

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

**LCB File No. R118-07**

September 27, 2007

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

AUTHORITY: §§1, 14 and 15, NRS 385.080 and 385.448; §§2, 9, 10 and 18, NRS 385.080; §§3-5, NRS 385.080 and 387.123; §§6 and 7, NRS 385.080 and 388.537; §8, NRS 385.080 and 388.575; §11, NRS 385.080 and 389.015; §§12 and 13, NRS 385.080 and 385.110; §16, NRS 385.080, 385.110 and 389.015; §17, NRS 385.080 and 389.155.

A REGULATION relating to education; revising provisions relating to adult standard diplomas and adult high school programs; revising provisions governing certain alternative programs; and providing other matters properly relating thereto.

**Section 1.** NAC 385.404 is hereby amended to read as follows:

385.404 1. Any person who:

(a) Is 17 years of age or older;

(b) Has not graduated from a high school in the United States which is accredited by a regional association; and

(c) Is not currently enrolled in a high school,

↪ is eligible to take the tests to determine his general educational development if he otherwise complies with the provisions of NRS 385.448. No minimum period of residence in this State is required of an applicant before he takes the tests.

2. The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the tests of general educational development to a person who resides in

the school district and who is at least 16 years of age but less than 17 years of age if he satisfies the requirements of subsection 2 of NRS 385.448.

3. A school district shall adhere to the policy of the general educational development testing service that the tests of general educational development must not be used as part of a high school program or used as a high school exit examination.

4. ~~[A]~~ *Except as otherwise provided in this subsection, a* school district shall not allow a person who passes the tests of general educational development to waive the units of credit required for a standard high school diploma. A person who is at least ~~[17]~~ 18 years of age and who passes the tests of general educational development may, in accordance with NAC 389.694, waive the units of credit required for an adult standard diploma.

**Sec. 2.** NAC 387.012 is hereby amended to read as follows:

387.012 “Alternative program” means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of ~~[high]~~ school or another program of alternative education that has been approved by the Superintendent of Public Instruction.

**Sec. 3.** NAC 387.131 is hereby amended to read as follows:

387.131 1. Except for an alternative schedule approved pursuant to NAC 387.125, 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 high school ~~diploma~~ program, an 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 the state standards may be considered equivalent for purposes of this paragraph.

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.

**Sec. 4.** NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who:

(a) Is at least ~~[17]~~ 18 years of age ~~[;]~~ *or who meets the requirements for participation in a program of education for incarcerated persons established pursuant to NAC 388.676;*

(b) Has not received his high school diploma; and

(c) Is not currently enrolled in a high school,

↳ may be enrolled as a pupil in an adult high school ~~[diploma]~~ program designed to enable him to obtain a diploma.

2. *A person who is 17 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537 may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled.*

3. Before commencing ~~[a class within such a]~~ *an adult high school* program, a school district must apply to the Department for permission to conduct the ~~[class.]~~ *program*. The application must be made on a form provided by the Department and include the ~~[name]~~ :

(a) *Name* of the course to be taught ~~[, the proposed]~~ ; and

(b) *Proposed* beginning and ending dates for ~~[the class and the hours of instruction scheduled for the]~~ *each* class.

4. *The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the application for an adult high school program upon appeal.*

5. *An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for 5 years after the*

*date of approval. The board of trustees of a school district shall update the plan to operate an adult high school program at least once annually if a substantive change was made to the plan.*

6. 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.]~~ 7. 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.

**Sec. 5.** NAC 387.330 is hereby amended to read as follows:

387.330 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]~~ *standard* 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 allocated to a school district that operates a program for pupils to obtain an adult ~~high school~~ *standard* diploma based upon the unduplicated count of pupils enrolled in the program in accordance with a plan or formula developed by the Department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.

**Sec. 6.** NAC 388.500 is hereby amended to read as follows:

388.500 As used in NAC 388.510 and 388.520, unless the context otherwise requires, “alternative program” means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of ~~high~~ school.

**Sec. 7.** NAC 388.520 is hereby amended to read as follows:

388.520 1. An alternative program may include a plan to provide for independent study.

2. Before placement for independent study, a pupil shall enter into a contract with an instructor. The contract must be on a form provided by the school district.

3. A plan to provide for independent study must include:

(a) A description of the pupils targeted for enrollment in courses of independent study.

(b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.

(c) The names of the courses of independent study to be taught.

(d) A plan for maintaining the records of each pupil placed for independent study, including, but not limited to:

(1) A copy of the contract for independent study;

(2) A copy of the record of scheduled meetings between the pupil and the instructor;

(3) A copy of the assignments that the pupil has completed; and

(4) A copy of the record which indicates the final grade or credit earned for each course of independent study as issued by the instructor.

(e) A statement of the maximum period allowed to complete the courses of independent study.

(f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

4. As used in paragraph (h) of subsection ~~4~~ 5 of NRS 388.537, the board will interpret the term “independent study” to mean instructional activities which are alternative to instruction in a regular classroom and are consistent with the course of study prescribed by the State Board of Education.

**Sec. 8.** NAC 388.676 is hereby amended to read as follows:

388.676 1. The statewide program of education for incarcerated persons is hereby established pursuant to NRS 388.575.

2. The statewide program and each program of education must:

(a) Be operated in accordance with the standards prescribed in NAC 387.190 and subsections 1, 2 and 3 of NAC 387.330 for an adult high school ~~diploma~~ program;

(b) Comply with the applicable standards adopted by the State Board of Education; and

(c) Comply with the requirements for an adult standard diploma set forth in NAC 389.688 to 389.699, inclusive.

3. An incarcerated person is eligible for participation in a program of education if he:

(a) Is 17 years of age or older;

- (b) Has not graduated from a high school; and
- (c) Is not currently enrolled in a high school.

4. A facility or institution operated by the Department of Corrections that offers a program of education ~~[must]~~ *shall* use the Comprehensive Adult Student Assessment System to evaluate and determine the placement of incarcerated persons in a program of education.

**Sec. 9.** NAC 389.017 is hereby amended to read as follows:

389.017 “Adult standard diploma” means a diploma which evidences the graduation from high school of a person who has met the requirements for graduation through:

1. ~~[A program of adult education]~~ *An adult high school program* established by a school district; or
2. 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.

**Sec. 10.** NAC 389.019 is hereby amended to read as follows:

389.019 “Certificate of attendance” means a certificate that evidences the satisfaction of all the requirements for graduation from high school or completion of ~~[a program of adult education]~~ *an adult high school program* except that a pupil has not passed one or more of the high school proficiency examinations. The term “certificate of attendance” is not equivalent to nor does it replace or include a standard diploma, advanced diploma, adjusted diploma or adult standard diploma.

**Sec. 11.** NAC 389.655 is hereby amended to read as follows:

389.655 1. A pupil must not be given a standard diploma until the pupil has, after entering grade 11, passed:

- (a) The Nevada High School Proficiency Examination in Reading;



(b) The Nevada High School Proficiency Examination in Mathematics; and

(c) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above.

↪ For pupils who graduate from high school before the 2004-2005 school year, the Nevada High School Proficiency Examination in Science must be used solely to gather information and data concerning the examination and must not be used as a condition for receipt of a high school diploma.

2. After entering grade 10, if a pupil passes one of the high school proficiency examinations, the pupil is not required to take that examination again to graduate.

3. For pupils who enroll in grade 11 in the 1997-1998 school year, passing scores on the high school proficiency examinations are as follows:

(a) In reading, 70 percent of the questions on the examination answered correctly.

(b) In mathematics, 61 percent of the questions on the examination answered correctly.

(c) In writing, 7.

4. For pupils who enroll in grade 11 in the 1998-1999 school year, the 1999-2000 school year or the 2000-2001 school year, passing scores on the high school proficiency examinations are as follows:

(a) In reading, a scaled score of 71.

(b) In mathematics, a scaled score of 64.

(c) In writing, 7.

5. On or before January 1, 2002, the State Board of Education will set the passing scores on the high school proficiency examinations for pupils who enroll in grade 11 in the 2001-2002 school year or thereafter. In making its determination of the appropriate passing scores, the State

Board of Education will consider the scores received by pupils in the October 2001 administration of the examinations. The Department of Education shall provide notice to each school district and charter school of the passing scores that are set at least until such time as the scores are codified in regulation.

6. A passing score that is in effect at the time that a pupil enrolls in grade 11 will remain in effect for 1 year after the pupil's anticipated completion of grade 12.

7. For pupils who enroll in an adult high school ~~[diploma]~~ program after July 1, 2000, but before July 1, 2003, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing, 7.

8. For pupils who enroll in an adult high school ~~[diploma]~~ program after July 1, 2003, passing scores on the high school proficiency examinations are the scores that are set by the State Board of Education pursuant to subsection 5.

**Sec. 12.** NAC 389.688 is hereby amended to read as follows:

389.688 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 *high school* proficiency examination which is administered to ~~[high school]~~ pupils pursuant to NRS 389.015;

(c) Has earned, in high school, *in an adult high school program* 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~~ 18 years of age or older at the time of the award ~~17~~ *or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.*

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 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, or career and technical education .....	1
English.....	4
Health education.....	1/2
Mathematics .....	3
Science .....	2
Use of computers.....	1/2

Required Course	Minimum Number of Units
	TOTAL: 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 1/2 units in required courses.

**Sec. 13.** NAC 389.690 is hereby amended to read as follows:

389.690 1. Units of credit earned by a person through ~~{a program of adult education}~~ *an adult high school program* 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}”~~ *high school program”* means instruction or training provided at or below the level of a secondary school for persons who are:

- (a) ~~{Over 17}~~ *At least 18* years of age *and* who have not completed high school.
- (b) *Seventeen years of age but less than 18 years of age and participate in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.*

(c) Sixteen years of age and authorized to attend a program of adult education pursuant to NAC 389.695.

**Sec. 14.** NAC 389.694 is hereby amended to read as follows:

389.694 1. Except as otherwise provided in this ~~subsection,~~ *section*, a person who is ~~17~~ *18* years of age or older and who seeks an adult standard diploma may waive units of credit for English, mathematics, science and social studies by taking tests of his general educational development in these subjects. A person who seeks an adult standard diploma and who is enrolled 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 may not waive any units of credit pursuant to this section.

2. The maximum number of credits which may be waived in the areas of English, mathematics and science must be based on the number of credits previously earned which meet the minimum requirements for course content outlined in NAC 389.450 to 389.511, inclusive, and the credits waived upon the completion of the General Educational Development Test.

3. Credits in elective courses may be waived only in the area of social studies. The maximum number of credits which may be waived in the area of social studies must be based on the General Educational Development Test.

4. The following table sets forth the scores which a person must achieve on the tests to waive credits in required and elective courses and the corresponding number of units which may be waived:

Subject	Designation of Test	Maximum Number of Units	
		For Score of 450 to 499.9	For Score of 500 or higher

Subject	Designation of Test	Maximum Number of Units	
		For Score of 450 to 499.9	For Score of 500 or higher
English	I and IV (average)	2	4
Mathematics	V	1	3
Science	III	1	2
Social Studies	II	1	2

**Sec. 15.** NAC 389.695 is hereby amended to read as follows:

389.695 The board of trustees of a school district may allow a person who is 16 years of age who has withdrawn from high school so that he may take the tests of general educational development to attend an adult high school ~~[diploma]~~ program only for the purpose of test preparation.

**Sec. 16.** NAC 389.699 is hereby amended to read as follows:

389.699 1. A certificate of attendance must be issued to a pupil who is 17 years of age or older if the pupil has satisfied all the requirements for graduation from high school or completion of ~~[a program of adult education,]~~ *an adult high school program*, including, without limitation, completion of the units of credit required for a diploma, except that the pupil has not passed one or more of the high school proficiency examinations.

2. If a pupil who qualifies for a certificate of attendance subsequently passes, during the summer immediately after the completion of his senior year of high school, each high school proficiency examination that he previously failed to pass, the appropriate high school diploma

must be issued to the pupil in accordance with the procedure established in his school district. If a pupil who qualifies for a certificate of attendance subsequently passes, through ~~fa program of adult education,~~ *an adult high school program*, each high school proficiency examination that he previously failed to pass, an adult standard diploma must be issued to the pupil in accordance with the procedure established in his school district.

3. A pupil who qualifies for a certificate of attendance must not be counted as a dropout.

**Sec. 17.** NAC 389.730 is hereby amended to read as follows:

389.730 1. Except as otherwise provided in subsection 2, a pupil who is enrolled in high school or in ~~fa program of adult education,~~ *an adult high school program* established by a school district may complete any required or elective course by independent study if the board of trustees of the school district in which the pupil is enrolled provides for independent study in accordance with NAC 389.710 to 389.750, inclusive.

2. A pupil may apply not more than six of the units of credit earned by independent study toward meeting the requirements for graduation from high school. Not more than three units of credit earned by independent study in English, mathematics, science or social studies may be applied toward meeting the requirements for graduation.

3. A course of independent study may be taken at a location outside of the school district in which the pupil is enrolled upon the written approval of the board of trustees of the school district in which the pupil is enrolled.

**Sec. 18.** NAC 391.392 is hereby amended to read as follows:

391.392 1. To receive an endorsement to teach a program of alternative education, a person must:

(a) Hold a valid:

(1) Elementary license;

(2) License to teach middle school or junior high school education;

(3) Secondary license; or

(4) Special license that is endorsed for a recognized field of teaching other than business and industry;

(b) Have 3 years of verified experience in teaching a program of alternative education; or

(c) Have completed at least 3 semester hours of course work in one or more of the following areas of study:

(1) Behavior management;

(2) Methods of teaching pupils who have specific learning disabilities;

(3) Parental involvement in programs of alternative education; or

(4) Methods of teaching pupils in a program of alternative education or pupils who are at risk of dropping out of high school.

2. Except as limited by subsection 3, a person who holds an endorsement to teach a program of alternative education may:

(a) Provide instruction in any recognized field of teaching for which he holds a valid endorsement; and

(b) Teach courses outside his area of endorsement.

3. A person who holds an endorsement to teach a program of alternative education initially issued on or after July 1, 2005, may use that endorsement to provide instruction and teach as authorized by subsection 2 only in ~~["a program of adult education"]~~ *an adult high school program* as defined in subsection 2 of NAC 389.690.



4. An endorsement to teach a program of alternative education is not required to teach a program of alternative education.

5. As used in this section, “program of alternative education” means:

(a) An alternative program as defined in NAC 388.500; or

(b) ~~[A program of adult education]~~ *An adult high school program* as defined in subsection 2 of NAC 389.690.