EUREKA COUNTY SCHOOL DISTRICT

OPEN ENROLLMENT SYSTEM — SUBMISSION PACKET

Submitted to the Nevada Department of Education under NRS 388.040(3)(a), Section 6 of LCB File No. R076-25, and NDE Guidance Memorandum 26-14. Due before September 1, 2026.

Item	Detail
District	Eureka County School District
Superintendent	_____
Contact for this submission	_____ Phone _____ Email _____
Submitted to	Christy McGill, Deputy Superintendent — superintendent@doe.nv.gov
Date submitted	_____
School year	2026–27
Board approval date	_____

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Tab 1 — Cover Letter

[Date]

Christy McGill, Deputy Superintendent

Nevada Department of Education

700 E. Fifth Street

Carson City, Nevada 89701

superintendent@doe.nv.gov

Re: Eureka County School District — Application to Implement a System of Open Enrollment

NRS 388.040(3)(a); LCB File No. R076-25, § 6; NDE Guidance Memorandum 26-14

Dear Deputy Superintendent McGill:

Eureka County School District submits the enclosed materials for Department review and approval of the District's system of open enrollment for the 2026–27 school year, in accordance with Guidance Memorandum 26-14 and Section 6 of LCB File No. R076-25.

The Board of Trustees adopted Board Policy 5170 and Board Regulation 5170, Intradistrict Open Enrollment and School Attendance Zones, on _____. Together they govern the District's transportation position and requests, application process, capacity methodology, prioritization, and appeals, as required by NRS 388.040(4)(a).

Two features of the District's system may assist the Department's review:

- Capacity. The District's uniform methodology under NRS 388.040(4)(f) uses an occupancy level of not more than one person per 40 square feet of instructional space, applying the exclusions in NRS 388.040(9)(b), to establish a building-level ceiling. Grade-level capacity under NRS 388.040(4)(c) is then determined on the instructional teaching station basis required by Section 7(3)(a) of R076-25. Form 9 documents both steps for each school, and Form 10 is used to seek Department approval of any reduced grade-level capacity under Section 7(4).
- Transportation. Pursuant to NRS 386.790(4), the Board has elected not to provide transportation for pupils attending outside their zone through open enrollment. The District informs families of the State transportation-assistance program under NRS 388.041 and provides Form 8, but does not at this time seek a district-level grant under Sections 2 and 3 of R076-25. Transportation requests are administered separately from and after placement review.

The District also notes that it operates schools in two communities approximately 90 miles apart and offers several grade levels at only one school. The District has nonetheless implemented the complete statutory framework, including the uniform methodology, the 90-day capacity posting, quarterly vacancy postings, the statutory priority, lottery and waitlist procedures, appeals, and annual reporting.

The signed attestation required by Guidance Memorandum 26-14 follows at Tab 2. Please direct any follow-up questions to the contact identified on the cover page. The District will respond promptly and, if the Department identifies any section as "Needs Improvement" or "Noncompliant," will submit revised materials within 90 days of the Department's formal remarks.

Thank you for the Department's guidance and for the Open Enrollment Implementation Handbook, which the District used in developing these materials.

Respectfully submitted,

_____

Tate Else, Superintendent of Schools

Eureka County School District

Enclosures: Attestation; submission checklist; Board Policy 5170; Board Regulation 5170; Forms 1–12; translated applications (pending); capacity documentation; website captures.

Tab 2 — Attestation

Good-Faith Effort to Accommodate Pupils and Compliance with Assembly Bill 533 (2025) and LCB File No. R076-25

Required by NDE Guidance Memorandum 26-14

The undersigned, on behalf of the Eureka County School District, attests to the Nevada Department of Education as follows.

1. Adoption

The Board of Trustees has adopted policies and procedures governing the attendance of pupils at schools outside the zone of attendance they are otherwise required to attend, as required by NRS 388.040(4)(a). Those policies and procedures are Board Policy 5170 and Board Regulation 5170, adopted _____, complete copies of which are enclosed.

2. Good-faith effort to accommodate pupils

The District attests that it has made and will continue to make a good-faith effort to accommodate pupils who seek to attend a public school outside their assigned zone of attendance. Specifically, the District attests that:

- All District public schools are open to open-enrollment attendance subject to grade-level capacity, and no school is treated as an exempt specialized school except as identified in the enclosed materials with its legal basis.
- No tuition or fee is assessed to any pupil because of an open enrollment transfer.
- Capacity is determined and published under a single uniform methodology applied consistently at every District school, and capacity determinations are not used to avoid a statutory enrollment obligation or to deny an otherwise approvable application.
- Applications are approved whenever qualified applications do not exceed published grade-level capacity, and the statutory priority under NRS 388.040(4)(a)(7)(I) is applied before any other priority or lottery.
- Approved pupils transfer permanently and are not required to reapply in any subsequent school year.
- No pupil is deemed ineligible on an arbitrary basis, including on the basis of home address.

3. Compliance with AB 533 (2025) and R076-25

The District attests that its system of open enrollment complies with all provisions of Assembly Bill 533 (2025), NRS 388.040, NRS 388.041, NRS 386.790, and LCB File No. R076-25, including:

- The prohibition on considering academic, artistic, or athletic ability; extracurricular participation or skill; disability status; English learner status; residence address except to verify zone or apply a lawful priority; and disciplinary history other than the limited suspension or expulsion standard in NRS 388.040(5)(f).
- Publication of grade-level capacity not later than 90 days before applications open; publication of grade-level vacancies on or before the first day of each calendar quarter; and publication of a written explanation not later than 15 days before the earliest affected decision if capacity is reduced during the application window.
- Determination of grade-level capacity based on the total number of instructional teaching stations and seats available for each station, as required by Section 7(3)(a) of R076-25, and submission of any reduced-capacity explanation to the Department for approval under Section 7(4) before the reduced figure is published or used.
- Notification of the pupil, the parent or legal guardian, and the principals of both schools involved when an application is approved.
- Availability of the application in the five most common languages other than English primarily spoken in households in this State, copies of which are enclosed.

- An appeal process under which a parent or legal guardian may appeal a denial or a lack of action to the Superintendent of the school district, whose decision is final under NRS 388.040(6).
- Preparation and submission of the annual report to the Superintendent of Public Instruction under NRS 388.040(4)(g), including the reason for each denial.

4. Transportation

Pursuant to NRS 386.790(4), the Board of Trustees has elected not to provide transportation to pupils who attend a public school outside their zone of attendance through open enrollment. The District informs families of the State transportation-assistance program under NRS 388.041 and Sections 2 to 4 of R076-25, administers any transportation request separately from and after the placement decision, and continues to provide all transportation required by an IEP, a Section 504 plan, the McKinney-Vento Homeless Assistance Act, or a foster-care school-of-origin determination.

5. Ongoing obligations

The District attests that it will submit a new application to the Department before implementing any change to the policies and procedures adopted under NRS 388.040(4)(a), will respond to Department follow-up questions, and will submit revised materials within 90 days of any formal Department remarks identifying a section as "Needs Improvement" or "Noncompliant."

I declare that the statements above are true and correct to the best of my knowledge and that I am authorized to make this attestation on behalf of the Eureka County School District.

Superintendent of Schools (print name)	Signature	Date

President, Board of Trustees (print name)	Signature	Date

Tab 3 — Submission Checklist

Mapped to the Compliance Reference Index at Appendix C of the NDE Open Enrollment Implementation Handbook, which the Department uses to rate each requirement Compliant / Noncompliant and Clear and Concise / Needs Improvement.

A. Documents required by Guidance Memorandum 26-14

☐ ✓	Required item	Where provided
☐	Complete copy of policies and procedures for the system of open enrollment	Tabs 4–5
☐	— covering transportation requests	Policy § 10; Regulation § 8; Form 8
☐	— covering the application process	Policy § 5; Regulation § 3; Forms 1–2
☐	— covering the methodology for calculating capacity	Policy § 4; Regulation § 2; Forms 9–10
☐	— covering prioritization policies	Policy § 7; Regulation § 5; Form 11
☐	— covering appeal processes	Policy § 11; Regulation § 7; Forms 6–7
☐	Copies of all application materials, including each application unique to a given language	Tabs 6–7
☐	Any other materials relevant to the system of open enrollment provided to pupils	Tabs 6, 8–9
☐	Attestation of good-faith effort and compliance with AB 533 and R076-25	Tab 2
☐	Submitted by email to superintendent@doe.nv.gov before September 1, 2026	Cover page

B. Compliance Reference Index crosswalk

☐ ✓	Requirement	Authority	Where addressed
☐	Policies and procedures governing attendance outside the assigned zone adopted	NRS 388.040(4)(a)	Policy 5170; Regulation 5170
☐	Application available in the five most common non-English languages	NRS 388.040(3)(b)	Policy § 5; Regulation § 3.3; Tab 7
☐	Applications required only for out-of-zone requests	NRS 388.040(4)(a)(5)	Policy § 3; Regulation § 3.3
☐	Annual opening date and submission deadline published	NRS 388.040(4)(a)(4)	Regulation § 1; Form 1
☐	No consideration of academic, artistic, or athletic ability	NRS 388.040(5)(a)	Policy § 6; Regulation § 3.2
☐	No consideration of extracurricular participation or skill	NRS 388.040(5)(b)	Policy § 6; Regulation § 3.2
☐	No consideration of disability status	NRS 388.040(5)(c)	Policy § 6; Regulation § 3.2
☐	No consideration of English learner status	NRS 388.040(5)(d)	Policy § 6; Regulation § 3.2
☐	Home address used only for zone verification or a lawful priority	NRS 388.040(5)(e)	Policy § 6; Form 1 Section B note

☐ ✓	Requirement	Authority	Where addressed
☐	Disciplinary history limited to the statutory suspension or expulsion standard	NRS 388.040(5)(f)	Policy § 6; Regulation § 4.2; Form 1 Section D
☐	Uniform capacity methodology adopted and published	NRS 388.040(4)(f)	Policy § 4.1; Regulation § 2.1
☐	Methodology based on max building occupancy or 1 person per 40 sq ft of instructional space	NRS 388.040(4)(f)	Policy § 4.1; Form 9 Part A
☐	Grade-level capacity based on instructional teaching stations and seats per station	R076-25 § 7(3)(a)	Policy § 4.2; Regulation § 2.2; Form 9 Part B
☐	Reduced capacity submitted to the Department for approval before publication	R076-25 § 7(4)	Policy § 4.3; Regulation § 2.3; Form 10
☐	Capacity published at least 90 days before applications open	NRS 388.040(4)(c)	Policy § 4.3 table; Regulation § 1
☐	Quarterly publication of grade-level vacancies	NRS 388.040(4)(b)	Policy § 4.3 table; Regulation § 1
☐	Written justification published at least 15 days before decisions if capacity reduced mid-cycle	NRS 388.040(4)(c)	Policy § 4.4; Regulation § 2.5; Form 10
☐	All non-specialized public schools open to transfer subject to capacity	NRS 388.040(4)(a)(2)	Policy § 3
☐	No tuition or fees assessed	NRS 388.040(4)(a)(3)	Policy § 3; Form 1
☐	Specialized program capacity not considered in the grade-level determination	NRS 388.040(4)(d)	Policy § 3; Regulation § 2.4
☐	Approved applicants may remain without annual reapplication through the highest grade offered	NRS 388.040(4)(e)	Policy §§ 3, 9; Form 3
☐	Approval notice to pupil, parent or guardian, and both principals	NRS 388.040(4)(a)(6)	Policy § 8; Regulation § 6; Form 3
☐	First priority to pupils from one- and two-star zones	NRS 388.040(4)(a)(7)(I)	Policy § 7; Regulation § 5; Form 11
☐	Additional lawful priorities permitted after the statutory priority	R076-25 § 7(1)	Policy § 7
☐	Lottery used within a category only where that category exceeds remaining capacity	R076-25 § 7(2)	Policy § 7; Regulation § 5; Form 11
☐	Clear process to appeal a denial or lack of action	NRS 388.040(6)	Policy § 11; Regulation § 7; Form 6
☐	Appeals decided by the district superintendent; decision is final	NRS 388.040(6)	Policy § 11; Form 7
☐	Annual report to the Superintendent of Public Instruction with denial reasons	NRS 388.040(4)(g)	Policy § 13; Regulation § 9.2
☐	District states whether it provides transportation for out-of-zone pupils	NRS 386.790(4)	Policy § 10; Forms 1, 3, 4, 5
☐	Transportation assistance administered separately from placement review	NRS 388.041; R076-25 §§ 2–4	Policy § 10; Regulation § 8; Form 8

☐ ✓	Requirement	Authority	Where addressed
☐	District application submitted to the Department for review and approval	R076-25 § 6	Policy § 13; Regulation § 11; this packet

The Department reviews and approves or denies within 30 days of receipt and provides the District with its rubric score. Approval does not require renewal, but the District must reapply before changing the policies and procedures adopted under NRS 388.040(4)(a). (R076-25 § 6(2)–(4).)

Checklist completed by (print name and title)	Signature	Date