NOTICE OF INTENT TO ACT UPON A TEMPORAY REGULATION
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
NEVADA STATE BOARD OF EDUCATION/NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **Thursday, March 21, 2013 via video conference at the following locations: Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City; and 9890 South Maryland Parkway, Las Vegas, Nevada.**

The time for the public hearing has been scheduled as follows:

9:30 A.M. **Public Hearing and Possible Board Adoption on Proposed Amendments to NAC 389.488 Exemptions from Physical Education.**

NOTE: This is the first and only public hearing and possible action to adopt may be taken.

The purpose of the hearing is to receive comments from all interested persons regarding revisions to regulation language that pertain to **NAC 389** of the Nevada Administrative Code.

The need and purpose of the proposed changes to NAC 389 regulation language is to amend NAC 389.488, Section 3, to allow school districts the option to exempt a pupil who participates in school sponsored interscholastic athletic activities, including marching band, cheerleading, or dance, from up to two (2) credits of Physical Education. The change is intended to provide additional flexibility to schools and districts to manage student schedules and provide additional options for students to add additional academic courses to their schedule without sacrificing elective options. The proposed change would not decrease the number of credits required for graduation**.**

There is no economic effect on the Department of Education

There is no cost to the Department of Education to enforce this 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.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Career and Technical Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written submissions must be received by the Department of Education **on or before Thursday, March 7, 2013.** The following statement applies for hearings noticed above for possible Board adoption. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Education/Nevada State Board for Career and Technical Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada, 89701-5096, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the Internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed **necessary.**

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 reasons for overruling the consideration urged against its adoption.

This notice of hearing has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices; the 17 county main public libraries, and at the Nevada State Library and Archives.

2/15/13

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 Reserve Officer Training Corps; 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.

3. A school district [~~**shall]**~~***may*** exempt a pupil from [~~**not more than one credit]**~~***up to two credits*** 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.