

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
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STATE OF NEVADA
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, February 28, 2022** via [Lifesize](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

10:10 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.488 – Exemption from physical education.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public hearings [Meeting Materials](#) page, by contacting Dylan Fuson, Board Secretary, Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-687-9224 or in person at the Nevada Department of Education, 700 E. 5th St, Carson City, Nevada. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th St, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Friday, February 25, 2022.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: February 28, 2022

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.488-
Exemption from physical education.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding exemption from physical education is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

Proposed Changes to Chapter 389.488 in NAC:

NAC 389.488 Exemption from physical education. (NRS 385.080, 385.110)

1. A school district 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 **Junior Reserve Officer Training Corps or Military Science**; ~~or.~~

~~(d) Intended enrollment in a program which is comparable to the course in physical education.~~

~~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.~~

A school district shall grant a pupil not more than one credit in physical education based the pupil's intended enrollment in a program that is comparable to a high school physical education course provided the following requirements are met:

(a) The school district furnishes the Superintendent of Public Instruction or designee with a syllabus of that program;

(b) The program is aligned to the Nevada Academic Content Standards for physical education;

(c) The pupil actively participates in the program for at least 120 hours; and

(d) The school district receives written approval from the Superintendent or designee granting permission of exemption.

3. A school district shall ~~exempt~~ **grant** 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; and

(b) The pupil actively participates in the activity for at least 120 hours **outside of the regularly scheduled school day**.

(Added to NAC by Bd. of Education, eff. 12-16-82; A 5-4-87) — (Substituted in revision for NAC 389.070)

Add to "Definitions":

NAC 389.XXX "Exempt" defined. (NRS 385.080) "Exempt" means to release a pupil from a course requirement which others are subject.