

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

LCB File No. R098-03

Effective January 27, 2004

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

AUTHORITY: §1, NRS 389.810.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. To receive a standard high school diploma in accordance with the provisions of NRS 389.810, a veteran who satisfies the qualifications set forth in that section may submit to the Office of Veterans' Services an application on a form prescribed for this purpose by the State Board of Education. If such a qualified veteran is deceased or mentally or physically unable, a family member or guardian of the veteran may submit an application on behalf of the veteran. Each such application must be accompanied by a copy of the certificate of honorable discharge issued to the veteran or a certified copy of the form DD214 issued to the veteran.

2. If a veteran submits an application pursuant to subsection 1 and the veteran:

(a) Attended a secondary school in this state before he left to serve in the Armed Forces of the United States, the application must list the name and location of the Nevada secondary school the veteran attended; or

(b) Is a current resident of this state but did not attend a secondary school in this state, the application must be accompanied by an affidavit:

(1) Affirming that the veteran attended a secondary school before he left to serve in the Armed Forces of the United States; and

(2) Listing the name and location of that secondary school.

3. If a family member or guardian of a veteran submits an application pursuant to subsection 1, the application must be accompanied by an affidavit affirming to the best of his knowledge that the veteran:

(a) Attended a secondary school in this state before he left to serve in the Armed Forces of the United States and listing the name and location of that Nevada secondary school; or

(b) Was a resident of this state at the time of his death or incapacitation and left a secondary school to serve in the Armed Forces of the United States, including the name and location of that secondary school.

4. Upon determination that an application is complete and is accompanied by the material required by subsection 1 and subsection 2 or 3, as applicable, the Office of Veterans' Services will forward the application to the appropriate school district on the veteran's behalf.

5. Upon receipt of an application approved pursuant to subsection 4, a school district may issue a standard high school diploma to the veteran. Such a diploma may be presented to the veteran, or the family member or guardian of the veteran, as applicable:

(a) During a graduation ceremony regularly conducted in that school district;

(b) During a special ceremony conducted in that school district for veterans; or

(c) By mailing the diploma to the veteran, or his family member or guardian, as applicable.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R098-03**

The State Board of Education adopted regulations assigned LCB File No. R098-03 which pertain to chapter 389 of the Nevada Administrative Code on December 13, 2003.

Notice date: 11/6/2003
Hearing date: 12/13/2003

Date of adoption by agency: 12/13/2003
Filing date: 1/27/2004

INFORMATIONAL STATEMENT

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred and fifty individuals and educational organizations. The workshop was conducted by the Nevada State Board of Education on December 13, 2003. Comments from the public were received.

The Notice of Intent to Act Upon a Regulation for public hearing for Board permanent adoption of LCB File R098-03, NAC 389, Issuing of Standards High School Diploma to Certain Veterans, was sent to approximately one-hundred and fifty individuals and educational organizations. A one-time only public hearing was conducted by the Nevada State Board of Education on December 13, 2003 to provide the opportunity for comments by affected parties and the public. There were comments from the public. The Board adopted the permanent language with change.

2. The Number of Persons Who:

a) Attended Each Hearing:	Workshop: 20	Hearing: 20
b) Testified at Each Hearing; and,	Workshop: 8	Hearing: 8
c) Submitted Written Statements:	Workshop: 0	Hearing: 0

Copies of written comments can be obtained by calling LaDonna Byrd, Assistant to the Board, 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.

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 workshop notice of November 6, 2003. Comments by members of the public at the workshop regarding proposed language and the process for submission of the application were received from Chuck Fulkerson, Director, Office of Veterans Affairs, Bob Reddick, Ron Gutzman, Ron Crews, Harold Draper, Major Pete Menicucci, Nevada Army National Guard, Mike Malone, and Dr. Dottie Merrill, Washoe County School District.

Comment was solicited through the public hearing notice of November 6, 2003. Comments made by members of the public were brought forward from the Workshop.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Assistant to the Board, 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 regulation language was adopted by the Nevada State Board of Education at the public hearing held December 13, 2003, with revision: To amend the language to allow for submission by family members and guardians of veterans who are deceased, or those who are mentally or physically unable to apply.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

There is an economic effect on the business which is regulated in terms of the costs associated with the issuance of the diploma by the school districts; actual costs are undetermined. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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.