

**APPROVED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R092-24

Filed September 16, 2024

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

AUTHORITY: § 1, NRS 385.080 and 385.114.

A REGULATION relating to education; revising the exemptions from physical education for pupils in high school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires the State Board of Education to prescribe courses of study for public schools; and (2) provides that high schools may, under certain circumstances, have modified courses of study. (NRS 385.114) Existing regulations set forth the circumstances in which a school district is required to exempt a pupil from physical education. (NAC 389.488) This regulation revises those circumstances.

Existing regulations require a school district to exempt a pupil from taking the course in physical education under certain circumstances, including if the pupil requests the exemption on the basis of his or her enrollment in the Reserve Officer Training Corps. (NAC 389.488) **Section 1** of this regulation also requires such an exemption if the pupil is enrolled in a course of study in military science. **Section 1** further eliminates provisions that required an exemption on the basis that the pupil intended enrollment in a program which is comparable to the course in physical education.

Existing regulations require a school district to exempt a pupil from not more than one credit in physical education if the pupil actively participates for at least 120 hours in a marching band that is sponsored by the school. (NAC 389.488) **Section 1** instead requires such an exemption if the pupil is enrolled in the marching band.

Existing regulations require a school district to exempt a pupil from not more than one credit in physical education if: (1) the pupil participates in interscholastic athletics, on a drill team, in a dance group or on a cheerleading squad; and (2) the pupil actively participates in such activity for at least 120 hours. (NAC 389.488) **Section 1** provides instead that such an exemption is for one credit and that the pupil must complete the activity in good standing.

Section 1 also requires, under certain circumstances, an exemption from one credit in physical education if a pupil actively participates in certain competitive club activities or sports or competitive individual activities or sports. **Section 1** further authorizes a pupil to submit to a school district or charter school a request for any other competitive club activity or sport or competitive individual activity or sport to be approved by the Department of Education for an exemption of one credit of physical education. The Department is required to maintain on its

Internet website a list of such approved competitive club activities or sports or competitive individual activities or sports.

Finally, **section 1** makes the exemptions from physical education apply to charter schools, not just school districts.

Section 1. NAC 389.488 is hereby amended to read as follows:

389.488 1. A school district *or charter school* shall exempt a pupil from taking the course in physical education if the pupil requests the exemption on the basis of his or her:

(a) Physical or mental condition, and the request is supported by a written statement from a physician;

(b) Religious belief, and the request is supported by a written statement from the pupil's parent or guardian;

(c) Enrollment in the Reserve Officer Training Corps ~~[;]~~ *or a course of study in military science;* or

(d) ~~[Intended enrollment in a program which is comparable to the course in physical education.]~~ *Enrollment in the marching band.*

2. ~~[If a pupil requests an exemption based on his or her intended enrollment in a program which is comparable to the course in physical education, the school district shall furnish the Superintendent of Public Instruction with a syllabus of that program. Upon the Superintendent's written approval, the school district shall grant the exemption.]~~

~~—3.]~~ A school district *or charter school* shall exempt a pupil from ~~[not more than]~~ one credit in physical education if the pupil participates in interscholastic athletics, on a drill team, ~~[in a marching band,]~~ in a dance group or on a cheerleading squad if:

(a) The activity is sponsored by the school ~~[;]~~ *district or charter school;* and

(b) The pupil ~~actively participates in the activity for at least 120 hours.~~ *completes the activity in good standing.*

3. A school district or charter school shall exempt a pupil from one credit in physical education if the pupil actively participates for 120 hours outside of the regularly scheduled school day, as verified by the school district or charter school, in one of the following competitive club activities or sports or competitive individual activities or sports:

- (a) Baseball.*
- (b) Basketball.*
- (c) Boxing.*
- (d) Cheerleading.*
- (e) CrossFit training.*
- (f) Diving.*
- (g) Equestrian training.*
- (h) Fencing.*
- (i) Football.*
- (j) Gymnastics.*
- (k) Ice hockey.*
- (l) Ice skating.*
- (m) Lacrosse.*
- (n) Martial arts.*
- (o) Professional dance training.*
- (p) Rodeo training.*
- (q) Rowing.*

- (r) Rugby.*
- (s) Skiing.*
- (t) Snowboarding.*
- (u) Soccer.*
- (v) Softball.*
- (w) Swimming.*
- (x) Tennis.*
- (y) Tour biking or mountain biking.*
- (z) Track.*
- (aa) Triathlon training.*
- (bb) Volleyball.*
- (cc) Water polo.*
- (dd) Wrestling.*

4. A pupil may submit to a school district or charter school, as applicable, a request to have a competitive club activity or sport or a competitive individual activity or sport that is not described in subsection 3 approved for an exemption of one credit in physical education. If the school district or charter school approves such a request, the school district or charter school must submit to the Department an application, in the form prescribed by the Department, for approval to have the competitive club activity or sport or the competitive individual activity or sport approved for an exemption of one credit in physical education. If the Department approves any such application, the school district or charter school shall exempt the pupil from one credit in physical education if the pupil actively participates for 120 hours outside of the regularly scheduled school day, as verified by the school district or charter school.

5. The Department shall maintain on its Internet website a list of competitive club activities or sports and competitive individual activities or sports that have been approved pursuant to subsection 4.