

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

LCB File No. R024-09

Effective October 27, 2009

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

AUTHORITY: §1, NRS 385.080, 385.110 and 389.171.

A REGULATION relating to education; revising provisions governing credit pupils may be granted for specific courses without attending classes; and providing other matters properly relating thereto.

Section 1. NAC 389.670 is hereby amended to read as follows:

389.670 *1.* 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]~~ *the pupil* demonstrates ~~[his]~~ competence to meet the objectives of the course through his performance on ~~[examinations.]~~ *an examination.*

2. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study pursuant to subsection 1. The application must include, without limitation, the:

- (a) First and last name of the pupil;*
- (b) Identifying information for the pupil, including, without limitation, the date of birth, individual identification number, ethnicity and gender of the pupil;*
- (c) Grade level of the pupil;*
- (d) Home telephone number of the pupil;*
- (e) Name and identification number of the school in which the pupil is enrolled;*

- (f) Signature of the school counselor at the school in which the pupil is enrolled; and*
- (g) Name and number of the course of study for which the application is submitted.*

3. The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and foreign languages.

4. The board of trustees of each school district shall:

(a) Establish a committee of teachers and administrators to select the appropriate examination for each course of study prescribed pursuant to subsection 3. The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) Make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to subsection 3.

(c) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her competence to meet the objectives of the course.

5. The State Board of Education may review:

- (a) An examination prescribed by the board of trustees of a school district; and*
- (b) The minimum score required on an examination.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R024-09**

The State Board of Education adopted regulations which pertain to chapter 389 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391.558:

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 8, 2009. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 389.670 – Credit for Specific Course Without Attending Classes. Public hearing was conducted on October 9, 2009 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 14; First Hearing: 15; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; First Hearing: 0; 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 Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 8, 2009; and a public hearing notice of September 8, 2009. At the October 8, 2009 Workshop to Solicit Comments, there was public comment to the proposed amendments to the regulation language. At the October 9, 2009 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

- (a) Dr. Bryn Lapenta, Washoe County School District, thanked the State Board for working hard on this proposal.

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 held October 9, 2009. The reason for adopting the amendments to this regulation is based upon Section 5 of Senate Bill 312 passed during the 2007 Nevada Legislative Session and requires the State Board of Education to adopt regulations that provide for the credit by examination program to be available for Nevada high school students; prescribe the data elements that must be collected on the form that students use to apply to their local board to take a test to receive credit in lieu of attending a regularly scheduled class, provides a list of courses for which students may take an examination to receive credit, and establish a minimum score that students must receive to demonstrate proficiency and receive credit.

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 economic effect on the Department of Education. There is no economic effect on the public or the business it regulates but the changes are beneficial to students who wish to use this process.

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.