LYON COUNTY SCHOOL DISTRICT
BOARD POLICY _____JECBB

STUDENT OPEN ENROLLMENT/VARIANCE ~~POLICY~~

~~It shall be the policy of the Lyon County School District that students residing within Lyon County will attend Lyon County Schools.~~

~~However, the Board of Trustees recognizes that an undue hardship or very unique circumstance may cause a parent/guardian to request that a child be allowed to attend school in another district or in another attendance area within the District. In all cases the parent/guardian must submit to the school principal, and in certain cases District officials, a written explanation for the request on the approved District variance form. The school principal and District officials shall determine the validity of the request. School principals will have the authority to approve/disapprove general education student variance requests between schools within the District. District officials have the authority to approve/disapprove all variance requests, but must approve/disapprove special education student and out of district student variance requests. There must also be agreement between districts or schools within the District to allow for the variance.~~

~~A student who resides on an Indian reservation located in two or more counties shall be allowed to attend the school nearest the student's residence, without regard to the school district in which the student's residence is located pursuant to NRS 392.015. These students must complete the variance request as a means of "application".~~

~~A variance shall only be granted when appropriate space is available in a school and shall be granted one year at a time. A principal may revoke a variance at any time as a result of discipline or attendance problems, classroom overcrowding or other hardship on the school, with prior approval from the Superintendent or designee. The parent must accept full responsibility for providing transportation for the child on a variance.~~

Purpose and Authority: This policy establishes standard guidelines for student school assignment based on residential attendance zones while defining criteria for approved out-of-zone placements, hardship cases, and open enrollment under state law. This policy is adopted pursuant to NRS 388.040, NRS 386.790, NRS 392.015, Assembly Bill 533 (2025), Senate Bill 460 (2025), and applicable Nevada regulations.

Definitions:

- Open Enrollment / Variance: A pupil's attendance at a public school outside their assigned zone of attendance, whether residing within or outside the LCSD boundaries.
- Specialized School: A magnet school, career and technical academy, or dual-enrollment high school, unless otherwise required by law.

- Capacity: Reflection of maximum building occupancy or an occupancy level not exceeding one person per 40 square feet of instructional space, together with applicable class-size, safety, facility, and program requirements.

General Access and Exception Criteria: Students will attend the school within their residential attendance zone, with the following exceptions:

- Open Enrollment: A student attends an out-of-zone school pursuant to Nevada open enrollment law, provided the desired school and instructional capacities are not met.
- Hardship / Special Circumstance: The transfer involves an exceptional student, a hardship case, or medical considerations.
- Mid-Year Address Change: A student's legal residence changes mid-year and permission is granted to remain in the former school through the end of the current school year.
- Tribal Reservation Exemption: Pursuant to NRS 392.015, a student residing on an Indian reservation located in two or more counties may attend the school nearest their residence without regard to LCSD boundaries or school capacity limits.
- Fee Prohibition: No student attending through open enrollment/variance will be assessed tuition or transfer fees (standard course-related fees may apply).
- Continued Enrollment: Once an open enrollment application is approved and the pupil enrolls, the pupil may permanently transfer and remain through the highest grade offered without submitting annual re-applications, subject to standard conduct and attendance rules.

Application Process and Administrative Guidelines:

- Application Window: Applications will be date-stamped and accepted as outlined in Administrative Regulation. The application window will open June 1st through June 25th and will be published on the LCSD website. An application must be submitted to each school of interest.
- Accessibility: Applications will be available in the six most common non-English languages identified by the State and provided via LCSD website and school offices.
- Approval Authority: Building principals and LCSD administrators share approval authority; specialized program or out-of-district requests require LCSD-level review (e.g., Executive Director of Special Services).
- Athletic Eligibility: Variance approval does not guarantee high school athletic eligibility, which must be approved separately by the Nevada Interscholastic Activities Association (NIAA).

Capacity Determination and Publication:

- Methodology: For each school and grade, LCSD shall identify the usable instructional classrooms reasonably available to that grade and determine the lawful number of pupil seat seats at each instructional teaching station. Capacity shall reflect maximum building occupancy or an occupancy level not exceeding one person per 40 square feet of instructional space, together with applicable class-size, safety, facility, and program requirements.

- Publication: Grade-level capacities will be published on the LCSD website at least 90 days prior to the opening of the application window. Quarterly updates regarding available vacancies will be posted continuously.

- Publication & Reductions: LCSD shall publish annual capacity at least 90 days before applications open and shall publish vacancies on or before the first date of each calendar quarter. Published capacity shall not be reduced during the application period unless significant and unforeseeable change in circumstances necessitates the reduction. If such reduction is proposed, the Superintendent or designee shall document the change in circumstances, the affected school and grade level, previously published capacity, the proposed revised capacity, and the basis for the reduction. Not later than 15 days before the earliest date on which decisions on pending applications are to be made, the District shall publish on its website a written explanation of the change in circumstances that necessitated the reduction in capacity. The District shall obtain any approval from the Nevada Department of Education required by law or regulation before implementing the reduction.

Selection Criteria and Prohibited Factors

- Prohibited Factors: Applications shall not be evaluated or denied based on academic, artistic, or athletic ability; participation in extracurriculars; disability status; English learner status; or home address (except to verify residency or lawful priority).

- Disciplinary Exceptions: The school may deny an application if the pupil was suspended for 10 or more days or expelled during the current or immediately preceding school year.

Enrollment Priorities and Random Lottery

When grade-level applications exceed published capacity, available seats will be filled in the following order of priority:

1. Students residing within the school's assigned zone of attendance.
2. Students enrolled in or assigned to a public school that received a 1-Star or 2-Star rating under the Nevada School Performance Framework in the preceding year.
3. Sibling connections or additional LCSD-defined lawful priorities.
4. Remaining applicants selected via a random, unweighted lottery. Unselected applicants will be placed on an ordered waitlist.

Transportation Acknowledgement & Assistance

- The application and approval notice shall state that, unless law requires otherwise, the parent or guardian is responsible for reliable and timely transportation each school day.
- The parent or guardian shall acknowledge that LCSD is not required to establish or alter a bus route solely for the pupil; the pupil remains subject to ordinary attendance and tardiness requirements; and transportation difficulty may be addressed through voluntary return rather than punitive revocation.

- The district shall honor transportation rights under IDEA, Section 504, Mckinney-Vento, foster care school stability requirements; court orders, and other law. If transportation funding or assistance is available under NRS388.041, LCSD shall make the required request or assessment available in connection with the application process for administrative convenience.
- A request for transportation assistance may be submitted in connection with the open enrollment process; however, transportation-assistance information shall not be used in determining whether a pupil is eligible for or will be offered an open enrollment placement.
- The district shall administer transportation-assistance screening separately and independently from the review and selection process. Employees responsible for determining eligibility, priority, capacity, or lottery placement shall not consider a family's transportation need, financial eligibility, requested form of transportation assistance, or ability to transport the pupil.

Appeals: If an application is denied or not acted upon for the upcoming school year, the parent/guardian may submit a written appeal to the Superintendent or designee within ten (10) business days of receipt of the denial. The Superintendent/designee will review the request and issue a written final decision within ten (10) business days.

Public Reporting and Recordkeeping: LCSD will maintain open enrollment records and submit an annual report to the Superintendent of Public Instruction detailing total application numbers, approval rates, and specific reasons for any denials.

Exclusions: Out-of-district open enrollment variances may be revoked at any time due to chronic absenteeism, behavioral issues, or unsatisfactory academic performance.

STUDENT OPEN ENROLLMENT/VARIANCE ~~POLICY~~ - ADMINISTRATIVE ~~GUIDELINES~~ REGULATIONS

~~1. Student variance requests will be accepted and date stamped beginning March 1st of the preceding school year. Students must re-apply for variances each year.~~

~~2. Requests for in-district variances and students requesting to enter LCSD must be pre-approved from the exiting principal, incoming principal and the Superintendent or designee beginning May 1st of the preceding school year.~~

~~3. Requests for variances to leave LCSD must be pre-approved from the exiting principal, Superintendent or designee and district officials where the student is requesting to enter.~~

~~4. For specialized programs (Special Education, ESL, Gifted and Talented, etc.), variances will be approved based on space available and staffing, and must be approved by the Director of Special Services.~~

~~5. District employee's student(s) will be granted variance to the school at which they work, under the conditions of the variance policy.~~

~~6. Priority will be given to in-district student variance requests over out-of-district student variance requests.~~

~~7. A student's official residence will be that of his/her parent(s)/guardian(s). A child may not claim residency by living with any relative other than a parent/guardian or with any other person, unless such relative or other person has obtained guardianship as provided by the provisions of the Nevada Revised Statutes.~~

~~8. Families approved for a variance are responsible for providing their student's transportation to and from school.~~

~~9. High school athletic eligibility is not granted with an approved variance request. Applications for athletic eligibility must be submitted to and approved by the Nevada Interscholastic Activities Association (NIAA) before the student may participate in sanctioned sports.~~

1. Application Intake and Verification

- **Window Compliance:** Verify that all applications were received within the published window (beginning June 1st through June 25th.) A separate variance application must be filed for each school of interest.
- **Prohibited Factors Check:** Ensure that application review excludes any prohibited factors, such as academic, artistic, or athletic ability; disability status; English learner status; or participation in extracurricular activities.
- **Eligibility Screen:** Screen for disciplinary exceptions as defined in the policy (e.g., suspension history of 10 or more days in the prior year.

2. Tiered Prioritization

Sort all eligible applicants into the following tiers, in order of precedence (assumed priority to residential students prior to the below considerations):

- **Priority 1:** Students currently enrolled in or assigned to a public school that received a 1-Star or 2-Star rating under the Nevada School Performance Framework in the preceding year.
- **Priority 2:** Sibling connections or other LCSD-defined lawful priorities.
- **Priority 3:** Remaining applicants (subject to the random, unweighted lottery).

3. Seat Allocation and Lottery Execution

- **Allocation:** Proceed to fill grade-level seats starting from Priority 1.
- **Exhaustion of Tiers:** Continue filling seats through Priority 3.
- **Random Lottery:** If the number of remaining applicants in Priority 3 exceeds the remaining available seats, conduct a random, unweighted lottery to select applicants for the remaining spots.

4. Waitlist Management

- Any applicants in Priority 3 who remain unselected after the lottery are to be placed on an ordered waitlist.
- The waitlist order should be established by the random draw sequence conducted during the lottery.
- Applicants shall be notified of their selection or placement on the waiting list by July 1. The waiting list shall be reviewed again two weeks after the start of the school year. If a waiting list remains, it shall be reviewed again two weeks before the start of the second semester. Applications received after the open enrollment period shall be placed at the bottom of the waiting list. No open enrollment applications shall be accepted after the start of the second semester. Applicants who are not selected must reapply each year during the open enrollment period of June 1 through June 25.