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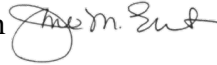


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**GUIDANCE MEMORANDUM 24-03**

**TO:** School District Superintendents  
State Public Charter School Authority

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction 

**DATE:** October 17, 2024

**SUBJECT:** NAC 389.488 Exemption from Physical Education

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**INTRODUCTION:**

On Friday, September 6, 2024, the Legislative Commission approved changes to Nevada Administrative Code [\(NAC\) 389.488](#): Exemption from physical education. This guidance memo is to notify local education agencies (LEAs) and the State Public Charter School Authority (SPCSA) of the approved changes and outline expectations for implementation. Please see the attachments for the updated language.

**OVERVIEW:**

The updated NAC 389.488, specifies that a school district or charter school may exempt a student’s physical education graduation requirement under certain conditions including the following:

- Physical or mental condition, and the request is supported by a written statement from a physician;
- Religious belief, and the request is supported by a written statement from the pupil’s parent or guardian;
- Enrollment in the Reserve Officer Training Corps or a course of study in military science;
- Enrollment in the marching band;
- Participation in interscholastic athletics, on a drill team, in a dance group or on a cheerleading squad; or
- Participation in a competitive club activity or sport.

The term “exempt” shall be defined as releasing a pupil from a course or credit requirement which others are subject. By the way of this definition, students shall **not** earn nor receive units of credit in physical education under NAC 389.488. The removal of the requirement to take a physical education course(s) does **not** reduce the overall number of credits necessary to graduate.

As outlined in the [Nevada's Diploma Requirements](#), a student must earn 23 units of credit in order to graduate from high school, two of which must be in physical education. A student who is granted a physical education exemption(s) must ensure that the units of credit that they have been exempted from are counterbalanced by taking coursework in another content area to meet the minimum credit requirements for graduation (23 units of credit). Therefore, for each physical education exemption earned, the physical education requirement must be replaced with an elective course as follows:

<b>Required Courses for Standard Diploma</b>	<b>Units (No PE Exemptions )</b>	<b>Units (One PE Exemption )</b>	<b>Units (Two PE Exemptions )</b>
American Government	0.5	0.5	0.5
American History	1	1	1
Arts and Humanities, JROTC or CTE	1	1	1
Economics and Financial Literacy	0.5	0.5	0.5
English Language Arts	4	4	4
Health	0.5	0.5	0.5
Mathematics	3	3	3
<b>Physical Education</b>	<b>2</b>	<b>1</b>	<b>0</b>
Computer Science Education and Technology	0.5	<b>0.5</b>	0.5
Science	2	2	2
College and Career Ready Flex Credit	2	2	2
<b>Electives</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>TOTAL:</b>	<b>23</b>	<b>23</b>	<b>23</b>

### WHAT CHANGED:

- Students may now earn up to two physical education exemptions.
- The language is now inclusive of charter schools.
- Marching band is now under Section 1(d).
- Students who participate in school-sponsored sports must complete the activity in good standing to receive physical education exemptions.
- LEAs and SPCSAs are no longer required to furnish the Superintendent of Public Instruction with a syllabus nor obtain written approval to grant physical education exemptions so long as students participate in a competitive club activity or sport listed under Section 3(a) for 120 hours and the activity must occur outside the regularly scheduled school day. Participation must be verified by the school district or charter school.

- If a student participates in a competitive club activity or sport that is not listed under Section 3(a), they may submit an application to the Nevada Department of Education for consideration.
- The Nevada Department of Education will maintain a list of competitive club activities or sports that qualify for physical education exemptions.

**IMPLEMENTATION EXPECTATIONS:**

Throughout the remainder of the 2024-25 school year, LEAs and SPCSAs may continue implementing NAC 389.488 as they have previously, to avoid any disruption in the graduation of students participating in the physical education exemption program. Students who earned physical education exemptions or credits under NAC 389.488 during the 2024-25 school year or earlier shall retain those exemptions or credits for the remainder of their high school career.

LEAs and SPCSAs are welcome to begin implementing the updated NAC 389.488 as early as January 2025; however, the Nevada Department of Education expects full compliance with the updated NAC 389.488, as written, starting in the 2025-26 school year.

For additional information and assistance regarding the implementation of NAC 389.488, please contact Andrew Snyder at [asnzyder@doe.nv.gov](mailto:asnzyder@doe.nv.gov).

Attachments: R092-24P - Approved Amendments 09.06.24.pdf  
FINAL\_NAC 389.488\_Aproved-Revision\_9.17.24.pdf

cc: Ann Marie Dickson, Deputy Superintendent, Student Achievement Division  
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