

LCB File No. T006-01

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

(Effective January 18, 2001)

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

AUTHORITY: NRS 385.080

Section 1. NAC is hereby amended by the following:

Section 2. NAC 387.131 School day in session.

1. A school day in session must consist of the following minimum daily periods for each grade, including recess and time between activities, but not including the time allowed for lunch:

Grade	Period
Kindergarten	120 minutes
1 and 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an *adult program*, alternative program, or a program of instruction in a detention home is identical to the period for a regular grade unless the school district:

(a) Exercises its option pursuant to subsection 4 of NAC 387.140; or

(b) Obtains the written approval of the superintendent of public instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. *Demonstrated competency in curriculum that meets state standards may be considered equivalent.*

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for

whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the superintendent of public instruction, any day on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Section 3. NAC 387.190 Adult High School Diploma program for ~~part-time~~ enrollment of person withdrawn from high school.

1. A person who has not received his high school diploma and has withdrawn from high school may be enrolled as a ~~part-time~~ pupil under a program designed to enable him to obtain a diploma.

2. Before commencing a class within such a program, a school district must apply to the department of education for permission to conduct the class. The application must be made on a form provided by the department and include the name of the course to be taught, the proposed beginning and ending dates for the class and the hours of instruction scheduled for the class. A class may begin or end at any time during the school year, but the entire schedule of the class, reflecting all the days and hours of instruction, must be entered on the application.

3. A school district that offers an adult high school diploma program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved curriculum.

Section 4. NAC 387.330 Pupil in adult high school diploma program

1. An adult high school diploma program must be operated in accordance with the standards prescribed in NAC 387.190 and any additional standards prescribed by the department. A school district that offers a program for pupils to obtain an adult high school diploma shall maintain a register of enrolled pupils and a list of classes that are offered. The list of classes must include the beginning and ending dates of each class, the time that each class meets and the total enrollment of pupils in each class.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. Reports of enrollment and attendance in each class must be submitted to the department on a form prescribed by the department for that purpose. The reports must be submitted on or before:
 - a) December 31 for each class that commences on or after July 1 and is completed on or before December 31 of the same year.
 - b) June 30 for each class that commences on or after July 1 and is completed on or before June 30 of the immediately succeeding year.
4. The department shall determine the amount of money apportioned to a school district that operates a program for pupils to obtain a high school diploma ~~[based upon the unduplicated count of pupils enrolled in the program]~~ in accordance with a plan or formula developed by the Department of Education to ensure the money is distributed equitably and in a manner that permits accounting for the expenditures of school districts. ~~[Pupils who are reported to the department as enrolled in a regular school program and who subsequently enroll in an adult high school diploma program during the same school year must not be included in the count of pupils for purposes of apportionment to the school district for the program.]~~

Section 5. NAC 389.688 Requirements for adult standard diploma. ~~[Effective through June 30, 2000.]~~ *Effective through June 30, 2002.*

1. A school district may award an adult standard diploma to a person who:
 - (a) Withdrew from high school before his graduation and was not eligible to graduate with his class, or participated in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537;
 - (b) Has passed the proficiency examination which is administered to high school pupils pursuant to NRS 389.015;
 - (c) Has earned, in high school or in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 2; and
 - (d) Is 17 years of age or older at the time of the award. *A school district shall not allow a 16 year old who passes the tests of general educational development to waive the units of credit required for either a standard high school or adult standard diploma.*
2. Except as otherwise provided in subsection 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of 12 units for

required courses and a total of 8 1/2 units for elective courses. The person must have earned or waived his units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities	1
English	4
Health education	1/2
Mathematics	2
Science	2
Use of computers	1/2
	TOTAL: 12

3. If a person demonstrates a competency in the use of computers, he is not required to complete the course in the use of computers and must earn or waive a total of 11 1/2 units in required courses.

Section 6. NAC 389.688 Requirements for adult standard diploma. (NRS 385.080) ~~Effective July 1, 2000.~~ *Effective July 1, 2002.*

1. A school district may award an adult standard diploma to a person who:

- (a) Withdrew from high school before his graduation and was not eligible to graduate with his class, or participated in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537;
- (b) Has passed the proficiency examination which is administered to high school pupils pursuant to NRS 389.015;
- (c) Has earned, in high school or in an alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 2; and
- (d) Is 17 years of age or older at the time of the award. *A school district shall not allow a 16 year old who passes the tests of general educational development to waive the units of credit required for either a standard high school or adult standard diploma.*

2. Except as otherwise provided in subsection 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of ~~{12}~~ **13** units

for required courses and a total of 7 1/2 units for elective courses. The person must have earned or waived his units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities	1
English	4
Health education	1/2
Mathematics	2 3
Science	2
Use of computers	1/2

TOTAL: ~~12~~ 13

3. If a person demonstrates a competency in the use of computers, he is not required to complete the course in the use of computers and must earn or waive a total of ~~12~~ 12 1/2 units in required courses.

Section 7: NAC 389.690 Credit received for adult education applicable toward adult standard diploma.

1. Units of credit earned by a person through a program of adult education may be applied toward meeting the requirements for an adult standard diploma only if the course in which the units were earned was:

- (a) Taught in a school district of this state; or
- (b) Equivalent to a regular course offered in the high school where the diploma will be issued, and the course is approved by the principal of the high school for that purpose.

2. As used in this section, "adult education" means instruction or training provided at or below the level of a secondary school for persons over 17 years of age who have not completed high school. *If the local school district Board of Trustees allows, persons 16 years of age who have withdrawn from high school to take the general educational development tests may enroll in adult high school diploma programs for the purpose of test preparation only. A school district shall not allow a 16 year old who passes the tests of general educational development to waive the units of credit required for either a standard high school or adult standard diploma.*

LCB File No. T006-01

NOTICE OF ADOPTION OF REGULATION

January 18, 2001

MEMORANDUM

TO: Dean Heller, Secretary of State

FROM: LaDonna Byrd, Assistant to the Board

SUBJECT: Temporary Regulation Revisions adopted by the Nevada State Board of Education

At its December 9, 2000, meeting, the Nevada State Board of Education/ Nevada State Board for Occupational Education adopted the following temporary revisions to regulation:

- NAC 388, Transfer of Educational Records for Students with Disabilities;

And,

- NAC 387 & 389, Adult High School Diploma Program

Enclosed is one copy of each of the above temporary regulation changes and informational statement.

Enclosure

lb

Enclosures

cc: Brenda Erdoes, Legal Division, Legislative Counsel Bureau
Nevada State Library and Archives, Attention: State Librarian

LCB File No. T006-01

INFORMATIONAL STATEMENT

NEVADA DEPARTMENT OF EDUCATION

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 387 & 389, Adult High School Diploma Program**

SEC INFORMATION STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 388:

- 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.**

The Workshop to Solicit Comments on Proposed Regulations was held on September 16, 2000. The Notice of Intent to Act Upon a Regulation for public hearing and Board permanent adoption of the proposed revisions to NAC 387 & 389, Adult High School Diploma Program, was sent to approximately one-hundred fifty individuals and educational organizations. Two public hearings were conducted by the Nevada State Board of Education on October 21, 2000 and December 9, 2000, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

- 2. **The Number of Persons Who:**

a) **Attended Each Hearing:** Workshop: 7 1st Hearing: 19 2nd Hearing:

b) **Testified at Each Hearing;** Workshop: 2 1st Hearing: 4 2nd Hearing:

and,

c) **Submitted Written Statements:** Workshop: 0 1st Hearing: 1 2nd Hearing:

A copy of any written comments may be obtained by calling LaDonna Byrd, Executive Assistant to the Board, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. **A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through the workshop notice of August 18, 2000, and public hearing notices of September 19, 2000, and November 16, 2000.

Comments received from the public at the workshop of September 16, 2000 are as follows:: 1) Dr. Sidney Franklin, Associate Superintendent, Clark County School District, advised that there was no consensus by the Alternative and Adult Education Task Force, and that the clientele of the adult education program has changed to include sixteen, seventeen and eighteen year olds, special education and ELL students; and, 2) Jeanne Ohl, CRT Specialist, Washoe County School District, stated that the Washoe County School District is opposed to sixteen year olds being enrolled in the adult education programs as well as having the funding to follow the student into these programs.

At the October 21, 2000, public hearing, the following comments from the public were received: 1) Dotty Merrill, Government Relations, Washoe County School District, spoke in support of the proposed language that pertains to the adult high school diploma, competency versus seat time and 387.330(4), but did not support the language regarding sixteen year olds in the adult high school program; 2) Marcel Durant, Vice Principal, Washoe High School, Adult Education, concurred with Ms. Merrill's comments, and stated that his primary concern for bringing sixteen year olds into the adult classroom is that these students should remain in school with their peers; 3) Dr. Robert S. McCord, Consultant to Clark County School District, agreed that the issue of sixteen year olds being allowed to drop out to take the GED has been problematic; and, 4) Joseph A. Elliott, Teacher, Nevada State Prison, spoke regarding the prison education program and the proposed funding formula change that was not reflected in the proposed language.

At the December 9, 2000, public hearing, the following comment was received from Dotty Merrill, Government Relations, Washoe County School District, who expressed concurrence with the proposed amendment allowing school districts to determine whether or not a sixteen year old could be admitted into the adult education program. She also relayed support from Joyce Haldeman Clark County School District.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the 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 temporary regulation language was adopted by the Nevada State Board of Education at the public hearing held December 9, 2000, without revision to the proposed language.

5. The estimated economic effect of the adopted regulation on the business which 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 business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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 government 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 government agency regulations will be overlapped or duplicated by the above noted regulations. 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 or involve a new fee.

1/18/01