

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

LCB File No. R022-09

June 10, 2009

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

AUTHORITY: §§1 and 3, NRS 385.080 and 389.015; §2, NRS 385.080.

A REGULATION relating to education; revising provisions governing the grade level designations of pupils for certain purposes; and providing other matters properly relating thereto.

Section 1. NAC 389.048 is hereby amended to read as follows:

389.048 1. Except as otherwise provided in subsection 2, to determine the eligibility of a pupil who has completed at least grade 9 ~~[in the 2001-2002 school year or thereafter]~~ to take the high school proficiency examinations, the pupil shall be deemed in:

(a) Grade 10 if the pupil has completed at least 5 units of credit ~~[]~~ *or 2 semesters of high school.*

(b) Grade 11 if the pupil has completed at least 11 units of credit ~~[]~~ *or 4 semesters of high school.*

(c) Grade 12 if the pupil has completed at least 17 units of credit ~~[]~~ *or 6 semesters of high school.*

2. If a pupil has an academic plan which projects that the pupil will graduate from high school before he is granted the number of opportunities to take the high school proficiency examinations that is otherwise granted to pupils in grades 11 and 12, the pupil may submit a written request to the superintendent of schools of the school district in which the pupil is

enrolled or the governing body of the charter school in which the pupil is enrolled to take the high school proficiency examinations for the first time before he has earned the 5 units of credit *or completed the 2 semesters of high school* required for grade 10.

Sec. 2. NAC 389.659 is hereby amended to read as follows:

389.659 1. If a pupil enrolls in the 9th grade during or after the 1999-2000 school year:

(a) Except as otherwise provided in subsection 2, the pupil must ~~earn a minimum of:~~ :

(1) ~~Five~~ *Earn a minimum of 5* units of credit *or complete 2 semesters of high school* to be promoted to the 10th grade.

(2) ~~Eleven~~ *Earn a minimum of 11* units of credit *or complete 4 semesters of high school* to be promoted to the 11th grade.

(3) ~~Seventeen~~ *Earn a minimum of 17* units of credit *or complete 6 semesters of high school* to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if he transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

~~[(c) Except as otherwise provided in subsection 2, the pupil shall be deemed deficient in credit if, after completing a year of high school, he failed to earn at least the number of units of credit required pursuant to paragraph (a) to be promoted to the next higher grade level.]~~

2. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) He determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if he determines that extenuating circumstances exist.

Sec. 3. NAC 389.660 is hereby amended to read as follows:

389.660 1. Each school district shall provide remedial study to each pupil in grade 11 or 12 who:

(a) Fails any of the high school proficiency examinations two or more times; or

(b) Is deemed deficient in credit ~~[pursuant to paragraph (c) of subsection 1 of NAC 389.659]~~

for his grade level in:

(1) English, including reading, composition and writing;

(2) Mathematics; or

(3) Science.

2. A school district shall not charge such a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the remedial study, unless the deficiency in credit is a result of his:

(a) Absence from school, other than an absence from school that has been verified as excused for medical reasons; or

(b) Habitual truancy.

3. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program that is offered before or after the regular school day.