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STATE OF NEVADA
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October 25, 2022

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in
LCB File #R013-22

The Nevada Department of Education will hold a public hearing at **10:15 A.M. on Tuesday, October 25, 2022** at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 387 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statutes 387.1218.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 387.1218, to account for the increased cost per pupil to operate public schools in areas with lower population density, the Nevada Department of Education shall:
 - *“...establish by regulation an attendance area adjustment for each relevant portion of a school district in which the Department determines additional money is necessary for a pupil enrolled in a public school in the area to receive a reasonably equal educational opportunity as a pupil enrolled in a public school in an area with a higher population density.”*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The purpose of these regulations is to set forth the method for determining an attendance area adjustment; and provide other matters properly relating thereto.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Department of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before October 24, 2022. A record of all submitted comments will be retained, and the Department of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board of Education, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R013-22

March 16, 2022

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

AUTHORITY: §§ 1-3, NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922.

A REGULATION relating to education; setting forth the method for determining an attendance area adjustment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to establish by regulation an attendance area adjustment for each relevant portion of a school district in which the Department determines additional money is necessary for a pupil enrolled in a public school or certain charter schools and university schools for profoundly gifted pupils in the area to receive a reasonably equal educational opportunity as a pupil enrolled in an area with a higher population density. (NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922) **Section 2** of this regulation interprets the term “attendance area” to mean the city center nearest to a relevant portion of a school district. **Section 3** of this regulation sets forth the method for determining an attendance area adjustment.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *As used in NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922, the Department will interpret the term “attendance area” to mean the city center nearest to a portion of a school district determined to be eligible for an attendance area adjustment pursuant to NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922, and the regulations adopted pursuant thereto.*

Sec. 3. *The attendance area adjustment required by NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922, must be determined by multiplying the number of pupils in an attendance area by the factor established for the attendance area by the Department by regulation pursuant to NRS 387.1218, as amended by section 26 of Senate Bill No. 458, chapter 473, Statutes of Nevada 2021, at page 2922.*