

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

LCB File No. R041-11

Effective December 30, 2011

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

AUTHORITY: §1, NRS 385.080, 385.110 and 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of Nevada 2011, at page 594.

A REGULATION relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; and providing other matters properly relating thereto.

Section 1. NAC 389.670 is hereby amended to read as follows:

389.670 1. ~~[A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his competence to meet the objectives of the course through his performance on an examination.~~

~~—2.]~~ The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study *without having attended the regularly scheduled classes in the course* pursuant to ~~[subsection 1.]~~ *NRS 389.171*. The application must include, without limitation, the:

- (a) First and last name of the pupil;
- (b) Identifying information for the pupil, including, without limitation, the date of birth, individual identification number, ethnicity and gender of the pupil;
- (c) Grade level of the pupil;
- (d) Home telephone number of the pupil;

- (e) Name and identification number of the school in which the pupil is enrolled;
- (f) Signature of the school counselor at the school in which the pupil is enrolled; and
- (g) Name and number of the course of study for which the application is submitted.

~~[3.]~~ **2.** The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course ~~[.]~~ *pursuant to NRS 389.171*, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and foreign languages.

~~[4.]~~ *The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.*

3. The board of trustees of each school district shall:

(a) ~~[Establish]~~ *For the purposes of paragraph (a) of subsection 1 of NRS 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of Nevada 2011, at page 594, establish* a committee of teachers and administrators to select ~~[the]~~ *an* appropriate examination for each course of study prescribed pursuant to subsection ~~[3.]~~ **2.** The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) ~~[Make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to subsection 3.]~~ *For the purposes of paragraph (b) of subsection 1 of NRS 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of*

Nevada 2011, at page 594, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of Nevada 2011, at page 594, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of Nevada 2011, at page 594, to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her ~~competence~~ proficiency to meet the objectives of the course.

~~[5.]~~ *4. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, as amended by section 1 of Assembly Bill No. 233, chapter 127, Statutes of Nevada 2011, at page 594, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:*

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

5. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

6. The State Board of Education may review:

(a) ~~[An]~~ *Any* examination ~~[prescribed by the board of trustees of a school district;]~~ *for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and*

(b) The minimum score required on ~~[an]~~ *any such* examination.

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. R041-11

Proposed Revision of NAC 389.670, R041-11, Credit for Specific Course Without Attending Classes.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

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 36 individuals and educational organizations. A workshop was held on August 12, 2011. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the Proposed Revision of NAC 389.607, R041-11, Credit for Specific Course Without Attending Classes. A public hearing was conducted on December 9, 2011 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 new regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 13; First Hearing: 22; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; 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 Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 July 19, 2011; and a public hearing notice of November 3, 2011. At the August 12, 2011 Workshop to Solicit Comments, there was public comment to the proposed new regulation. At the December 9, 2011 public hearing there was no public comment to the proposed new regulation language.

Summary of Comments:

Workshop comments:

Bryn Lapenta, Washoe County School District stated when a credit by exam was previously taken it did not affect the GPA, this proposal allows for academic credit and will benefit students. Whenever choices are added to recover academic options for children, graduation rates can be increased.

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 Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 new regulation language at the public hearing held December 9, 2011. The reason for adopting the new regulation is to revise provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course.

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 public or the business it regulates.

There is no cost to the Department of education to adopt these regulations. There is no federal law affecting the proposed regulations. There is no duplication or overlap of state or local governmental agencies. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

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.