

**REVISED PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R134-07

March 25, 2008

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

AUTHORITY: §§1, 26 and 27, NRS 385.080 and 385.448; §§2 and 12-14, NRS 385.080 and 388.537; §3, NRS 385.080, 386.540, 387.123 and 388.090; §§4-6 and 9-11, NRS 385.080 and 387.123; §7, NRS 385.080, 387.123 and 388.874; §8, NRS 385.080, 387.123 and 389.155; §15, NRS 388.575; §§16 and 17, NRS 388.874; §§18, 19 and 33, NRS 385.080; §20, NRS 385.080 and 389.015; §21, NRS 385.080, 386.110 and 389.171; §§22, 24 and 25, NRS 385.080 and 385.110; §23, NRS 385.080, 385.110 and 389.160; §28, NRS 385.080, 385.110 and 389.015; §§29-32, NRS 385.080 and 389.155.

A REGULATION relating to education; revising provisions relating to school calendars and short school days in session; revising provisions governing programs of distance education, programs of independent study, adult high school programs and other educational programs; revising provisions relating to adult standard diplomas; and providing other matters properly relating thereto.

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

385.404 1. Any person who:

(a) Is 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 in a high school,

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

2. 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 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~~ 18 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 387.012 is hereby amended to read as follows:

387.012 “Alternative program” ~~means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of high school or another program of alternative education that has been approved by the Superintendent of Public Instruction.~~ *has the meaning ascribed to it in NAC 388.500.*

Sec. 3. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not apply to all its schools, the district shall submit as many calendars as are necessary for application to all its schools. If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a

school district in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.

2. Except *as otherwise provided in subsection 5 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 10 school months which contain not more than 20 potential school days per month. The first day of the first school month is the first day of attendance by pupils.

3. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district as contingent days to be used as school days in session if:

(a) At least 75 percent of the schools in the district are rendered inaccessible or unusable by inclement weather, uncontrollable circumstances or an accident; or

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

↳ If a substantial majority of the schools within a school district are closed because of any of these conditions, all of the contingent days must be used before the school district applies for an emergency closing.

4. Any day for an organized teachers' conference for professional development convened by the board of trustees of a school district may be included in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. A day for an organized teachers' conference may also be declared by the Superintendent of Public Instruction. Not more than 5 days for teachers' conferences may be convened by a school district in any school year.

5. A school calendar for an adult high school program, an alternative program, a program of distance education or a program of instruction in a detention home must contain at least 180 school days in session unless the school district obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum. The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537 or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this subsection if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this subsection, demonstrated competency in curriculum that meets the state standards may be considered equivalent to the regular school curriculum.

Sec. 4. 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, 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

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, *a program of distance education, a program of independent study* 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~~ *The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537 or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this paragraph if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this paragraph, competency in curriculum that meets the state standards may be considered equivalent ~~for purposes of this paragraph.~~ 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, any day on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 5. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district to conduct short school days in session on a continuing basis for up to 1 school year when facilities or conditions so require. To obtain the permission of the Superintendent of Public Instruction, a school district must submit an application in advance, describing the circumstances which necessitate short school days in session as well as its plans to alleviate those circumstances. The application must include an estimation of the time needed to restore regular school days in session.

2. The board of trustees of a school district may, for each school year:

(a) Schedule up to 5 short school days in session per school; or

(b) Delegate, in writing, to the superintendent of schools of the school district the authority to schedule the 5 short school days in session permitted pursuant to paragraph (a).

↳ Upon written request from the board of trustees of a school district, the Superintendent of Public Instruction may authorize the scheduling of more than 5 short school days in session when special circumstances so require.

3. The board of trustees of a school district may submit to the Department a district-wide policy for the approval of short school days in session. The policy must:

(a) Include a process for determining approval of a short school day in session that is requested by a school within the school district;

(b) Include a process for recording a short school day in session; and

(c) Be applied consistently throughout the school district.

↳ Upon review, the Department may make revisions to the policy. If a policy has been approved by the Department for a school district, the school district may approve a short school day in session for a school in accordance with the policy.

4. Upon the written approval of the Superintendent of Public Instruction, a school district may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program or receiving instruction in a detention home. *If a plan for an alternative program is approved pursuant to NRS 388.537 and the plan contains a schedule which includes short school days in session, the approved plan shall be deemed written approval by the Superintendent for purposes of this subsection.*

Sec. 6. NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who:

(a) Is at least ~~17~~ 18 years of age ~~18~~ *or who meets the requirements for participation in a program of education for incarcerated persons established pursuant to NAC 388.676;*

(b) Has not received his high school diploma; and

(c) Is not currently enrolled in a high school,

↳ may be enrolled as a pupil in an adult high school diploma program designed to enable him to obtain a diploma.

2. *A person who is 17 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537 may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled.*

3. Before commencing ~~[a class within such a]~~ *an adult high school* program, a school district must apply to the Department for permission to conduct the ~~[class.]~~ *program*. The application must be made on a form provided by the Department and include the ~~[name]~~:

(a) *Name* of the course to be taught ~~[, the proposed]~~; *and*

(b) *Proposed* beginning and ending dates for ~~[the class and the hours of instruction scheduled for the]~~ *each* class.

4. *The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application 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 application for an adult high school program upon appeal.*

5. *An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for 5 years after the date of approval. The board of trustees of a school district shall update its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.*

6. A class *that is part of an approved program* 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.]~~ 7. 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. 7. NAC 387.193 is hereby amended to read as follows:

387.193 1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed an enrolled pupil if, for each course of distance education in which the pupil is enrolled:

(a) The course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; and

(b) A teacher meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. Each pupil enrolled in a course of distance education offered through a program of distance education must be recorded in full attendance for each week that a teacher meets or otherwise communicates with the pupil during the course to discuss the pupil's progress. Each weekly meeting or communication with a pupil must be included in the master register of enrollment and attendance required by NAC 387.171.

3. A pupil who is enrolled full-time in a program of distance education provided by the board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862.

~~[4.]~~ *A pupil shall be deemed enrolled full-time in a program of distance education if:*

(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;

(b) The time that the pupil spends in the program is recorded by the pupil or by a computerized program; and

(c) The pupil satisfies the requirements of subsection 4 or 5, as applicable for his grade level.

4. For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) 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.

5. For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:

(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 4 of NAC 387.345; or

(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

6. If a pupil is enrolled part-time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

Sec. 8. NAC 387.195 is hereby amended to read as follows:

387.195 1. ~~Any~~ *Except as otherwise provided in subsection 2, any* pupil who is placed for independent study by a school district ~~[,]~~ pursuant to a plan ~~[described in NAC 388.520,]~~ *approved in accordance with NAC 389.720* shall be deemed to be in full attendance for a day if the combined number of minutes during which he is:

(a) Attending school; and

(b) Completing the hours specified in his contract for independent study,

↪ equals more than two-thirds of the number of minutes required for the daily session of his grade or category.

2. *A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is enrolled in:*

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) 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.

3. *A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:*

(a) The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 4 of NAC 387.345; or

(b) A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

4. *A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil's attendance.*

5. A pupil placed for independent study must be reported as enrolled on the monthly reports submitted to the Department.

Sec. 9. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection ~~4~~ 6 of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until he is transferred from the school or his name is withdrawn from its master register. A pupil is not withdrawn from school if he is:

(a) Truant from school and documentation of the truancy is maintained by the school district;
or

(b) Absent from school for a period of less than 1 school month, with an expected date of return.

3. If a pupil:

(a) Enrolls in another school, the effective date of withdrawal is the day immediately after the last day that the pupil attended class.

(b) Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.

(c) Does not enroll in another school, the effective date of withdrawal is the date that the parent or legal guardian of the pupil notifies the school district of the withdrawal.

(d) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

(e) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the day immediately after the 10th consecutive school day that the pupil failed to attend school.

Sec. 10. NAC 387.293 is hereby amended to read as follows:

387.293 1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be

deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once ~~[a]~~ *each* week for instructional purposes.

2. For reporting attendance, the school district may consider the pupil to be in full attendance ~~[only during periods in which]~~ *if* the teacher ~~[actually is in communication with him.]~~ *and the pupil meet or otherwise communicate with each other at least once each week for instructional purposes.*

3. The pupil must be reported monthly as enrolled and in attendance in the school he would attend if he were not receiving instruction through correspondence, or a separate monthly report may be submitted, marked "Instruction of Pupils Through Correspondence."

Sec. 11. 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]~~ *standard* 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) *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.] ; and~~

(b) Annually on the date prescribed by the Department.

4. The Department shall determine the amount of money allocated to a school district that operates a program for pupils to obtain an adult ~~[high school]~~ *standard* diploma based upon ~~[the unduplicated count of pupils enrolled in 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. 12. NAC 388.500 is hereby amended to read as follows:

388.500 As used in NAC 388.510 and 388.520, unless the context otherwise requires, “alternative program” means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of ~~[high]~~ school.

Sec. 13. NAC 388.510 is hereby amended to read as follows:

388.510 *1.* A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department and must address the considerations set forth in NRS 388.537.

2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval. The board of trustees of a school district shall update its plan for an alternative program at least once annually if a substantive change is made to the plan.

Sec. 14. NAC 388.520 is hereby amended to read as follows:

388.520 1. An alternative program may include a plan to provide for independent study ~~[.]~~
pursuant to NAC 389.710 to 389.750, inclusive.

2. ~~[Before placement for independent study, a pupil shall enter into a contract with an instructor. The contract must be on a form provided by the school district.~~

~~—3.]~~ A plan to provide for independent study must include:

(a) A description of the pupils targeted for enrollment in courses of independent study.
(b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.

(c) The names of the courses of independent study to be taught.

(d) A plan for maintaining the records of each pupil placed for independent study ~~[.]~~
~~including, but not limited to:~~

~~—(1) A copy of the contract for independent study;~~

~~—(2) A copy of the record of scheduled meetings between the pupil and the instructor;~~

~~—(3) A copy of the assignments that the pupil has completed; and~~

~~—(4) A copy of the record which indicates the final grade or credit earned for each course of independent study as issued by the instructor.]~~ *in accordance with the requirements set forth in NAC 389.720.*

(e) A statement of the maximum period allowed to complete the courses of independent study.

(f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

~~[4.—As used in paragraph (h) of subsection 2 of NRS 388.537, the board will interpret the term “independent study” to mean instructional activities which are alternative to instruction in a~~

~~regular classroom and are consistent with the course of study prescribed by the State Board of Education.]~~

Sec. 15. NAC 388.676 is hereby amended to read as follows:

388.676 1. The statewide program of education for incarcerated persons is hereby established pursuant to NRS 388.575.

2. The statewide program and each program of education must:

(a) Be operated in accordance with the standards prescribed in NAC 387.190 and subsections 1, 2 and 3 of NAC 387.330 for an adult high school ~~[diploma]~~ program;

(b) Comply with the applicable standards adopted by the State Board of Education; and

(c) Comply with the requirements for an adult standard diploma set forth in NAC 389.688 to 389.699, inclusive.

3. An incarcerated person is eligible for participation in a program of education if he:

(a) Is ~~[17]~~:

(1) Eighteen years of age or older; *or*

(2) Less than 18 years of age and is excluded from the jurisdiction of a juvenile court pursuant to NRS 62B.330 or is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400;

(b) Has not graduated from a high school; and

(c) Is not currently enrolled in a high school.

4. A facility or institution operated by the Department of Corrections that offers a program of education ~~[must]~~ *shall* use the Comprehensive Adult Student Assessment System to evaluate and determine the placement of incarcerated persons in a program of education.

Sec. 16. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education *not less than* once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the achievement and proficiency examinations required by NRS 389.015 and 389.550;

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice *to the applicant* of its approval or denial of the program . ~~[to the applicant.]~~ If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. *If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.*

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years ~~[]~~ *after the date of approval.*

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Board of Education, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

~~6.1~~ 7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

~~7.1~~ 8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 17. NAC 388.860 is hereby amended to read as follows:

388.860 1. The State Board of Education may revoke approval for a course of distance education to be included on the list of approved distance education courses published by the Department or for a program of distance education to operate in this State if the State Board determines, by majority vote, that the provider of the course or program has failed to comply with:

(a) The terms and conditions of the application to provide the course or program, as approved by the Department pursuant to NAC 388.825 or 388.830;

(b) Subsection 4 of NAC 388.825 or subsection ~~6.1~~ 7 of NAC 388.830, as applicable;

(c) Generally accepted standards of accounting and fiscal management; or

(d) The provisions of NRS 388.820 to 388.874, inclusive, or any other statute or regulation applicable to distance education.

2. If the Department receives a complaint concerning a course of distance education or a program of distance education, or otherwise has reason to believe that a provider of a course or program has failed to comply with paragraphs (a), (b), (c) or (d) of subsection 1, the Department

may conduct a review of the course or program, including, without limitation, an audit of the course or program, to determine whether to recommend revocation of the course or program.

3. If the Department conducts a review pursuant to subsection 2, the Department shall provide written notice to the provider of the course or program that the Department will conduct a review of the course or program. The notice must include the scheduled dates for the review and the specific concerns that will be addressed during the review.

4. If the Department finds deficiencies in a course or program during a review that is conducted pursuant to subsection 2, the Department shall provide written notice to the provider of the course or program that includes a statement of the deficiencies and a timeline by which the provider may correct the deficiencies before the Department recommends revocation of the course or program to the State Board of Education. If the provider does not correct the deficiencies to the satisfaction of the Department within the time period prescribed in the written notice, the Department may recommend that the State Board revoke approval of the course or program. If the Department determines to recommend revocation, the Department shall present its recommendation to the State Board at the next regularly scheduled meeting of the State Board after the time period prescribed in the written notice has expired.

5. If the State Board of Education decides to proceed with revocation, it will provide written notice of the proposed revocation by certified mail to the provider of the course or program. The notice must:

(a) Include the time and location set by the State Board for a hearing concerning the proposed revocation, which will be conducted during a regularly scheduled meeting of the State Board;

(b) Identify the deficiencies in the course or program that have caused the State Board to proceed with revocation; and

(c) Be provided to the provider of the course or program at least 30 calendar days before the hearing.

6. Within 7 calendar days after a hearing is conducted pursuant to subsection 5, the State Board of Education will provide written notice by certified mail to the provider of the course or program of the decision of the State Board concerning the revocation.

7. If the State Board of Education revokes approval for a course of distance education to be included on the list of approved distance education courses published by the Department, the provider of the course shall cease to offer the course in this State immediately upon receipt of notice from the State Board pursuant to subsection 6. If the State Board revokes approval for a program of distance education to operate in this State, the provider of the program shall cease to operate the program immediately upon receipt of notice from the State Board pursuant to subsection 6.

Sec. 18. NAC 389.017 is hereby amended to read as follows:

389.017 “Adult standard diploma” means a diploma which evidences the graduation from high school of a person who has met the requirements for graduation through:

1. ~~[A program of adult education]~~ *An adult high school program* established by a school district; or
2. 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.

Sec. 19. NAC 389.019 is hereby amended to read as follows:

389.019 “Certificate of attendance” means a certificate that evidences the satisfaction of all the requirements for graduation from high school or completion of ~~[a program of adult education]~~ *an adult high school program* except that a pupil has not passed one or more of the

high school proficiency examinations ~~or~~ *or has not satisfied the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805, if applicable.* The term “certificate of attendance” is not equivalent to nor does it replace or include a standard diploma, advanced diploma, adjusted diploma or adult standard diploma.

Sec. 20. NAC 389.655 is hereby amended to read as follows:

389.655 1. Except as otherwise provided in subsection 9, a pupil must not be given a standard high school diploma until the pupil has, after entering grade 11, passed:

- (a) The Nevada High School Proficiency Examination in Reading;
- (b) The Nevada High School Proficiency Examination in Mathematics; and
- (c) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above.

↪ For pupils who graduate from high school before the 2004-2005 school year, the Nevada High School Proficiency Examination in Science must be used solely to gather information and data concerning the examination and must not be used as a condition for receipt of a high school diploma.

2. After entering grade 10, if a pupil passes one of the high school proficiency examinations, the pupil is not required to take that examination again to graduate.

3. For pupils who enroll in grade 11 in the 1997-1998 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, 70 percent of the questions on the examination answered correctly.
- (b) In mathematics, 61 percent of the questions on the examination answered correctly.
- (c) In writing, 7.

4. For pupils who enroll in grade 11 in the 1998-1999 school year, the 1999-2000 school year or the 2000-2001 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing, 7.

5. On or before January 1, 2002, the State Board of Education will set the passing scores on the high school proficiency examinations for pupils who enroll in grade 11 in the 2001-2002 school year or thereafter. In making its determination of the appropriate passing scores, the State Board of Education will consider the scores received by pupils in the October 2001 administration of the examinations. The Department of Education shall provide notice to each school district and charter school of the passing scores that are set at least until such time as the scores are codified in regulation.

6. A passing score that is in effect at the time that a pupil enrolls in grade 11 will remain in effect for 1 year after the pupil's anticipated completion of grade 12.

7. For pupils who enroll in an adult high school ~~diploma~~ program after July 1, 2000, but before July 1, 2003, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing, 7.

8. For pupils who enroll in an adult high school ~~diploma~~ program after July 1, 2003, passing scores on the high school proficiency examinations are the scores that are set by the State Board of Education pursuant to subsection 5.

9. A pupil who fails to pass the Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above must receive a standard high school diploma if he:

(a) Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;

(b) Satisfies the requirements of section 1 of ~~[this regulation.]~~ *LCB File No. R155-07 adopted by the State Board of Education and filed with the Secretary of State on January 30, 2008;* and

(c) Has not previously failed to satisfy the requirements of section 1 of ~~[this regulation.]~~ *LCB File No. R155-07 adopted by the State Board of Education and filed with the Secretary of State on January 30, 2008.*

Sec. 21. NAC 389.670 is hereby amended to read as follows:

389.670 A pupil may be granted credit for a specific course of study in a secondary school *or in an adult high school program* without having attended the regularly scheduled classes in the course if he demonstrates his competence to meet the objectives of the course through his performance on examinations.

Sec. 22. 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, 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. 23. NAC 389.680 is hereby amended to read as follows:

389.680 1. A school district may, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school *or toward completion of an adult high school program* for his successful completion of a correspondence course if:

(a) The course is provided by a secondary educational institution which is approved by the State Board of Education; and

(b) The course is equivalent to a course offered in a regular program in the school district ~~or~~ *or a course offered in an adult high school program in the school district, as applicable.*

2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school *or toward completion of an adult high school program, as applicable,* for his successful completion of a correspondence course if:

(a) The course is provided and credit was issued by a secondary educational institution which is accredited by:

- (1) The Middle States Association of Colleges and Schools;
- (2) The New England Association of Schools and Colleges;
- (3) The North Central Association of Colleges and Schools;
- (4) The Northwest Association of Accredited Schools;
- (5) The Southern Association of Colleges and Schools;
- (6) The Western Association of Schools and Colleges; or
- (7) The Commission on International and Trans-Regional Accreditation; and

(b) The course is equivalent to a course offered in a regular program in the school district ~~[H]~~ *or a course offered in an adult high school program in the school district, as applicable.*

Sec. 24. 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 *high school* proficiency examination which is administered to ~~[high school]~~ pupils pursuant to NRS 389.015;

(c) Has earned, in high school, *in an adult high school program* 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 ~~[H7]~~ *18* years of age or older at the time of the award ~~[H]~~ *or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.*

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 13 units for required courses and a total of 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
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Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, or career and technical education	1
English	4
Health education	1/2
Mathematics	3
Science	2
Use of computers	1/2
TOTAL:	13

3. 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.

Sec. 25. 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]~~ *an adult high school program* 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~~ *high school program*” means instruction or training provided at or below the level of a secondary school for persons who : ~~are:~~

(a) ~~Over 17~~ *Are at least 18* years of age *and* who have not completed high school.

(b) ~~Sixteen~~ *Are 17 years of age but less than 18 years of age and participate in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.*

(c) *Are 16* years of age and authorized to attend ~~a program of adult education~~ *an adult high school program* pursuant to NAC 389.695.

Sec. 26. NAC 389.694 is hereby amended to read as follows:

389.694 1. Except as otherwise provided in this ~~subsection,~~ *section*, a person who is ~~17~~ *18* 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~~ *those* 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 450 to 499.9	For Score of 500 or higher
English	I and IV (average)	2	4
Mathematics	V	1	3
Science	III	1	2
Social Studies	II	1	2

Sec. 27. NAC 389.695 is hereby amended to read as follows:

389.695 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. 28. NAC 389.699 is hereby amended to read as follows:

389.699 1. A certificate of attendance must be issued to a pupil who is 17 years of age or older if the pupil has satisfied all the requirements for graduation from high school or completion of ~~[a program of adult education,]~~ *an adult high school program*, including, without limitation, completion of the units of credit required for a diploma, except that the pupil has not passed one or more of the high school proficiency examinations ~~[]~~ *or has not satisfied the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805, if applicable.*

2. If a pupil who qualifies for a certificate of attendance subsequently passes, during the summer immediately after the completion of his senior year of high school, each high school proficiency examination that he previously failed to pass, the appropriate high school diploma must be issued to the pupil in accordance with the procedure established in his school district. If a pupil who qualifies for a certificate of attendance subsequently passes, through ~~[a program of adult education,]~~ *an adult high school program*, each high school proficiency examination that he previously failed to pass, an adult standard diploma must be issued to the pupil in accordance with the procedure established in his school district. *A pupil who qualifies for a certificate of attendance is not eligible to satisfy the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805 after the completion of his senior year of high school.*

3. A pupil who qualifies for a certificate of attendance must not be counted as a dropout.

Sec. 29. NAC 389.710 is hereby amended to read as follows:

389.710 As used in NAC 389.710 to 389.750, inclusive, unless the context otherwise requires, “independent study” means the method by which a pupil may complete a required or elective course outside of the normal classroom setting that is consistent with the course of study prescribed by the State Board. ~~[The term does not include independent study that is part of an alternative program pursuant to NAC 388.520.]~~

Sec. 30. 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) 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:

~~{1}~~ *(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.

~~{2}~~ *(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:

- ~~{a}~~ *(1)* A copy of the written agreement required pursuant to NAC 389.750;
- ~~{b}~~ *(2)* A record of all communication between the pupil and the teacher;

~~[(e)]~~ (3) A record of the assignments that the pupil has completed; and

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

Sec. 31. NAC 389.730 is hereby amended to read as follows:

389.730 1. ~~[(Except as otherwise provided in subsection 2, a)]~~ A pupil who is enrolled in ~~[(high)]~~ school or in ~~[(a program of adult)]~~ *an alternative program pursuant to NRS 388.537, an adult high school program approved pursuant to NAC 387.190 or a program of distance education established by a school district 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 pupil may apply not more than six of the units of credit earned by independent study toward meeting the requirements for graduation from high school. Not more than three units of credit earned by independent study in English, mathematics, science or social studies may be applied toward meeting the requirements for graduation.)]~~

~~—3.]~~ 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. 32. 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 ~~[(the course.)]~~ *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) Any other educational program offered by the school district.

2. Such an agreement must include, without limitation:

(a) The objectives of the course ~~[(b)]~~ *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 ~~[(b)]~~ *(a)* of subsection 2 of NRS 389.155.

(d) The method by which the teacher will assess the learning of the pupil.

(e) ~~[(The criteria by which each grade and unit of credit will be awarded to the pupil. The criteria must require that a final examination be administered at the completion of the course of independent study and comprise 35 percent of the grade awarded to the pupil.)]~~

~~[(f)]~~ 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. 33. NAC 391.392 is hereby amended to read as follows:

391.392 1. To receive an endorsement to teach a program of alternative education, a person must:

(a) Hold a valid:

(1) Elementary license;

(2) License to teach middle school or junior high school education;

(3) Secondary license; or

(4) Special license that is endorsed for a recognized field of teaching other than business and industry;

(b) Have 3 years of verified experience in teaching a program of alternative education; or

(c) Have completed at least 3 semester hours of course work in one or more of the following areas of study:

(1) Behavior management;

(2) Methods of teaching pupils who have specific learning disabilities;

(3) Parental involvement in programs of alternative education; or

(4) Methods of teaching pupils in a program of alternative education or pupils who are at risk of dropping out of ~~high~~ school.

2. Except as limited by subsection 3, a person who holds an endorsement to teach a program of alternative education may:

(a) Provide instruction in any recognized field of teaching for which he holds a valid endorsement; and

(b) Teach courses outside his area of endorsement.

3. A person who holds an endorsement to teach a program of alternative education initially issued on or after July 1, 2005, may use that endorsement to provide instruction and teach as authorized by subsection 2 only in ~~[a program of adult education]~~ *an adult high school program* as defined in subsection 2 of NAC 389.690.

4. An endorsement to teach a program of alternative education is not required to teach a program of alternative education.

5. As used in this section, “program of alternative education” means:

(a) An alternative program as defined in NAC 388.500; or

(b) ~~[A program of adult education]~~ *An adult high school program* as defined in subsection 2 of NAC 389.690.