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**STATE OF NEVADA**  
**BOARD OF EDUCATION**  
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**October 6, 2022**

**Notice of Intent to Act Upon a Regulation**

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R147-22

The Nevada State Board of Education will hold a public hearing **at 10:25 A.M. on Thursday, October 6, 2022** 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapters 387, 388, and 390 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statutes 385.080 and 390.055.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 390.055, The State Board shall:
  - *“...select an assessment which enables a person who satisfies the requirements of subsection 2 or 3, as applicable, to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education.*
  - *The State Board may adopt regulations to carry out the provisions of this section”*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The purpose of these regulations is to revise certain provisions regarding adult high school programs; revise certain provisions regarding the award of an adult standard diploma; and providing other matters properly relating thereto.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the State Board of Education, via email at [NVBoardED@doe.nv.gov](mailto:NVBoardED@doe.nv.gov) by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the State Board of Education may provide in-person testimony, submit written comment to the State Board of Education via email at [NVBoardED@doe.nv.gov](mailto:NVBoardED@doe.nv.gov) or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before October 5, 2022. A record of all submitted comments will be retained, and the State Board of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board of Education, 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

**Notice required by NRS 233B.064:** Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

**LCB File No. R147-22**

July 22, 2022

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

AUTHORITY: §§ 1-3, NRS 385.080; § 4, NRS 385.080 and 390.055.

A REGULATION relating to education; revising certain provisions regarding adult high school programs; revising certain provisions regarding the award of an adult standard diploma; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing regulations establish the criteria for enrollment in an adult high school program designed to enable the person to obtain a diploma. (NAC 387.190) **Section 1** of this regulation authorizes a person who is at least 17 years of age and who has attended 4 years of high school without graduating with his or her class to enroll in an adult high school program.

Existing regulations establish requirements for a school district to award an adult standard diploma. (NAC 390.470) **Section 2** of this regulation authorizes a person who is 17 years of age but less than 18 years of age and has attended 4 years of high school without graduating with his or her class, and who meets certain other criteria, to receive an adult standard diploma.

Existing regulations establish when units of credit earned by a person in an adult high school program may be applied toward meeting the requirements for an adult standard diploma. (NAC 390.480) **Section 3** of this regulation revises the definition of “adult high school program” for the purposes of earning such units of credit to include instruction or training for persons who are 17 years of age but less than 18 years of age and have attended 4 years of high school without graduating with their class.

Existing regulations establish when a person who is seeking an adult standard diploma may waive units of credit in certain subjects by taking a high school equivalency assessment. (NAC 390.500) **Section 4** of this regulation authorizes a person who is at least 17 years of age but less than 18 years of age and has attended 4 years of high school without graduating with his or her class to waive units of credit in this manner.

**Section 1.** NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who:

(a) Is at least 18 years of age , *is at least 17 years of age and has attended 4 years of high school without graduating with his or her class* or who meets the requirements for participation in a program of education for incarcerated persons established pursuant to NAC 388H.040;

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

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

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

2. A person who is at least 16 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 only for the purpose of preparing to take a high school equivalency assessment.

3. Before commencing an adult high school program, a school district must apply to the Department for permission to conduct the program. The application must be made on a form provided by the Department and include the:

(a) Name of the course to be taught; and

(b) Proposed beginning and ending dates for 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 its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.

6. A class that is part of an approved program may begin or end at any time during the school year.

7. A school district that offers an adult high school 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. 2.** NAC 390.470 is hereby amended to read as follows:

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

(a) Withdrew from high school before the person's graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537;

(b) 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 school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 2; and

(c) Is 18 years of age or older at the time of the award, ~~or~~ is 17 years of age but less than 18 years of age and *has attended 4 years of high school without graduating with his or her class or who* 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 or her 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, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education .....	1
English.....	4
Health education.....	1/2
Mathematics .....	3
Science .....	2
Computer education and technology.....	1/2
<b>TOTAL:</b>	<b>13</b>

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

**Sec. 3.** NAC 390.480 is hereby amended to read as follows:

390.480 1. Units of credit earned by a person through 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 high school program” means instruction or training provided at or below the level of a secondary school for persons who:

(a) Are at least 18 years of age and who have not completed high school.

(b) Are 17 years of age but less than 18 years of age and *have attended 4 years of high school without graduating with their class or who* participate in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.

(c) Are 16 years of age and authorized to attend an adult high school program pursuant to NAC 390.117.

**Sec. 4.** NAC 390.500 is hereby amended to read as follows:

390.500 1. Except as otherwise provided in this section, a person who is 18 years of age or older and who seeks an adult standard diploma may waive units of credit for language arts, mathematics, science and social studies by taking a high school equivalency assessment in those subjects. A person who seeks an adult standard diploma who is at least 17 years of age but less than 18 years of age and *has attended 4 years of high school without graduating with his or her class or* who is enrolled in an alternative program for the education of pupils at risk of dropping

out of school established by a school district pursuant to NRS 388.537 may waive units of credit pursuant to this section.

2. The maximum number of credits which may be waived in the areas of language arts, 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 a high school equivalency assessment selected pursuant to NRS 390.055.

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 a high school equivalency assessment selected pursuant to NRS 390.055.

4. The following tables set forth the scores which a person must achieve on a high school equivalency assessment to waive credits in required and elective courses and the corresponding number of units which may be waived:

General Educational Development Test (2002 Series)

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



General Educational Development Test (2014 Series)

Subject	Designation of Test	Maximum Number of Units	
		For Score of 145 to 157	For Score of 158 or higher
Language Arts	I	2	4
Mathematics	II	1	3
Science	III	1	2
Social Studies	IV	1	2

HiSET Exam (2014 Series)

Subject	Designation of Test	Maximum Number of Units	
		For Score of 10 or 11	For Score of 12 or higher
Language Arts	I and V (average)	2	4
Mathematics	II	1	3
Science	III	1	2
Social Studies	IV	1	2

Test Assessing Secondary Completion (2014 Series)

Maximum Number of Units

Subject	Designation of Test	For Score of 500 to 529	For Score of 530 or higher
Language Arts	I and V (average)	2	4
Mathematics	II	1	3
Science	III	1	2
Social Studies	IV	1	2