

## LCB File No. R154-07

### PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

NRS 392.033 passed in the 1997 session of the Nevada Legislature, required the State Board of Education to pass regulations that identified the requirements for promotion from grade 8 to high school.

NAC 389.445 Required units of credit; pupils with disabilities; pupils who transfer between schools.

2. Except as otherwise provided in subsection 5, a pupil who enrolls in a junior high or middle school after 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 and one-half units of credit in language with a passing grade; and
  - (b). One and one-half units of mathematics with a passing grade.

Subsection 3 details that the credits may be applied if they are earned in a public or private school in Nevada, an public or private school in any other state, if the district approves the transfer of credits, earned at the NYTC, or the credits can be earned during summer school courses offered by the school or district as long as the courses are equivalent to a regular course at the junior high or middle school.

Subsection 5 allows for pupils with disabilities who are enrolled in a program of special education to be promoted to high school if they meet the promotion requirements outlined in their IEP.

In 1999, the NDE asked for the NV Attorney General to review the law and the regulation. The conclusion of the AG review was that the new law took precedence over any existing statute and therefore although NRS 392.125 states that a student could only be retained in a grade one time, this statute does not apply to students not meeting the credit requirement for promotion from grade 8 to grade 9.

#### **NAC 389.445 Required units of credit; pupils with disabilities; pupils who transfer between schools. (NRS 385.080, 392.033)**

1. Except as otherwise provided in subsection 5, 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, a pupil who enrolls in a junior high or middle school after 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 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 (old 5), a pupil who enrolls in a junior high or middle school after the 2007-2008 school year must earn, in addition to units of credit*

*specified in subsection 2, at least the following units of credit in the seventh and eighth grades for promotion to high school:*

- (a) One and one-half units of credit in science with a passing grade; and*
- (b) One and one-half units of 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 Nevada Girls Training 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.

~~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.