LANDER COUNTY SCHOOL DISTRICT

007.48R INTRADISTRICT OPEN ENROLLMENT AND SCHOOL ATTENDANCE ZONES

This Regulation implements Board Policy 007.48 and NRS 388.040 as amended by Assembly Bill 533 (2025), NRS 388.041, and LCB File No. R076-25. Terms defined in the Policy have the same meaning here.

1. Annual Operating Calendar

The Superintendent or designee shall administer open enrollment on the following calendar. Dates may be adjusted only if the adjustment preserves every statutory interval, including the 90-day capacity publication requirement.

Date	Action	Authority / note
By September 1, 2026	Submit the District's open enrollment system application and supporting materials to NDE.	LCB File No. R076-25; NDE Guidance Memo 26-14
By October 1	Complete capacity worksheets for every school and grade level using the uniform methodology.	NRS 388.040(4)(f)
By November 1	Publish grade-level capacity and the uniform methodology on the District website. Archive a timestamped capture.	NRS 388.040(4)(c) — at least 90 days before applications open
By November 1	Publish the application window, decision date, acceptance deadline, appeal route, transportation statement, and contact.	NRS 388.040(4)(a)(4)
March 1	Application window opens.	NRS 388.040(4)(a)(4)
April 15	Application deadline.	NRS 388.040(4)(a)(4)
By May 15	Conduct any lottery; issue approval, waitlist, and denial notices.	NRS 388.040(4)(a)(6)–(7)
10 business days after notice	Family deadline to accept a seat offer.	Local
10 business days after notice or missed decision date	Deadline for a parent or legal guardian to file an appeal.	NRS 388.040(6)

Date	Action	Authority / note
10 business days after appeal received	Superintendent issues written appeal decision. Decision is final.	NRS 388.040(6)
Jan. 1, Apr. 1, Jul. 1, Oct. 1	Publish grade-level vacancies for every District public school.	NRS 388.040(4)(b)
By the date NDE prescribes	Submit the annual report to the Superintendent of Public Instruction.	NRS 388.040(4)(g)

Transition, 2026–27 school year: because the substantive provisions of Assembly Bill 533 (2025) took effect July 1, 2026, the Superintendent shall establish a one-time abbreviated cycle for the current school year that publishes capacity and the uniform methodology as soon as practicable, opens an application window not less than 90 days after that publication, and preserves every other requirement of this Regulation. Quarterly vacancy postings and the annual report are due on the ordinary schedule. The abbreviated cycle shall not open until NDE has approved the District's open enrollment system application, or until the Superintendent determines that opening the window is necessary to avoid prejudice to families and documents that determination.

2. Capacity Determination Procedure

2.1 Baseline calculation

The steps in this Section 2.1 establish the building-level occupancy ceiling required by NRS 388.040(4)(f). Grade-level capacity is determined under Section 2.2.

- For each District public school, measure the total square footage of instructional space. Exclude gymnasiums, theaters, administrative offices, cafeterias, and storage space, as required by NRS 388.040(9)(b).
- Divide total instructional square footage by 40 to obtain the school's baseline occupancy figure.
- Document the source of each measurement, including floor plans, occupancy reports, or facility records, and retain the workpapers.

2.2 Grade-level capacity: instructional teaching stations

As required by Section 7(3)(a) of LCB File No. R076-25, the determination of capacity for each grade level shall be based on the total number of instructional teaching stations and the number of seats available for each instructional teaching station for that grade level. The following steps apply.

- Multiply the number of instructional teaching stations for the grade level by the seats available at each station to obtain the grade-level figure. Count each distinct physical location as an instructional teaching station regardless of whether staff are currently available to operate it.

- The District may also give consideration to the subject matter of the course for which an instructional teaching station is established, the grade level for which it is established, the instructional model used, and exigent circumstances. Record any such consideration and its effect on the figure in the capacity worksheet.
- Confirm that the resulting grade-level figures for a school do not in the aggregate exceed the building-level ceiling calculated under Section 2.1.
- Apply the same method at every District school.

The District may reserve reasonable capacity for projected resident enrollment, returning pupils, pupils entitled to a school-of-origin placement, pupils with legally required placements, and anticipated midyear enrollment. Any reservation shall be quantified in writing, applied uniformly, and disclosed in the capacity posting. A reservation that causes published grade-level capacity to fall below the instructional teaching station figure is a reduced capacity determination and is subject to the Department approval requirement in Section 2.3.

2.3 Reduced capacity requires Department approval

If the capacity determined for a grade level is less than the total number of instructional teaching stations and number of seats available for each instructional teaching station for that grade level, the District shall submit to NDE for approval a written explanation for the reduced capacity, and shall publish the written explanation on the District website only after NDE approves it. A reduced figure shall not be used as published capacity before Department approval is received. (LCB File No. R076-25, § 7(4); NRS 388.040(4)(c).)

The written explanation shall identify the school, the grade level, the unreduced teaching-station figure, the proposed reduced figure, the specific reason for the reduction, and the supporting documentation.

2.4 Prohibited inputs

Class-size reduction ratios, staffing preferences, budget targets, and program-specific capacity limits are not inputs to the capacity calculation and shall not reduce published capacity. Specialized program capacity shall not be considered when determining whether a school has capacity at a pupil's grade level.

2.5 Mid-cycle reduction

A reduction of published capacity during the application window requires: (a) written findings that the change in circumstances was significant and unforeseeable when capacity was published; (b) Board authorization; and (c) publication on the District website of a written explanation not later than 15 days before the earliest date on which affected decisions are to be made. The findings, Board action, and posting shall be retained. A mid-cycle reduction also requires NDE approval of the written explanation under Section 2.3 before the explanation is published and the reduced figure is used.

3. Application Administration

3.1 Required postings

The District shall publish, in one accessible location on its website:

- This Regulation and Board Policy 007.48;
- The uniform capacity methodology and current grade-level capacity for every school;
- Current quarterly vacancy figures by grade level and school;
- Any school treated as an exempt specialized school and the legal basis for the exemption;
- The application, instructions, opening date, deadline, and decision timeline;
- Selection priorities and the lottery procedure;
- The District transportation statement and information on the NDE transportation grant program;
- Appeal instructions and deadlines; and
- A named District contact with telephone and email.
- The District shall also post the status of its NDE open enrollment system approval and any NDE-approved reduced-capacity explanation.

3.2 Application content

The application may request	**The application shall not request or use**
Pupil identity and parent or legal guardian contact information.	Grades, test scores, gifted status, portfolios, auditions, tryouts, or any measure of academic, artistic, or athletic ability.
Current school and grade; requested school and grade.	Participation or skill in extracurricular activities.
Residency information sufficient to verify the assigned zone and to apply the statutory priority.	Disability status, English learner status, or any related service need as a screening factor.
A single question tied to the statutory disciplinary standard in Section 4.2.	Any broader disciplinary history.
A separate, clearly labeled transportation-assistance request that is not part of placement review.	Transportation need, household income, employment, or family circumstances as a placement factor.

3.3 Intake controls

- No application shall be required of a pupil who will attend the assigned zoned school.
- One application shall be submitted for each pupil. The District will accept a ranked list of requested schools on a single application and will administer rankings consistently.
- Written or electronic confirmation of receipt shall be issued for every timely application and logged.
- Applications received after the deadline shall be date-stamped and placed at the end of the waitlist for the requested grade level, after all timely applicants and all priorities have been processed. The late-application rule and close date shall be published with the application materials.

- Application materials shall be 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, and language assistance shall be provided on request. A copy of the application as published in each such language shall be retained and included in the District's submission to NDE.

4. Review and Eligibility Determination

4.1 Review

The Superintendent's designee shall review each application to determine whether the requested school offers the pupil's grade level, whether the request is for attendance outside the pupil's assigned zone, whether published capacity is available at the requested grade level, whether the pupil qualifies for the statutory priority, and whether a lawful basis for denial exists. The reviewer shall not consider any factor prohibited by Section 6 of the Policy.

4.2 Limited disciplinary standard

An application may be denied on a disciplinary basis only if the pupil, 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 was expelled, as those terms are defined in NRS 392.4607 and NRS 392.4603. The denial record shall identify the specific disciplinary action, the school year, and the source document. No other disciplinary information shall be requested, reviewed, or relied upon.

4.3 Lawful bases for denial

The only permissible bases for denial are: no available published capacity at the requested grade level after priorities and any lottery; the requested school does not offer the pupil's grade level; the request is not for out-of-zone attendance; the requested school is a lawfully exempt specialized school; the limited disciplinary standard in Section 4.2 is met; the application was submitted after the published deadline and no seat remains; or the application contains materially false information. Each denial shall cite the applicable basis.

5. Lottery and Waitlist Administration

- Confirm the published grade-level capacity and the number of seats available for open enrollment.
- Sort applicants into (a) statutory priority pupils, (b) any additional Board-adopted lawful priority category, and (c) general applicants.
- Offer seats to all applicants in a category if that category does not exceed available seats. Proceed to the next category only after the prior category is fully served.
- If a category is oversubscribed, assign each applicant a unique application identifier and conduct a random draw using a certified random number generator or numbered tickets.
- Separate the roles of drawer, recorder, and witness. Use application identifiers only; do not read pupil names aloud.

- Record available seats, category, application identifiers, draw order, seat offers, and resulting waitlist positions by school and grade level.
- Continue the draw after seats are filled to establish full waitlist order. Move the waitlist strictly in that order and document each offer, acceptance, declination, and expiration.
- Retain the applicant list, lottery log, certification signatures, and notices in accordance with District records retention practices.

6. Notices

Notice	Required content
Receipt	Pupil name, requested school and grade, date received, decision timeline, District contact.
Approval	School, grade, school year, seat acceptance deadline and consequence of no response, enrollment next steps, transportation statement, District contact. Copies to the parent or legal guardian, the pupil, and the principals of the sending and receiving schools.
Waitlist	Requested school and grade, explanation that offers are made in published order, initial waitlist position, transportation statement, District contact.
Denial	The specific reason for denial; the applicable published capacity figure if capacity is the basis; the qualifying suspension or expulsion if discipline is the basis; the appeal deadline; where and how to file; District contact.

Notices shall use consistent terminology and dates across the Policy, Regulation, application, website, and appeal materials, and shall be provided with language assistance as required by law.

7. Appeals

- A parent or legal guardian may appeal a denial, or the District's failure to act by the published decision date, by filing a written appeal with the Superintendent within 10 business days after the date of the denial notice or after the published decision date, whichever applies.
- The appeal shall identify the decision appealed, the basis for the appeal, and any supporting documents. The District shall make an appeal form available and shall accept an appeal that provides the required information in another written format.
- The Superintendent shall promptly review the application, the initial decision, the appeal materials, and the published procedures, and shall approve or deny the application in a written decision issued within 10 business days after receipt of the appeal.
- The written decision shall state whether the appeal is granted or denied, the reason, and that the decision of the Superintendent is final under NRS 388.040(6).
- If an appeal is granted and no seat remains available at the grade level, the pupil shall be placed at the top of the waitlist for that grade level and the record shall document the reason.

8. Transportation Administration

- Consistent with the Board's election under NRS 386.790(4), the District does not provide transportation solely because a pupil attends a school outside the pupil's assigned zone through open enrollment.
- Transportation required by an individualized education program, a Section 504 plan, the McKinney-Vento Homeless Assistance Act, a foster-care school-of-origin determination under NRS 388E.105, or other law shall be provided as required, and nothing in this Regulation alters those rights.
- The Superintendent may authorize transportation on an existing route where space is available and no route modification, added cost, or conflict with law or Board policy results. Any such authorization shall be documented and shall not create an entitlement in subsequent years.
- The District shall make Form 8, Transportation Assistance Request and Needs Assessment, available to the parent or legal guardian of every pupil approved through open enrollment. Completion is voluntary while the District does not seek a district-level grant. If the Board elects to seek a grant under Sections 2 and 3 of LCB File No. R076-25, administration of that assessment to every approved family becomes mandatory and the District must also adopt written processes to determine pupil eligibility under Section 4(2) and to prioritize eligible pupils in the order specified in Section 3(2) of that regulation.
- Any transportation-assistance request shall be reviewed by the office responsible for transportation services after the placement decision is issued. Transportation information shall not be shared with, or considered by, staff reviewing applications.

9. Records, Reporting, and Annual Self-Audit

9.1 Records to retain

Record set	Contents
Capacity	Methodology, instructional-space measurements and exclusions, seat translation workpapers, enrollment history, reservations, any mid-cycle change findings and postings.
Postings	Timestamped captures of capacity postings, quarterly vacancy postings, application materials, and website changes.
Applications and notices	Applications, receipt confirmations, approval, waitlist, and denial notices, acceptance records, and enrollment follow-up.
Selection	Applicant lists by identifier, category assignments, lottery method and log, draw order, seat offers, waitlist movement, certification signatures.
Appeals	Appeal filings, routing records, Superintendent decisions, and implementation notes.
Reporting	Annual report submissions to the Superintendent of Public Instruction and supporting counts.

Also retain: the District's open enrollment system application to NDE, the rubric score and approval or denial received, any NDE request for follow-up or revision and the District's response, and every reduced-capacity explanation submitted to and approved by NDE.

9.2 Annual report

The Superintendent or designee shall report to the Superintendent of Public Instruction, in the manner and by the date prescribed, the number of applications received, the number approved, the number denied, and the specific reason for each denial. Counts shall reconcile to the application log and notice records.

9.3 Annual self-audit

Before the annual publication date, the Superintendent or designee shall verify and document that: the capacity methodology and figures were published at least 90 days before the application window; quarterly vacancy postings were made on or before the first day of each calendar quarter; application materials requested no prohibited information and were available in the required languages; the statutory priority was applied before any other priority or lottery; every denial cites a lawful basis; notices went to the parent or legal guardian and to both principals on approvals; appeals were decided by the Superintendent within the published timeline; and the annual report was submitted. The self-audit shall also confirm that grade-level capacity was determined on the instructional teaching station basis, that any reduced capacity was approved by NDE before publication, and that the District's NDE approval remains current for the policies and procedures in effect. Findings and corrective actions shall be recorded and reported to the Board.

10. Implementation Ownership

The Superintendent shall designate, in writing, the District position responsible for each of the following: capacity determination and posting, application intake and receipts, translation and language assistance, initial decisions and notices, lottery administration, waitlist management, appeal routing, transportation-assistance intake, records retention, and annual reporting. The designation shall be reviewed annually. The designation shall also identify the position responsible for preparing and submitting the District's open enrollment system application to NDE and for responding to NDE follow-up questions.

11. Department Review and Approval of the District's Open Enrollment System

- The Board shall submit to NDE an application, in the form prescribed by the Department, to implement the District's system of open enrollment. The application must include a complete copy of the policies and procedures adopted under NRS 388.040(4)(a).
- For the initial submission covering the 2026–27 school year the submission is due before September 1, 2026 and shall include: the policies and procedures governing transportation requests, the application process, the capacity methodology, prioritization, and appeals; copies of all application materials, including each

application unique to a given language; any other materials relevant to the system of open enrollment provided to pupils; and the attestation described below.

- The submission shall include an attestation regarding the good-faith effort of the District to accommodate pupils and its compliance with all provisions of Assembly Bill 533 (2025) and LCB File No. R076-25, executed by the Superintendent and, where the Board directs, by the Board President.
- The submission shall be sent by email to the Deputy Superintendent designated by NDE at superintendent@doe.nv.gov, and a complete copy of everything submitted shall be retained.
- NDE will evaluate the application against a published rubric and will approve or deny it within 30 days of receipt, providing the District with its rubric score. NDE assesses each requirement both for compliance and for whether processes are clear and concise for families, using the Compliance Reference Index at Appendix C of the NDE Open Enrollment Implementation Handbook.
- If NDE rates any section "Needs Improvement" or "Noncompliant," the District shall respond to NDE follow-up questions and shall submit revised materials within 90 days of NDE's formal remarks. The Superintendent shall report any such rating to the Board at its next regular meeting.
- An approval remains in effect and does not require renewal. The District shall submit a new application before implementing any change to the policies and procedures adopted under NRS 388.040(4)(a).

Legal References:

NRS 386.790;
NRS 388.040;
NRS 388.408;
NRS 388.700 to 388.725, inclusive;
NRS 388E.105;
NRS 392.4603;
NRS 392.4607;
NRS 217.462 to 217.471, inclusive;
Assembly Bill 533 (2025);
Senate Bill 460 (2025).

Adopted: TBD