?	
<i>Application</i>	“(4) Include a procedure for pupils to apply to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2, including, without limitation, the date each year on which the school district will begin accepting applications and the annual deadline by which an application must be submitted...” NRS 338.040	Are application start- and deadline-dates clearly defined and published?	
<i>Application</i>	“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040	Does the policy prohibit consideration of academic, artistic, or athletic ability?	

<i>Application</i>	<p>“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040</p>	Does the policy prohibit consideration of extracurricular participation?	
<i>Application</i>	<p>“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040</p>	Does the policy prohibit consideration of disability status?	
<i>Application</i>	<p>“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040</p>	Does the policy prohibit consideration of English learner status?	

<i>Application</i>	“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040	Does the policy prohibit consideration of home address?	
<i>Application</i>	“5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application: (a) The academic, artistic or athletic ability of a pupil; (b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity; (c) Whether a pupil is a pupil with a disability; (d) Whether a pupil is an English learner; (e) The address at which the pupil resides; or (f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.” NRS 338.040	Does the policy prohibit consideration of disciplinary history (with exceptions)?	
<i>Enrollment</i>	“(2) Require all public schools within the school district, except for magnet schools, career and technical academies and dual enrollment high schools, to be open to the attendance of pupils pursuant to paragraph (f) of subsection 2, subject to capacity...” NRS 338.040	Does the district policy require that all non-specialized schools be open to transfers, subject to capacity?	
<i>Enrollment</i>	“(e) Allow a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.” NRS 338.040	Are approved applicants enrolled without further application in future years?	
<i>Prioritization</i>	“(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which: (I) Must give priority to pupils who live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two	Do policies prioritize students from schools with the two lowest	

	lowest ratings of performance pursuant to the statewide system of accountability for public schools; and (II) Except as otherwise provided in sub-subparagraph (I), may include, without limitation, a lottery.” NRS 338.040	performance ratings?	
<i>Prioritization</i>	“(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which: (I) Must give priority to pupils who live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and (II) Except as otherwise provided in sub-subparagraph (I), may include, without limitation, a lottery.” NRS 338.040	Is a lottery or other defined mechanism used when applications exceed capacity (if not prioritized)?	
<i>Appeals</i>	“6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.” NRS 338.040	Is there a clear process for appealing denied or unacted applications?	
<i>Appeals</i>	“6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.” NRS 338.040	Are appeals reviewed and decided by the district superintendent?	
<i>Reporting</i>	“(g) Prepare and submit an annual report to the Superintendent of Public Instruction describing: (1) The number of applications to attend a public school outside the zone of attendance that a pupil is otherwise required to attend that were received by the school district and the number of such applications that were approved or denied; and (2) For each application that was denied, the reason the board of trustees of the school district denied the application.” NRS 338.040	Has the district submitted an annual report to the Superintendent of Public Instruction?	
<i>Transportation</i>	“4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.” NRS 386.790	Has the district clearly stated whether it provides transportation for out-of-zone students?	

<i>Transportation</i>	“4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.” NRS 386.790	If applicable, has the district coordinated with the Department’s transportation grant program?	
<i>Capacity</i>	“(f) Adopt a uniform methodology for calculating the capacity of each public school within the school district for the purposes of paragraph (c). The methodology must be publicly documented, applied consistently across all public schools within the school district and published on the Internet website maintained by the school district.” NRS 338.040	Has the district adopted and published a uniform methodology for calculating school capacity?	
<i>Capacity</i>	“The methodology adopted by a school district must calculate the capacity of each public school within the school district based on: (1) Maximum building occupancy; or (2) An occupancy level of not more than 1 person per 40 square feet of instructional space.” NRS 338.040	Is capacity based on maximum building occupancy or 1 person per 40 sq. ft.?	
<i>Capacity</i>	“(c) Determine the capacity for each grade level within each public school in the school district in accordance with the provisions of this section and annually publish such capacity on the Internet website maintained by the school district not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend.” NRS 338.040	Are capacity figures published at least 90 days before application acceptance begins?	
<i>Capacity</i>	“...If the capacity of a public school is reduced during the period in which the school district accepts such applications, the board of trustees shall ensure that, not later than 15 days before the earliest date on which decisions on such applications are to be made, there is published on the Internet website maintained by the school district a written explanation of the change in circumstances which necessitated the reduction in capacity.” NRS 338.040	If capacity is reduced, is a justification published at least 15 days before decisions are made?	