

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

LCB File No. R154-07

Effective January 30, 2008

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

AUTHORITY: §1, NRS 385.080 and 392.033.

A REGULATION relating to education; revising provisions governing the requirements for promotion to high school; and providing other matters properly relating thereto.

Section 1. NAC 389.445 is hereby amended to read as follows:

389.445 1. Except as otherwise provided in subsection ~~[5.]~~ **6**, a pupil who enrolls in a junior high or middle school for the 1999-2000 school year must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:

- (a) One unit of credit in language with a passing grade; and
- (b) One unit of credit in mathematics with a passing grade.

2. Except as otherwise provided in subsection ~~[5.]~~ **6**, a pupil who enrolls in a junior high or middle school after the 1999-2000 school year *and who enrolls in the seventh grade before the 2008-2009 school year* must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:

- (a) One and one-half units of credit in language with a passing grade; and
- (b) One and one-half units of credit in mathematics with a passing grade.

3. *Except as otherwise provided in subsection 6, a pupil who enrolls in the seventh grade for the 2008-2009 school year or after must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:*

(a) One and one-half units of credit in English with a passing grade;

(b) One and one-half units of credit in mathematics with a passing grade;

(c) One unit of credit in science with a passing grade; and

(d) One unit of credit in social studies with a passing grade.

4. A pupil may apply units of credit toward promotion to high school if he earned the units of credit:

(a) At a public or private junior high or middle school located in this State.

(b) At a public or private junior high or middle school located outside of this State if the school district approves a transfer of the units in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

(c) At the Nevada Youth Training Center or the Caliente Youth Center.

(d) During summer school in courses offered by a public or private junior high or middle school. Such units must be earned in courses which are equivalent to the courses offered in the programs of the junior high or middle school in which the pupil is enrolled.

(e) While being homeschooled in this State or homeschooled outside of this State if the school district approves the units in accordance with NRS 392.033.

~~[4.]~~ 5. If a pupil earns units of credit for sectarian religious courses, he may not apply those units toward promotion to high school.

~~{5.}~~ 6. A pupil with a disability who is enrolled in a program of special education may be promoted to high school if he meets the requirements for promotion to high school that are prescribed in his individualized educational program.

~~{6.}~~ 7. If a pupil transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State, the courses of study and units of credit completed by the pupil before he transferred must be evaluated by the school district that the pupil transfers to in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

~~{7.}~~ 8. For purposes of paragraph (a) of subsection 5 of NRS 392.033, the board of trustees of a school district may consider recognition of the programs of homeschool study accredited by the following national or regional accrediting associations:

- (a) Middle States Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Accredited Schools;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges;
- (g) Commission on International and Trans-Regional Accreditation; or
- (h) Any other national or regional accrediting association recognized by the board of trustees of the school district.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R154-07**

The State Board of Education adopted regulations assigned LCB File No. R154-07 which pertain to chapter 389 of the Nevada Administrative Code.

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 200 individuals and educational organizations. A workshop was held on October 5, 2007. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 389.445 – Promotion to High School was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on November 30, 2007 to provide the opportunity for comments by affected parties and the public. There was public comment. The State Board of Education adopted the proposed amendments to the regulations with amendments to the proposed language.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 8; First Hearing: 31; Second Hearing: N/A
b) Testified at Each Hearing: First Workshop: 8; First Hearing: 2; Second Hearing: N/A
c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

Comments were solicited through the workshop notice of September 13, 2007; and the public hearing notice of October 23, 2007. At the October 5, 2007 Workshop to Solicit Comments, there were no public comments to the proposed amendments to the regulation language. At the November 30, 2007 public hearing there were public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

Workshop comments:

- (a) There were no public comments during the workshop.

Public Hearing comments:

- (b) Paul LaMarca, Assistant Superintendent of Washoe County School District, thanked the Nevada Department of Education for involving school districts in the development of these regulations. Mr. LaMarca stated that Washoe County School District supports the 1.0 credit increase, not the 1.5 credit.
- (c) Ricci Rodriguez-Elkins, Executive Director/Project Director of CFCSA/Nevada State Charter School Leadership Team, expressed support for the 1.0 credit increase, not the 1.5 credit increase.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing with additional amendments held November 30, 2007. The reason for adopting the amendments to the regulation reflects revisions as a result of the passage of SB 184 of the 2007 Nevada State Legislature to be adopted on or before December 30, 2007. The proposed recommendation is that an additional requirement of 1.5 credits each in science and math be earned prior to promotion to high school and the Board amended the 1.5 credit recommendation to 1 credit in science and social studies.

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

There is no anticipated economic effect on the public. There is no estimated cost for endorsement to the regulating agency.

The impact to Nevada School Districts is that they will be required to retain students in grade 8 or provide remediation to students who fail to meet the new science and social studies requirements, similar to the current English and Mathematic requirements. Specific dollar amount are undetermined.

- 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 governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 for a new fee or increase an existing fee.