

Chapter 389 of NAC

LCB File No. T006-09

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

Filed with the Secretary of State on February 3, 2009

**NAC 389.670 Credit for specific course without attending classes (NRS 385.080, 385.110)**

~~[A pupil may be granted credit for a specific course of study in a secondary school without having attended the regularly scheduled classes in the course if he demonstrates his competence to meet the objectives of the course through his performance on examinations.]~~

- 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if he demonstrates his competence to meet the objectives of the course through his performance on an examination.*
- 2. The local board of trustees of a school district shall develop a Student Application form that pupils to use in applying to receive credit in lieu of attending regularly scheduled classes. The application form must collect student information including, but not limited to:
  - a. Student name: first name and last name;*
  - b. Student ID number;*
  - c. Student Birthdate;*
  - d. Student Grade level;*
  - e. Student home phone number;*
  - f. Name and ID number of the school student where student in enrolled;*
  - g. Student ethnicity and gender;*
  - h. Signature of the counselor at the school where the student is enrolled; and*
  - i. Name and number of the course that the student is applying to receive credit for.**
- 3. The local board of trustees of a school district shall develop and make available to counselors, students and parents a list of courses for which students may apply to take a test to receive credit in lieu of attending regularly scheduled classes.*
- 4. The local board of trustees of a school district shall establish a minimum passing score for each examination developed in accordance with Section 1, the minimum passing score must be established using an objective methodology, and may be subject to State Board review.*

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T006-09**

The State Board of Education adopted temporary regulations assigned LCB File No. T006-09 which pertain to chapter 389 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

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 December 5, 2008. 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 January 16, 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: 15; First Hearing: 25; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 2; 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 Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, 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 November 17, 2008; and a public hearing notice of December 10, 2008. At the December 5, 2008 Workshop to Solicit Comments, there was public comment to the proposed amendments to the regulation language. At the January 16, 2009 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

- (a) Allan Skaggs, Silver State High School, stated that the testing instrument for credits is to be created by local or charter school and subjects decided as well. The Department stated that it is the intention that courses available by test examination will be developed by the District.
- (b) Dr. Bryn Lapenta, Washoe County School District, requested an amendment to Item 4, in that Washoe County would be using a cut score of 75 to 70 percent and knowing some state tests below 70 , requested that wording in Item 4 be changed to the local board of trustees minimum passing of each to eliminate the barrier. Dr. Lapenta stated that Clark County School District, also has agreed to this amendment.

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 Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, 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 January 16, 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.