

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R077-25

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-5, NRS 385.080, 387.123 and 389.210; §§ 6-9 and 17, NRS 389.210; § 10, NRS 385.080, 388.090, 388.537, 388.874, 389.155 and 389.210; § 11, NRS 385.080, 385.114 and 389.171; § 12, NRS 385.080, 385.114 and 389.210; §§ 13-16, NRS 385.080, 389.155 and 389.210.

A REGULATION relating to education; establishing requirements for the board of trustees of a school district or the governing body of a charter school to obtain the approval of the Superintendent of Public Instruction to offer a program of competency-based education; establishing requirements for the development of a plan to operate a program of competency-based education; requiring a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and the teacher providing instruction to the pupil, a written plan for the advancement of the pupil in a course offered as part of a program of competency-based education; prescribing the standards applicable to the review of an application to establish certain educational programs; establishing enrollment and attendance requirements for pupils enrolled in a program for competency-based education; removing a requirement for the board of trustees of a school district to prescribe a specific list of courses of study for which a pupil may be granted credit without attending the regularly scheduled classes in the course and make that list available to certain persons; adopting requirements for a school district to award credit for experiences outside the high school campus by a pupil enrolled in a program of competency-based education; adopting provisions governing the approval of an alternative form of transcript for use in a program of competency-based education; providing for pupils enrolled in a program of competency-based education to complete courses through a program of independent study; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a pilot program to provide competency-based education, which is defined as a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a skill or concept, regardless of the time, place or pace at which the pupil progresses. (NRS 389.200, 389.210) Existing law also requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. (NRS 389.210)

Under existing regulations, for a school to participate in the pilot program: (1) the school must satisfy certain criteria; (2) the board of trustees of the school district or the governing body of the charter school, as applicable, must apply to the Department to participate in the pilot program; and (3) the Department must select the school to participate in the pilot program for competency-based education. (NAC 389.829) **Section 17** of this regulation repeals the existing procedure to apply to establish a program of competency-based education. **Section 7** of this regulation instead requires that to provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department a plan to operate such a program and obtain the approval of the plan by the Superintendent of Public Instruction. **Section 8** of this regulation: (1) requires a plan to operate a program of competency-based education to be created in collaboration with certain persons; and (2) establishes the required contents of the plan. **Section 9** of this regulation: (1) requires a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and each teacher who will provide instruction to the pupil under the program, a written plan for the advancement of the pupil through the program; and (2) establishes the required contents of the plan. **Section 10** of this regulation provides that if the Superintendent determines that an application to provide certain educational programs, including, without limitation, a program of competency-based education, contains elements of two or more types of program, the Superintendent is required to evaluate the application in accordance with the standards for the program that is most applicable to the application, as determined by the Superintendent.

Existing law requires the State Board of Education to establish regulations for counting enrollment and calculating the average daily attendance of pupils. (NRS 387.123) Existing regulations prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level. (NAC 387.120, 387.131) Existing regulations further establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.185) **Section 1** of this regulation: (1) establishes the circumstances under which a pupil who is enrolled in a program of competency-based education is deemed to be enrolled in school full-time and in school for a full day of attendance; and (2) requires pupils enrolled in an approved program of competency-based education to be documented in the applicable electronic learning management system or the master register of enrollment and attendance and reported in the count of average daily enrollment. **Section 1** also requires certain pupils who are enrolled in an approved program of competency-based education and are deemed to be in school for a full day of attendance by completing the hours specified in the written plan for advancement established for the pupil to: (1) maintain a study log; and (2) meet or otherwise communicate at least once each week with a person who is licensed as a teacher or other educational personnel and who is authorized by the school district or charter school to discuss the pupil's progress in the program. **Sections 2-5** of this regulation make conforming changes to existing regulations governing school calendars, schedules and attendance to reflect that **section 1** governs enrollment and attendance by pupils enrolled in an approved program of competency-based education. (NAC 387.120, 387.131, 387.140, 387.185) **Section 2** also requires the Department to integrate the form for submitting a school calendar as an addendum to an application for approval of certain educational programs.

Existing law requires the State Board of Education to prescribe the courses of study for public schools in this State. (NRS 385.114, 389.021) Existing regulations establish the number of units of credit that a pupil is required to successfully complete to be promoted to high school, to

advance to the next grade in high school and to graduate from high school with certain diplomas. (NAC 389.040, 389.445, 389.659, 390.430, 390.440, 390.443, 390.445) Under existing law: (1) a pupil is authorized to be granted credit for a specific course of study without having attended the regularly scheduled classes if the pupil demonstrates proficiency to meet the objectives of the course or particular areas of the course; and (2) the State Board of Education is required to adopt regulations governing the granting of such credit, including, without limitation, regulations prescribing the courses of study for which pupils may be granted credit without having attended the regularly scheduled classes. (NRS 389.171) **Section 11** of this regulation removes the requirement for the board of trustees of each school district to prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes and to make that list available to school counselors, pupils and parents of pupils. (NAC 389.670)

Existing regulations authorize a school district under certain circumstances to allow credit toward graduation from high school for a pupil's experiences outside the high school campus. (NAC 389.674) **Section 12** of this regulation similarly authorizes a school district to allow such credit toward graduation for a pupil who is enrolled in a program of competency-based education if the experiences are included in the written plan of advancement established for the pupil pursuant to **section 9**.

Existing regulations require a school district, in preparing transcripts of the high school courses, credits and grades of a pupil, to use the form of the transcript prescribed by the Superintendent of Public Instruction unless the school district receives approval from the Superintendent for an alternative form. (NAC 389.700) **Section 13** of this regulation requires a school district offering a program of competency-based education to submit any such alternative form of transcript, or change to a previously approved form of transcript, to the Superintendent not later than June 1 immediately preceding the first school year for which the school district intends to use the alternative form or changed alternative form.

Existing law requires the State Board of Education to adopt regulations establishing a program pursuant to which certain pupils are authorized to complete any required or elective course by independent study outside of the normal classroom setting. (NRS 389.155) Existing regulations establish: (1) a procedure by which the board of trustees of a school district obtains the approval of the Superintendent of Public Instruction to provide a program of independent study; and (2) requirements for pupils to participate in a program of independent study, including, without limitation, a requirement for the pupil to enter into a written agreement with the teacher of the course of independent study, or the board of trustees of the school district or its designee, to establish, without limitation, the objectives of the course or program, the timeline for completion of assigned course work, a schedule of communications between the pupil and teacher and the method by which the teacher will assess the learning of the pupil. (NAC 389.720, 389.730, 389.750) **Sections 14-16** of this regulation specifically authorize pupils enrolled in a program of competency-based education to complete courses through a program of independent study and apply existing regulations governing the completion of such courses to pupil enrolled in a program of competency-based education.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed enrolled full-time if the pupil is in:

(a) Kindergarten or any grade from grades 1 to 8, inclusive, and is enrolled in:

(1) The minimum daily period required pursuant to subsection 1 of NAC 387.131; or

(2) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

(b) Any grade from grades 9 to 12, inclusive, and:

(1) Is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(2) Has established a written plan for advancement pursuant to section 9 of this regulation that demonstrates that the pupil will complete during the school year sufficient coursework that is equivalent to the number of courses required for full-time pupils.

2. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed to be in full attendance for a day if the pupil:

(a) Is in kindergarten or any grade from grades 1 to 12, inclusive, and is attending school for at least 50 percent of the number of minutes required for the daily session of his or her grade or category pursuant to NAC 387.131; and

(b) If the pupil is in any grade from grades 7 to 12, inclusive, completes the hours specified in the written plan for advancement established pursuant to section 9 of this regulation.

3. A pupil enrolled in a program of competency-based education that uses the model of attendance described in subsection 2 shall:

(a) Maintain a study log; and

(b) Meet or otherwise communicate at least once each week with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school to discuss the pupil's progress in the program of competency-based education.

↪ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 for that pupil and documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.

4. A pupil may meet the requirements to be deemed enrolled full-time by enrolling in any course, including, without limitation, courses of distance education, courses of independent study, career and technical programming, dual credit courses or an equivalent experience.

5. All pupils enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation must be documented in the electronic learning management system or the master register of enrollment and attendance and reported in the count of the average daily enrollment of pupils pursuant to subsection 1 of NRS 387.1223.

Sec. 2. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district, charter school or university school for profoundly gifted pupils shall submit a copy of its school calendar for the approaching school year to the Department in the form prescribed by the Department. If one calendar does not apply to all its schools or grades, the district or school shall submit as many calendars as are necessary for application to all its schools and grades. The submission of a school calendar pursuant to this subsection must include all data requested by the Department relating to the

validation of the total number of school days in session, instructional minutes and start and end times included in the school calendar.

2. Except as otherwise provided in subsection 6 and except for a school calendar that accompanies an alternative schedule approved pursuant to NAC 387.125, a school calendar must contain at least 180 school days in session. This period must be divided into at least two instructional periods. Each instructional period must consist of one or more school quarters. The first instructional period of a school year must commence on July 1 and the last instructional period of the school year must end on June 30.

3. The first day of a school year is the first instructional day scheduled for that school year.

4. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district, charter school or university school for profoundly gifted pupils as contingent days to be used as school days in session if:

(a) In a school district in a county whose population is less than 100,000, at least 33 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions;

(b) In a school district in a county whose population is 100,000 or more, at least 50 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions;

(c) A charter school or university school for profoundly gifted pupils is rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(d) The Governor declares a legal holiday not anticipated in the original school calendar.

↳ If a substantial portion, as established in this subsection, of the schools within a school district are closed because of any of these conditions or if a charter school or university school for profoundly gifted pupils is closed because of any of these conditions, all of the contingent days must be used before the school district or school, as applicable, applies for an emergency closing to be counted as a school day in session.

5. The board of trustees of a school district or the governing body of a charter school or university school for the profoundly gifted pupils may convene not more than 5 days for professional development, or an equivalent number of minutes if the professional development is conducted for only a portion of the day, and include such professional development in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. A professional development day as a school day in session may not be scheduled within 20 school days before the last day of instruction, unless approved by the Superintendent of Public Instruction upon determining that such scheduling is justified by exigent circumstances. A day for professional development may also be declared by the Superintendent of Public Instruction.

6. A school calendar for an adult high school program, an alternative program, a program of distance education, *a program of competency-based education*, a program of independent study or a program of instruction in a juvenile detention facility must contain at least 180 school days in session unless the school district or governing body of the charter school or university for profoundly gifted pupils, as applicable, obtains the written approval of the Superintendent of Public Instruction for a program:

(a) Of instruction based on an alternative schedule submitted pursuant to NAC 387.125;

(b) That demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum; or

(c) That demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, equivalent to the regular school curriculum.

7. The Department shall integrate the form for the submission of a school calendar pursuant to this section as an addendum to the application for approval of an adult high school program, an alternative program, a program of distance education , *a program of competency-based education* or a program of independent study.

8. If the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils wishes to make changes to its school calendar after the school calendar has been approved by the Superintendent of Public Instruction pursuant to this section, the board of trustees or governing body must submit notice of the change to the Department not later than 10 business days after the change has taken effect. Applicable changes include, without limitation, emergency closures, delays, half days, activation of contingent days, days for professional development or other adjustments.

9. Upon receiving notice pursuant to subsection 8 of a change to a school calendar, the Superintendent of Public Instruction may:

(a) Approve the changes; or

(b) Determine that the changes do not comply with the provisions of this section or any other applicable law or regulations and require remediation.

Sec. 3. NAC 387.131 is hereby amended to read as follows:

387.131 1. Except as otherwise provided in this section and except for an alternative schedule approved pursuant to NAC 387.125, a school day in session must consist of the following minimum daily periods for each grade:

Grade	Daily Period
Kindergarten	240 minutes
1 and 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school program, an alternative program, a program of distance education, *a program of competency-based education*, a program of independent study or a program of instruction in a juvenile detention facility is identical to the minimum daily period set forth in subsection 1, unless the school district, charter school or university school for profoundly gifted pupils:

- (a) Exercises its option pursuant to subsection 2 of NAC 387.140;
- (b) Obtains the approval of the Superintendent of Public Instruction to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125; or

(c) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum or demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, equivalent to the regular school curriculum.

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, not more than 2 days on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 4. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district, charter school or university for profoundly gifted pupils that is not operating on an alternative schedule pursuant to NAC 387.125 to conduct not more than 5 short school days in session for each school year. To obtain the permission of the Superintendent of Public Instruction, a school district, charter school or university school for profoundly gifted pupils must submit an application in advance. Except as otherwise authorized by subsection 2, if a school district, charter school or university school for profoundly gifted pupils wishes to schedule more than 5 short school days in session, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, must submit an application to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125.

2. Upon the written approval of the Superintendent of Public Instruction, a school district, charter school or university school for profoundly gifted pupils may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program, *a program of competency-based education* or receiving instruction in a juvenile detention facility.

Sec. 5. NAC 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in NAC 387.193 ~~§~~ *and section 1 of this regulation*, a pupil may be counted as in attendance only if the pupil is actually at school or engaged in an instructional activity which is:

- (a) Sponsored by the school;
- (b) Part of the program of the school;
- (c) Personally supervised by a member of the staff of the school; and
- (d) At a location approved by the school.

2. Except as otherwise provided in NAC 387.193, 387.286 and 387.291, *and section 1 of this regulation*, a full day of attendance must be recorded for a pupil if he or she is in attendance as described in subsection 1 for at least 50 percent of the minutes of instruction scheduled for the pupil for the school day.

Sec. 6. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this regulation.

Sec. 7. 1. *To provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department, in the form prescribed by the Department, a plan to operate a program of competency-based education and obtain the approval of the plan by the Superintendent of Public Instruction.*

2. The Superintendent of Public Instruction shall review each plan to operate a program of competency-based education submitted to the Department pursuant to subsection 1 and approve or deny the plan. The Superintendent of Public Instruction shall approve the plan if the plan satisfies the requirements of section 8 of this regulation and the Superintendent determines that the program of competency-based education:

(a) Is offered at a school on a school-wide basis, across a grade band or within a specific classroom;

(b) Provides for the earning of credit and the advancement of pupils to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses; and

(c) Provides for the mastery of a concept or skill in a manner that aligns with the portrait of a learner developed by the Department and the standards of content and performance prescribed by the State Board of Education.

3. As used in this section “portrait of a learner” means an initiative that aligns with the standards of content and performance prescribed by the State Board of Education and is developed by the Department to provide core academic knowledge to pupils from which pupils can apply durable skills.

Sec. 8. 1. In developing a plan to operate a program of competency-based education for submission to the Department pursuant to section 7 of this regulation, the board of trustees of a school district or governing body of a charter school shall collaborate with a group consisting of at least one of each of the following persons:

(a) A teacher at a school at which the program of competency-based education will be provided, at least one of whom must:

(1) If the program will be provided to pupils enrolled in a program of special education, hold a license to teach special education;

(2) If the program will be provided to pupils enrolled in a gifted and talented program, have an endorsement to teach pupils in a program for gifted and talented pupils; and

(3) If the program will be provided to a pupil enrolled in a program of early childhood education, hold a license to teach early childhood education;

(b) The principal of a school at which the program of competency-based education will be provided or any other administrator of such a school;

(c) A representative of the regional training program, as defined in NRS 391A.105, for the professional development of teachers and administrators of a school at which the program of competency-based education will be provided;

(d) A person who is employed at a school at which the program of competency-based education will be provided in a position that promotes specialized instructional support at the school;

(e) A person with subject matter expertise in providing services to at-risk pupils, pupils who are experiencing homelessness or pupils in foster care;

(f) A parent or guardian of a pupil enrolled in a school at which the program of competency-based education will be provided who is not employed by the school district;

(g) A member of the community served by a school at which the program of competency-based education will be provided who is not an employee of the school district;

(h) If a school at which the program of competency-based education will be provided is located on qualified tribal land, as defined in NRS 387.3289, a representative of the Indian tribe exercising governmental power over that land; and

(i) If a school at which the program of competency-based education will be provided includes grades 7 to 12, inclusive:

(1) A pupil enrolled in the school; and

(2) A representative of a local postsecondary educational institution.

2. A plan to operate a program of competency-based education must identify:

(a) The manner in which pupils enrolled in the program will demonstrate mastery of a concept or skill, which must align with applicable academic content standards.

(b) The manner in which the school at which the program of competency-based education will be provided will collaborate with a pupil in the development of a written plan for advancement pursuant to section 9 of this regulation.

(c) A plan to provide professional development to the personnel at the school at which the program of competency-based education will be provided, as necessary to support the program.

(d) The use of instructional time and course schedules for each grade in which the program of competency-based education will be provided.

(e) The modalities for advancing or retaining a pupil in a course or grade, including, without limitation, the use of assessments, project-based learning, standards-based portfolios and any other modalities to assess whether to advance or retain a pupil in a course or grade.

(f) The manner in which the school at which the program of competency-based education will be provided will support and integrate into the program pupils who are English learners, pupils who are at risk of dropping out or not graduating and gifted and talented pupils.

(g) The manner in which the standards for social and emotional learning will be integrated into the program of competency-based education.

(h) The manner in which pupils will be assessed at the beginning of each school year for the purposes of placement in the program of competency-based education.

(i) The opportunities for tiered interventions and supports for at-risk pupils consistent with the statewide system of accountability for public schools.

(j) The primary teaching strategies to be used in the program of competency-based education.

3. As used in this section:

(a) “Artifact” means tangible objects or materials created by pupils during the course of instruction that are used to facilitate learning and demonstrate knowledge, including, without limitation, presentations, assignments and models.

(b) “Standards-based portfolio” means a collection of artifacts completed by pupils for the purpose of demonstrating competency within a single subject and according to academic content standards.

(c) “Tiered interventions and supports” means a system of targeted interventions for pupils needing additional academic, behavioral, social and emotional support to be successful.

Sec. 9. 1. A pupil enrolled in a program of competency-based education shall, in collaboration with the parent or guardian of the pupil and each teacher who will provide instruction to the pupil under the program, establish a written plan for the advancement of the pupil though the school year in a course offered as part of the program.

2. A written plan for advancement established pursuant to subsection 1 must include, without limitation:

(a) An estimate of the time that the pupil anticipates will be needed to complete specific modules within the curriculum of a course;

(b) Whether the pupil anticipates remaining or advancing in a given course;

(c) The types of artifacts the pupil would like to develop as part of the process of developing and demonstrating mastery of a concept or skill;

(d) The learning goals and areas of interest of the pupil; and

(e) The learning modalities most supportive to the learning of the pupil.

Sec. 10. *If the Superintendent of Public Instruction determines that an application to provide a program of instruction based on an alternative schedule pursuant to NAC 387.125, an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, a program of distance education pursuant to NAC 388.830, a program of independent study pursuant to NAC 389.710 to 389.750, inclusive, or a program of competency-based education approved pursuant to section 7 of this regulation contains elements of two or more such programs, the Superintendent shall determine the program most applicable to the application and evaluate the application using the standards applicable to that program.*

Sec. 11. NAC 389.670 is hereby amended to read as follows:

389.670 1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171. The application must include, without limitation, the:

(a) First and last name of the pupil;

(b) Identifying information for the pupil, including, without limitation, the date of birth, the student identification number assigned pursuant to subsection 2 of NAC 385.015, and the ethnicity and gender of the pupil;

- (c) Grade level of the pupil;
- (d) Home telephone number of the pupil;
- (e) Name and identification number of the school in which the pupil is enrolled;
- (f) Signature of the school counselor at the school in which the pupil is enrolled; and
- (g) Name and number of the course of study for which the application is submitted.

2. ~~The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to NRS 389.171, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.~~

~~3.~~ The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of NRS 389.171, establish a committee of teachers and administrators to select an appropriate examination for each course of study .

~~prescribed pursuant to subsection 2.~~ The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of NRS 389.171, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171 to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

~~14.1~~ 3. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

~~15.1~~ 4. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

~~16.1~~ 5. The State Board of Education may review:

(a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and

(b) The minimum score required on any such examination.

Sec. 12. NAC 389.674 is hereby amended to read as follows:

389.674 1. A school district may, under suitable criteria, allow credit toward graduation from high school for a pupil's experiences outside the high school campus if those experiences are equivalent in kind and amount to the educational experiences being offered in the high school.

2. *A school district may allow credit toward graduation from high school for a pupil's experiences outside the high school campus as part of a program of competency-based education approved pursuant to section 7 of this regulation if, in addition to satisfying the requirements of subsection 1, those experiences are included in a written plan of advancement established for the pupil pursuant to section 9 of this regulation.*

3. A school district may, under suitable criteria, allow credit toward completion of an adult high school program for a pupil's experiences outside the adult high school program if those experiences are equivalent in kind and amount to the educational experiences being offered in the adult high school program.

Sec. 13. NAC 389.700 is hereby amended to read as follows:

389.700 1. In preparing a transcript of a pupil's high school record of courses, credits and grades, the school district shall use:

(a) The form of transcript prescribed by the Superintendent of Public Instruction; or

(b) An alternative form approved by the Superintendent. *A school district that intends to use an alternative form of transcript as part of the program of competency-based education*

approved pursuant to section 7 of this regulation, or change an alternative form previously approved by the Superintendent, shall submit the alternative form or changes to the alternative form, as applicable, to the Superintendent for approval pursuant to this paragraph not later than the June 1 immediately preceding the commencement of the first school year for which the school district intends to use the alternative form or changes to the alternative form, as applicable.

2. In lieu of issuing the original transcript of a pupil's record, a school district may issue a ~~photostatic copy~~ *photocopy* if it is certified by the principal of the school to be a true, or official, copy of the original.

3. Each school district shall provide on all its permanent records and transcripts an explanation of the system of symbols which it uses for grading.

4. A school district operating a program of competency-based education approved pursuant to section 7 of this regulation must submit the alternative form described in paragraph (b) of subsection 1 for the approval of the Superintendent not later than June 1 before the beginning of the school year.

Sec. 14. NAC 389.720 is hereby amended to read as follows:

389.720 1. The board of trustees of a school district may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of independent study. The program of independent study must contain the information prescribed in subsection 3 and must be offered as part of:

- (a) An adult high school program;
- (b) An alternative program for the education of pupils at risk of dropping out of school;
- (c) A program of distance education; ~~or~~

(d) *A program of competency-based education; or*

(e) Any other educational program offered by the school district.

2. The Superintendent of Public Instruction shall review each plan to operate a program of independent study submitted to the Department of Education and approve or deny the plan. If the plan is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the plan for a program of independent study upon appeal.

3. The board of trustees of a school district which provides for independent study shall:

(a) Develop a written policy for independent study, which must include, without limitation, the process by which a pupil may appeal a decision by the board of trustees which denies the pupil from enrolling in a course of independent study.

(b) Establish a system of recordkeeping for each pupil enrolled in a course of independent study. For each course that a pupil participates in, the record must include, without limitation:

(1) A copy of the written agreement required pursuant to NAC 389.750;

(2) A record of all communication between the pupil and the teacher;

(3) A record of the assignments that the pupil has completed; and

(4) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

Sec. 15. NAC 389.730 is hereby amended to read as follows:

389.730 1. A pupil who is enrolled in school or in an alternative program pursuant to NRS 388.537, an adult high school program approved pursuant to NAC 387.190 , ~~for~~ a program of distance education established by a school district *or a program of competency-based education approved pursuant to section 7 of this regulation* may complete any required or elective course

by independent study if the board of trustees of the school district in which the pupil is enrolled provides for independent study in accordance with NAC 389.710 to 389.750, inclusive.

2. A course of independent study may be taken at a location outside of the school district in which the pupil is enrolled upon the written approval of the board of trustees of the school district in which the pupil is enrolled.

Sec. 16. NAC 389.750 is hereby amended to read as follows:

389.750 1. A pupil shall enter into a written agreement with the teacher of the course of independent study or the board of trustees of the school district or its designee before the pupil may begin a course or program of independent study. A pupil may enter into a written agreement if the pupil participates in:

- (a) An adult high school program;
- (b) An alternative program;
- (c) A program of distance education; ~~or~~
- (d) *A program of competency-based education; or*
- (e) Any other educational program offered by the school district.

2. Such an agreement must include, without limitation:

- (a) The objectives of the course or program.
- (b) A timeline for the completion of the assigned course work.
- (c) A schedule of the communications between the pupil and the teacher that satisfies the requirements of subparagraph (2) of paragraph (a) of subsection 2 of NRS 389.155.
- (d) The method by which the teacher will assess the learning of the pupil.
- (e) If a pupil is under 18 years of age, the written approval of a parent or guardian of the pupil to participate in the course of independent study.

Sec. 17. NAC 389.829 is hereby repealed.

TEXT OF REPEALED SECTION

389.829 Requirements for participation in pilot program; submission and review of applications; selection of schools. (NRS 385.080, 389.210)

1. To participate in the pilot program to provide competency-based education established pursuant to NRS 389.210, a school must meet the qualifications and conditions prescribed in subsection 2 of that section.

2. The board of trustees of a school district or the governing body of a charter school that wishes to participate in the pilot program to provide competency-based education must submit an application to the Department on a form that has been prescribed by the Department and made available on the Internet website maintained by the Department.

3. The Department shall review each application submitted pursuant to subsection 2 and select the schools to participate in the pilot program to provide competency-based education.