

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

**LCB File No. R089-18**

August 6, 2018

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

AUTHORITY: §1, NRS 385.080; §2, NRS 385.080 and 388.459; §3, NRS 385.080, 385.114, 389.018 and 390.600; §§4 and 5, NRS 385.080 and 390.600.

A REGULATION relating to education; removing an obsolete reference to a certificate of attendance; adding references to an alternative diploma to certain provisions for purposes relating to school accounting; prescribing the courses a pupil must complete to receive an alternative diploma; expanding the circumstances under which a parent of a pupil with a significant cognitive impairment is authorized to continue representing the educational interests of the pupil after the pupil reaches 18 years of age; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits the issuance of a certificate of attendance to a pupil who does not satisfy the requirements to receive a standard high school diploma. (NRS 390.600) **Section 1** of this regulation removes an obsolete reference to a certificate of attendance.

Existing law allows a pupil with a significant cognitive disability who does not satisfy the requirements for receipt of a standard high school diploma to receive an alternative diploma if the pupil passes an alternate assessment prescribed by the State Board of Education. (NRS 390.600) Existing regulations define the term “instructional program” for purposes relating to school accounting to mean a program designed to enable a pupil to earn a standard high school diploma, adult standard diploma, adjusted diploma or certificate of attendance. (NAC 387.058) **Section 1** adds to that definition a program designed to enable a pupil to earn an alternative diploma. **Section 3** of this regulation prescribes the courses a pupil must complete to receive an alternative diploma. **Sections 4 and 5** of this regulation make conforming changes.

Existing law authorizes the parent of a pupil with a significant cognitive impairment and who participates in the alternate assessment developed by the State Board to apply to the school district in which the pupil is enrolled to continue to represent the educational interests of the pupil when the pupil reaches 18 years of age. (NRS 388.459) If the application is approved, the representation continues until certain actions occur, including when the pupil receives a standard high school diploma or adjusted diploma. (NRS 388.459; NAC 388.197) **Section 2** of this regulation authorizes such representation to continue if the pupil receives an adjusted diploma.

**Section 1.** NAC 387.058 is hereby amended to read as follows:

387.058 “Instructional program” means a program designed to enable a pupil to earn a standard high school diploma, an adult standard diploma, an adjusted diploma or ~~fa certificate of attendance in lieu of a high school~~ *an alternative* diploma.

**Sec. 2.** NAC 388.197 is hereby amended to read as follows:

388.197 1. Not less than 1 year before the date on which a pupil with a disability who has a significant cognitive impairment and who participates in the alternate assessment developed by the State attains the age of 18 years, the school district or charter school in which the pupil is enrolled shall provide notice to the parent and the pupil of the procedure by which the parent may submit an application to represent the educational interests of the pupil pursuant to subsection 2. The notice must include:

- (a) A description of the purpose for the submission of an application to represent the educational interests of the pupil;
- (b) An identification of the category of parents who are authorized to submit an application;
- (c) The process and deadline for submission of an application;
- (d) The procedure for appealing a decision made on an application by a school district or charter school; and
- (e) A copy of the application.

2. A parent of a pupil with a disability who has a significant cognitive impairment and who participates in the alternate assessment developed by the State may submit to the designated official of the school district or charter school in which the pupil is enrolled, on a form prescribed by the Department, an application to represent the educational interests of the pupil.

Such an application must be submitted at least 90 days before the date on which the pupil attains the age of 18 years. The application must include a signed statement by the parent declaring that:

(a) The parent believes that the pupil does not have the ability to provide informed consent with respect to his or her own educational program;

(b) The pupil is at least 16 years of age;

(c) The pupil has a significant cognitive impairment and participates in the alternate assessment developed by the State; and

(d) The date on which the application is being submitted is not less than 90 days before the date on which the pupil attains the age of 18 years.

3. Within 30 days after an application is received pursuant to subsection 2, the school district or charter school shall:

(a) Review the application for completeness and accuracy; and

(b) Provide notice in writing to the parent and the pupil of the determination of the school district or charter school.

4. If a school district or charter school approves an application for a parent to represent the educational interests of a pupil with a disability, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma ; ~~for an adjusted diploma;~~

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS ~~388.440~~ 388.417 to ~~388.5315~~ 388.513, inclusive; or

(c) The parent elects to transfer the right to represent the educational interests to the pupil.

5. If a parent or a pupil with a disability disagrees with the decision made on an application by a school district or charter school submitted pursuant to subsection 2, the parent or the pupil

may file a complaint with the Department pursuant to NAC 388.318. If the complaint is filed before the date on which the pupil attains the age of 18 years, any rights which would have otherwise transferred to the pupil in accordance with NAC 388.195 must remain with the parent pending a final decision on the complaint by the Department.

**Sec. 3.** Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 4, in addition to meeting the criteria prescribed by paragraph (b) of subsection 4 of NRS 390.600, to receive an alternative diploma evidencing graduation from high school, a pupil in the graduating class of 2019, 2020 or 2021 must have earned a minimum of 15.0 units of credit for required courses and 7.5 units of credit for elective courses for a total of at least 22.5 units of credit. The units of credit for required courses must be earned in accordance with the following table:*

<i>Required Course</i>	<i>Minimum Number of Units</i>
<i>Social studies</i>	<i>2.0</i>
<i>Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education</i>	<i>1.0</i>
<i>English language arts</i>	<i>4.0</i>
<i>Health education</i>	<i>0.5</i>
<i>Mathematics</i>	<i>3.0</i>
<i>Physical education</i>	<i>2.0</i>
<i>Use of computers</i>	<i>0.5</i>

<i>Science</i>	<i>2.0</i>
<i>TOTAL</i>	<i>15.0</i>

*2. Except as otherwise provided in subsection 4, to receive an alternative diploma evidencing graduation from high school, in addition to meeting the criteria prescribed by paragraph (b) of subsection 4 of NRS 390.600, a pupil in the graduating class of 2022 or any graduating class thereafter must have earned a minimum of 17.0 units of credit for required courses and 6.0 units of credit for elective courses for a total of at least 23.0 units of credit. The units of credit for required courses must be earned in accordance with the following table:*

<i>Required Course</i>	<i>Minimum Number of Units</i>
<i>Social studies</i>	<i>2.0</i>
<i>Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education</i>	<i>1.0</i>
<i>College and career ready flex credit as described in subsection 3</i>	<i>2.0</i>
<i>English language arts</i>	<i>4.0</i>
<i>Health education</i>	<i>0.5</i>
<i>Mathematics</i>	<i>3.0</i>
<i>Physical education</i>	<i>2.0</i>
<i>Use of computers</i>	<i>0.5</i>
<i>Science</i>	<i>2.0</i>

<i>TOTAL</i>	<i>17.0</i>
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*3. The course of study in college and career ready flex credit required by subsection 2 must include a:*

*(a) Level II or Level III course of study in a program area prescribed pursuant to NAC 389.803;*

*(b) Fourth year of mathematics;*

*(c) Third year of social studies; or*

*(d) Third year of science.*

*4. If a pupil satisfactorily completes a course of study in the use of computers during the sixth, seventh or eighth grade, the pupil is not required to take the course of study in the use of computers and must only earn a minimum of:*

*(a) If the pupil is required to meet the requirements of subsection 1, 14.5 units of credit for required courses pursuant to subsection 1; or*

*(b) If the pupil is required to meet the requirements of subsection 2, 16.5 units of credit for required courses pursuant to subsection 2.*

*5. The length of the course of study in the use of computers described in subsection 4 must be at least one semester or trimester, or the equivalent thereof, and the course must not be taught as part of another course of study.*

*6. Academic content for the courses required by subsection 1 or 2, as applicable, must be based on grade-level content standards that are aligned with the alternate assessment prescribed by the State Board pursuant to subparagraph (2) of paragraph (b) of subsection 4 of NRS 390.600.*

**Sec. 4.** NAC 389.035 is hereby amended to read as follows:

389.035 “Standard diploma” means a diploma which evidences a pupil’s graduation from high school but which is not an adjusted diploma , ~~or~~ an adult standard diploma ~~or~~ *or an alternative diploma.*

**Sec. 5.** NAC 389.696 is hereby amended to read as follows:

389.696 1. The board of trustees of each school district shall have an individualized educational program prepared for each pupil with a disability who is enrolled in a public high school in the district. The program must include:

- (a) A statement of the pupil’s present levels of educational performance;
- (b) A statement of annual goals, including short-term instructional objectives;
- (c) A statement of the specific special education and related services to be provided to the pupil and the extent to which he or she will be able to participate in regular educational programs;
- (d) The projected dates for initiation of services and the anticipated duration of the services;
- (e) Appropriate objective criteria, procedures for evaluation and schedules for determining, at least on an annual basis, whether the short-term instructional objectives are being achieved;
- (f) A schedule of meetings with the pupil and his or her parents or a record of attempts to schedule such meetings if such meetings are appropriate for a review of the pupil’s progress; and
- (g) If appropriate, the special requirements or adjusted standards which the pupil must meet for graduation from high school.

2. A pupil with a disability, whether in a public or private high school, in the Nevada Youth Training Center or in the Caliente Youth Center, is entitled to graduate from high school with:

(a) A standard diploma if the pupil fulfills all the requirements for a standard diploma except for any appropriate accommodations which are outlined in his or her individualized program of education.

(b) An adjusted diploma if the pupil fulfills all the requirements which are outlined in his or her individualized program of education.

*(c) An alternative diploma if the pupil fulfills all the requirements for an alternative diploma, as prescribed in NRS 390.600 and section 3 of this regulation.*