

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
STATE BOARD OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

August 15, 2024

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 #R096-24.

The STATE BOARD will hold a public hearing at **2:00 PM** on Wednesday, October 2nd, 2024 via [Livestream Link](#). The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 385.015 and of the Nevada Administrative Code (NAC), pursuant to NRS 385.080, 388A.110, 388A.411, 388A.417, 388A.110, 385.114, 389.1715 regarding the use of a pupil's social security number as an identification number for the records of a pupil.

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

1. The need for and the purpose of the proposed regulation or amendment:

- To revise provisions relating to the number for identification assigned to a pupil enrolled in a public school

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

3. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation would revise provisions relating to identification numbers assigned to pupils enrolled in public schools..

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. Method used by the agency in determining the impact on a small business: Small business is not impacted by this regulation.

6. 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 governmental 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 regulation.
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 [Event - October 2, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the Nevada Department of Education, **Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, October 1st. A record of all submitted comments will be retained, and the Department or Board 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 Department 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 and with Nevada State Library and Archives. 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.

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 Commission on Professional Standards, 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 and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R096-24

June 5, 2024

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

AUTHORITY: § 1, NRS 385.080; § 2, NRS 388A.110, 388A.411 and 388A.417; § 3, NRS 388A.110; § 4, NRS 385.080, 385.114 and 389.171.

A REGULATION relating to education; revising provisions relating to the number for identification assigned to a pupil enrolled in a public school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations require a school district to assign to each pupil enrolled in a public school in the school district an identification number which: (1) identifies the records of a pupil for use by the Department of Education for the duration that he or she is enrolled in the public school system in Nevada; and (2) must be the social security number of a pupil if the number is provided by a parent or guardian of the pupil. Existing regulations further require a school district to assign a pupil only one identification number, except where a parent or legal guardian objects to the continued use of the social security number of a pupil as the pupil’s identification number and requests the school district assign an alternate number to identify the records of the pupil. (NAC 385.015). **Section 1** of this regulation: (1) removes the use of a pupil’s social security number as an identification number for the records of a pupil; (2) requires a school district to assign to each pupil enrolled in the school district an identification number to identify the records of the pupil for use by the school district; and (3) requires the Department of Education assign to each pupil enrolled in a public school in Nevada an identification number to identify the records of the pupil for the duration of the pupil’s enrollment in the public school system in Nevada for use by the Department of Education. **Sections 2-4** of this regulation make conforming changes to specify that references to identification numbers mean the identification numbers assigned by the Department of Education in **section 1** of this regulation.

Section 1. NAC 385.015 is hereby amended to read as follows:

385.015 1. A school district shall assign to each pupil enrolled in a public school in the district a number which identifies the records of the pupil for use by the ~~{Department of Education. If a parent or legal guardian of a pupil elects to provide the social security number of the pupil, the identification number assigned to a pupil must be the pupil's social security number. If a parent or legal guardian of a pupil elects not to provide the pupil's social security number, the}~~ school district . ~~{shall assign to the pupil an alternate number which uniquely identifies the records of the pupil.}~~

2. ~~{Except as otherwise provided in this subsection, a}~~ *The Department of Education shall assign to each* pupil ~~{must be assigned only one}~~ *enrolled in a public school an* identification number which identifies the pupil's records for the duration of his or her enrollment in the public school system in Nevada for use by the Department of Education. ~~{If a pupil's identification number is his or her social security number, a parent or legal guardian of the pupil may object to the continued use of the pupil's social security number and request that the school district assign an alternate number which uniquely identifies the records of the pupil.}~~

3. The provisions of this section do not ~~{~~:

- ~~—(a) Require a parent or legal guardian of a pupil to provide the social security number of the pupil.~~
- ~~—(b) Prohibit}~~ *prohibit* a school district from establishing or maintaining a separate system for identifying pupils for use by the school district.

Sec. 2. NAC 388A.545 is hereby amended to read as follows:

388A.545 Not later than 30 days before the first apportionment is made pursuant to NRS 387.124 to a charter school in its first year of operation, the governing body of the charter school shall submit to the sponsor of the charter school:

1. In a format prescribed by the sponsor, the enrollment form for each pupil enrolled in the charter school, which must include, without limitation:

- (a) The full name of the pupil;
- (b) The address of the pupil and the county in which the pupil resides;
- (c) The telephone number of the residence of the pupil;
- (d) The date of birth of the pupil;
- (e) The unique student identification number of the pupil ~~is~~ *assigned pursuant to subsection 2 of NAC 385.015*, if available; and
- (f) The grade level in which the pupil is enrolling; and

2. The name and signature of the parent or legal guardian of each pupil enrolled in the charter school.

Sec. 3. NAC 388A.567 is hereby amended to read as follows:

388A.567 1. Each charter school shall maintain accurate records relating to enrollment, including, without limitation, records of applications for admission, its lottery process and its waiting list, if applicable.

2. The sponsor of a charter school may require the charter school to submit to the sponsor an annual report that contains the total enrollment of the charter school and the projected number of pupils selected for admission to the charter school, indicated by grade level and school district of residence for the subsequent academic year.

3. The sponsor of a charter school may require the charter school to submit to the sponsor a list of pupils who entered a lottery for admission to the charter school but were not selected for admission. The list must include, without limitation, each pupil's:

- (a) Full name;
- (b) Address;
- (c) Telephone number;
- (d) Date of birth;
- (e) School district of residence;
- (f) Grade level; and
- (g) Unique *student* identification number ~~+, if any, +~~ *assigned pursuant to subsection 2 of NAC 385.015.*

4. The Department will assign a unique identification number to each charter school and a unique campus identification number to each campus operated by a charter school. Each charter school shall ensure that the records maintained pursuant to subsection 1 include the appropriate unique identification number and unique campus identification number.

Sec. 4. NAC 389.670 is hereby amended to read as follows:

389.670 1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171. The application must include, without limitation, the:

- (a) First and last name of the pupil;

(b) Identifying information for the pupil, including, without limitation, the date of birth, ~~individual~~ *student* identification number ~~+~~ *assigned pursuant to subsection 2 of NAC 380.015*, ethnicity and gender of the pupil;

(c) Grade level of the pupil;

(d) Home telephone number of the pupil;

(e) Name and identification number of the school in which the pupil is enrolled;

(f) Signature of the school counselor at the school in which the pupil is enrolled; and

(g) Name and number of the course of study for which the application is submitted.

2. The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to NRS 389.171, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.

3. The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of NRS 389.171, establish a committee of teachers and administrators to select an appropriate examination for each course of study prescribed pursuant to subsection 2. The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of NRS 389.171, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171 to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

4. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

5. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State

before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

6. The State Board of Education may review:

- (a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and
- (b) The minimum score required on any such examination.