

	<p style="text-align: center;"><b>Number:</b> <b>1-2024</b></p>
<p style="text-align: center;"><b>Advisory Opinion issued by:</b> Cherise Imai, Executive Director Samantha Nance, General Counsel</p>	<p style="text-align: center;"><b>Dated:</b> May 23, 2024 <b>Approved:</b> June 27, 2024</p>
<p><b>Requestor: Rules Committee</b></p>	
<p><b>Description:</b> What is the scope of the Placement Flexibility for local education agency officials authorized by the Compact?</p>	

**I. Background**

Nevada presented to the Rules Committee a recent fact pattern wherein a student transferred to another state or school district and there was a misalignment with the secondary semesters, resulting in lost (Carnegie unit) seat time and corresponding possible loss of course credit for the entire semester due to the lost seat time. Despite citation to the Compact's provisions on placement flexibility, there was a lack of clarity as to whether the compact would permit the local education agency to waive seat time requirements to remedy the misalignment of semesters between the two districts to permit full award of course credit.

**II. Issue**

The Rules Committee has requested guidance concerning the scope of the Placement Flexibility for local education agency officials authorized by the Compact.

**III. Applicable Compact Provisions or Rules**

Article V. D. of the Compact provides as follows:

*D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.*

SEC. 5.104, Placement Flexibility, of the Rules states as follows:

*(a) LEA officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of an LEA.*

**IV. Review and Analysis**

The flexibility given to the local education agency officials under the Compact and the relevant Rule is drafted so as to give wide latitude in areas of waiver of course requirements,

program prerequisites, or other conditions for placement. As examples of the such flexibility are not specifically delineated in the Compact or the Rule, the LEA has broad discretion to waive certain local or state law requirements in order to facilitate placement of the student in the most appropriate educational course.

This can include, but is not limited to, flexibility at course placement for any student who transfers from an LEA at the end of an educational period (quarter, semester or trimester) that completed the term at the sending school but there is the educational periods of the receiving school, resulting in lost seat time requirements. Under the Compact, the LEA retains the authority and flexibility to waive lost seat time requirements as a prerequisite to placement in order to facilitate the full award of semester credit if the student's grade(s) at the end of the educational period demonstrate mastery. Further, the school in the receiving state retains the ability to perform subsequent evaluations after placement to ensure appropriate placement and continued enrollment in such course. See Compact, Article V.A.

The example(s) given herein are not exhaustive of the character of flexibility and authority for LEAs set forth in the Compact and its Rules, and this Legal Advisory should not be construed as an exclusive remedy for similar seat time, educational misalignment, or other issues presented by students transferring under the Compact.

**V. Conclusion**

The Compact and its Rules regarding Placement Flexibility are broadly drafted to authorize LEA discretion to waive requirements for course placement. LEA officials have flexibility in making such determinations, which can include but are not limited to waiver of lost seat time requirements to ensure appropriate course placement.