

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

**LCB File No. R029-01**

§§1-5 and 7-9 Effective November 1, 2001

§6 Effective July 1, 2002

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

AUTHORITY: §1, NRS 385.080 and 385.448; §§2-4, NRS 385.080 and 387.123; §§5 and 7-9, NRS 385.080; §6, NRS 385.080 and 385.110.

**Section 1.** NAC 385.404 is hereby amended to read as follows:

385.404 1. Any person who:

(a) Is ~~16~~ *17* years of age or older;

(b) Has not graduated from a high school in the United States which is accredited by a regional association; and

(c) Is not currently enrolled ~~for full-time attendance as~~ *in* a high school, ~~student,~~

FLUSH is eligible to take the tests to determine his general educational development if he otherwise complies with the provisions of ~~this section and~~ NRS 385.448. No minimum period of residence in this state is required of an applicant before he takes the tests.

2. ~~In addition to meeting the qualifications set forth in subsection 1,~~ *The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the tests of general educational development to* a person who *resides in the school district and who is at least* 16 years of age but less than 17 years of age ~~is eligible to take the tests to determine~~

~~his general educational development if he submits to the state board of education written permission signed by:~~

~~—(a) His parent or legal guardian; or~~

~~—(b) If he is institutionalized in a correctional facility, the appropriate administrator of the facility who is authorized to provide such permission.~~

~~—3. In addition to meeting the qualifications set forth in subsection 1, a person who is 17 years of age but less than 18 years of age is eligible to take the tests to determine his general educational development if he submits to the chief examiner of general educational development testing written permission signed by:~~

~~—(a) His parent or legal guardian; or~~

~~—(b) If he is institutionalized in a correctional facility, the appropriate administrator of the facility who is authorized to provide such permission.~~

FLUSH

~~The written permission must be included with his application to take the tests.~~

~~—4. ] *if he satisfies the requirements of subsection 2 of NRS 385.448.*~~

3. A school district shall adhere to the policy of the general educational development testing service that the tests of general educational development must not be used as part of a high school program or used as a high school exit examination.

4. A school district shall not allow a person who passes the tests of general educational development to waive the units of credit required for a standard high school diploma. A person who *is at least 17 years of age and who* passes the tests of general educational development may, in accordance with NAC 389.694, waive the units of credit required for an adult standard diploma.

**Sec. 2.** NAC 387.131 is hereby amended to read as follows:

387.131 1. A school day in session must consist of the following minimum daily periods for each grade, including recess and time between activities, but not including the time allowed for lunch:

Grade	Period
Kindergarten	120 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 diploma program, an* alternative program or a program of instruction in a detention home is identical to the period for a regular grade unless the school district:

- (a) Exercises its option pursuant to subsection 4 of NAC 387.140; or
- (b) 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. *Demonstrated competency in curriculum that meets the state standards may be considered equivalent for purposes of this paragraph.*

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, any day on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

**Sec. 3.** NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who ~~has~~ :

*(a) Is at least 17 years of age;*

*(b) Has not received his high school diploma ~~and has withdrawn from~~ ; and*

*(b) Is not currently enrolled in a high school ,*

FLUSH may be enrolled as a ~~part-time~~ pupil in an adult high school diploma program designed to enable him to obtain a diploma.

2. Before commencing a class within such a program, a school district must apply to the department for permission to conduct the class. The application must be made on a form provided by the department and include the name of the course to be taught, the proposed beginning and ending dates for the class and the hours of instruction scheduled for the class. A class may begin or end at any time during the school year, but the entire schedule of the class, reflecting all the days and hours of instruction, must be entered on the application.

3. A school district that offers an adult high school diploma program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved curriculum.

**Sec. 4.** NAC 387.330 is hereby amended to read as follows:

387.330 1. An adult high school diploma program must be operated in accordance with the standards prescribed in NAC 387.190 and any additional standards prescribed by the department. A school district that offers a program for pupils to obtain an adult high school diploma shall maintain a register of enrolled pupils and a list of classes that are offered. The list of classes must include the beginning and ending dates of each class, the time that each class meets and the total enrollment of pupils in each class.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. Reports of enrollment and attendance in each class must be submitted to the department on a form prescribed by the department for that purpose. The reports must be submitted on or before:

(a) December 31 for each class that commences on or after July 1 and is completed on or before December 31 of the same year.

(b) June 30 for each class that commences on or after July 1 and is completed on or before June 30 of the immediately succeeding year.

4. The department shall determine the amount of money ~~[apportioned]~~ *allocated* to a school district that operates a program for pupils to obtain ~~[a]~~ *an adult* high school diploma based upon the unduplicated count of pupils enrolled in the program ~~[. Pupils who are reported to the department as enrolled in a regular school program and who subsequently enroll in an adult high school diploma program during the same school year must not be included in the count of pupils for purposes of apportionment to the school district for the program.]~~ *in accordance with a plan*

*or formula developed by the department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.*

**Sec. 5.** Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

*The board of trustees of a school district may allow a person who is 16 years of age who has withdrawn from high school so that he may take the tests of general educational development to attend an adult high school diploma program only for the purpose of test preparation.*

**Sec. 6.** NAC 389.688 is hereby amended to read as follows:

389.688 1. A school district may award an adult standard diploma to a person who:

(a) Withdrew from high school before his graduation and was not eligible to graduate with his class, or participated in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537;

(b) Has passed the proficiency examination which is administered to high school pupils pursuant to NRS 389.015;

(c) Has earned, in high school or in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 2; and

(d) Is 17 years of age or older at the time of the award.

2. Except as otherwise provided in subsection 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of ~~12~~ 13 units for required courses and a total of ~~8~~ 7 1/2 units for elective courses. The person must have earned or waived his units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government .....	1
American history .....	1
Arts and humanities .....	1
English .....	4
Health education .....	1/2
Mathematics .....	<del>2</del> 3
Science .....	2
Use of computers .....	1/2
TOTAL: <del>12</del> 13	

3. If a person ~~satisfactorily completes a course of study~~ *demonstrates a competency* in the use of computers , ~~during the sixth, seventh or eighth grade,~~ he is not required to complete the course in the use of computers and must earn or waive a total of ~~11~~ 12 1/2 units in required courses. ~~The course of study in the use of computers must be for at least one semester or trimester, or the equivalent, and must not be taught as part of another course of study. This subsection authorizes, but does not require, a school district to offer a course in the use of computers as part of the curriculum of a middle school.~~

Sec. 7. NAC 389.690 is hereby amended to read as follows:

389.690 1. Units of credit earned by a person through a program of adult education may be applied toward meeting the requirements for an adult standard diploma only if the course in which the units were earned was:

(a) Taught in a school district of this state; or

(b) Equivalent to a regular course offered in the high school where the diploma will be issued, and the course is approved by the principal of the high school for that purpose.

2. As used in this section, “adult education” means instruction or training provided at or below the level of a secondary school for persons ~~[over]~~ *who are:*

(a) *Over* 17 years of age who have not completed high school.

(b) *Sixteen years of age and authorized to attend a program of adult education pursuant to section 5 of this regulation.*

**Sec. 8.** NAC 389.694 is hereby amended to read as follows:

389.694 1. Except as otherwise provided in this subsection, a person who *is 17 years of age or older and who* seeks an adult standard diploma may waive units of credit for English, mathematics, science and social studies by taking tests of his general educational development in these subjects. A person who seeks an adult standard diploma and who is enrolled in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537 may not waive any units of credit pursuant to this section.

2. The maximum number of credits which may be waived in the areas of English, mathematics and science must be based on the number of credits previously earned which meet the minimum requirements for course content outlined in NAC 389.450 to 389.511, inclusive, and the credits waived upon the completion of the General Educational Development Test.



3. Credits in elective courses may be waived only in the area of social studies. The maximum number of credits which may be waived in the area of social studies must be based on the General Educational Development Test.

4. The following table sets forth the scores which a person must achieve on the tests to waive credits in required and elective courses and the corresponding number of units which may be waived:

Subject	Designation of Test	Maximum Number of Units	
		For Score of 45.0 to 49.9	For Score of 50.0 or higher
English	I and IV (average)	2	4
Mathematics	V	1	2
Science	III	1	2
Social Studies	II	1	2

**Sec. 9.** 1. This section and sections 1 to 5, inclusive, 7 and 8 of this regulation become effective upon filing with the secretary of state.

2. Section 6 of this regulation becomes effective on July 1, 2002.

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

**LCB File No. R029-01**

**NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
NAC 385, 387 & 389, Adult High School Diploma Program  
(LCB File R029-01)**

**SEC INFORMATION STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code 385, 387 & 389:

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

The Notice of Intent to Act Upon a Regulation for the public hearing for Board permanent adoption of temporary regulation language was sent to approximately one-hundred twenty-five individuals and educational organizations. One public hearing was conducted on October 6, 2001, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. No written comment from the public were received. The Board adopted the permanent language with revision.

**2. The Number of Persons Who:**

a) **Attended Each Hearing:** Hearing: 12

b) **Testified at Each Hearing;** Hearing: 0

**and,**

c) **Submitted Written Statements:** Hearing: 0

No written comments were received.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

**3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through the public hearing notices of August 28, 2001.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

**4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.**

The permanent regulation (LCB File R029-01) was adopted by the Nevada State Board of Education at the public hearing held October 6, 2001, with revision to Section 6.2, a total of “7/12” units for elective credits; and, Section 6.3. to replace the LCB revised language which refers to the high school standard diploma with the original language, “If a person demonstrates a competency in the use of computers, he is not required to complete the course in the use of computers and must earn or waive a total of 12-1/2 units in required courses.”

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

There is no economic effect on the school districts. There is no estimated economic effect on the public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are none.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.

10/9/01