

**Regulation Topic/Title R076-25 – Open Enrollment and Transportation**

*Summary*

- Sections 2-4 outline the requirements for transportation funding. School districts may apply for funding to support needs assessment and conduct the priority evaluation, reimbursement for families, or direct transportation services. Organizations may apply for reimbursement to families or direct transportation services, with a requirement that they enter a data sharing agreement with the district for the purposes of ensuring services go only to eligible students. Pursuant to statute, only students residing in the zone of attendance of a 1- or 2-star may receive transportation support. In section 3 the Department further created tiers of prioritization, first serving students moving from a 1- or 2-star school to a 4- or 5-star school, then students at risk of not graduating, homeless, foster care, or migrant, then all other eligible students. Sections 2 and 4 further outline the survey/needs assessment requirements to appropriately identify students and provide transportation.
- Section 6 requires that districts submit their application templates and policies and procedures to the Department for approval and scoring.
- Pursuant to statute, students in 1- or 2-star schools must be prioritized for placement in their school of choice. Section 7 allows districts to use a lottery system for the placement of all other students, with their own weights and categories as applicable. Section 7 also provides additional clarification regarding the capacity calculation, providing the definition of an instructional teaching station and requiring that capacity determinations be made based on the total number of instructional teaching stations and the number of seats available at that station, with consideration given to subject matter, grade level, instructional models, and exigent circumstances.

*Background*

- This regulation is responsive to two bills from the 2025 Session: [AB533](#), regarding a statewide system of open enrollment and transportation, and [SB460](#), which included provisions regarding transportation funding. A quick summary of these bills is available in [Guidance Memo 25-10](#).
- The bills are effective July 1, 2026, requiring that all school districts have an established and compliant system of open enrollment serving students for school year 2026-2027. However, it must be noted that large school districts begin their school of choice enrollment processes in the preceding October (i.e., October 2025).
- The open enrollment requirements do not apply to charter schools, magnet schools, CTE academies, or other specialized schools – it is only applicable to regular schools within a school district.
- This system is focused on intradistrict open enrollment, and does not contemplate cross-district enrollment, which is handled through a different process.
- The Department was charged with developing regulations under SB460 regarding transportation eligibility, and AB533 regarding open enrollment, capacity, and transportation.
- It is anticipated that open enrollment systems will engage with some 20,000+ students, though it is important to note that both Clark and Washoe school districts had distinct open enrollment programs prior to the 2025 Legislative Session, with AB533 requiring updates and standardization across the State.

*Problem of Practice*

- One of the primary barriers to participation in open enrollment is transportation. SB460 allocated \$7M for transportation services and requires that the Department develop regulations for the use and application of those funds. However, there are several issues with transportation:
  - \$7M is not sufficient funding to support transportation for all students, and even under prioritization and eligibility limitations, \$7M is not likely to be sufficient to serve those students
  - There are numerous safety concerns and governing rules and regulations surrounding student transportation, including confidentiality of student data, the safety of school buses and school routes, the safety of students, training and backgrounds for drivers, etc.
  - Logistics to serve these students are complicated, whether in rural or urban districts, often resulting in increasingly expensive and time-bound complications.
  - Transportation is incredibly expensive, which is why most charter, magnet, and CTE schools do not have transportation programs available. However, the process for assessing the needs of students and families, the unique routes and timelines necessary to transport students from home to school, and the prioritization process are similarly expensive and time consuming.
- Another issue is the calculation of capacity. Statute allows for the calculation of capacity at the ratio of 40 square feet to 1 student or based on the total building capacity; in most cases, this is either restrictive (providing less capacity than in the prior school year) or too large to be practical (total building capacity). The Department worked to develop refining criteria that would allow for optimal capacity without overwhelming schools or violating recommended ratios.

*Development*

- Guidance Memo 25-10 was published October 2, along with a workshop with draft language on October 20. At that time, the Department invited districts to participate in early conversations and began working with national open enrollment nonprofit advocates to support high-quality policy (Yes.Every.Kid, Opportunity 180, and Reason Foundation). Washoe and Clark began meeting with NDE to discuss possible strategies and preliminary language, resulting in the draft submission to LCB and v0 of the language issued by LCB November 14. The Department then circulated the first draft of language with school district leadership, transportation directors, and open enrollment specialists; the Department also met with transportation directors and one on one with districts to further refine the language. The Department received robust engagement and began tracking feedback and questions on the regulation so that we could ensure amendments or clarifications were made. This resulted in v1 in December and v2 in January. The Department circulated v2 with districts and transportation directors in January. Following another round of engagement with districts and national experts, the Department received v3 in March.
- Releasing the notice of funding opportunity for transportation funding was suspended until the Department was able to move regulations forward to hearing. Similarly, capacity calculations and open enrollment systems were at a standstill until regulations were moved forward. While these regulations and the open enrollment process may require additional

refinement through continuous improvement, **it is critical that these regulations pass so that families may plan for enrollment.**

*Supportive Engagement*

- Opportunity 180 and Yes.Every.Kid are supportive of the regulations.

*Oppositional Engagement*

- School districts may still be opposed to the regulations, despite comprehensive feedback and revision. However, the regulations **must** pass to enable implementation for families, provide planning time for districts, and assure compliance with the law. The Department welcomes the opportunity to learn from SY26-27 implementation and further revise the regulations.

*Inflection Points*

- The implementation timeline has been a significant strain on logistics and planning.

*History*

- Introduced in 2025.

*Questions and Notes*

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