

**ADOPTED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R038-08

Effective June 17, 2008

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

AUTHORITY: §1, NRS 391.019.

A REGULATION relating to educational personnel; extending the effective date for the current provisions governing the qualifications to teach pupils who have autism; and providing other matters properly relating thereto.

Section 1. Section 6 of LCB File No. R103-03, which was adopted by the Commission on Professional Standards in Education and was filed with the Secretary of State on September 24, 2003, as amended by section 1 of LCB File No. R007-05, which was adopted by the Commission on Professional Standards in Education and was filed with the Secretary of State on October 31, 2005, is hereby amended to read as follows:

Sec. 6. 1. This section and sections 1 to 4, inclusive, of this regulation become effective on September 24, 2003.

2. Section 5 of this regulation becomes effective on July 1, ~~2008.~~ *2012.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R038-08

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R038-08 which pertain to chapter 391 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

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 100 individuals and educational organizations. A workshop was held on February 15, 2008. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.378 – Qualifications for Teaching Pupils Who Have Autism was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on May 2, 2008 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the new section and proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 8; First Hearing: 9; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 3; First Hearing: 1; 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 calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9226, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was 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 January 10, 2008; and the public hearing notice of March 27, 2008. At the February 15, 2008 Workshop to Solicit Comments, there was public comments to the proposed amendments to the regulation language. At the May 2, 2008 public hearing there was public comments to the proposed amendments to the regulation language.

Summary of Comments:
Workshop/Public Hearing Comments:

Workshop comments:

- (a) Frankie McCabe, Director of the Special Education, Elementary and Secondary Education, and School Improvement, stated that the Autism Option Program will sunset on June 30, 2008 and recommended that date be extended to June 30, 2012. Ms. McCabe stated that the seventeen special education district directors and the Special Education Advisory Committee recommended that the Autism Options Program be extended to June 30, 2012.
- (b) Dr. Nancy Silo, University of Nevada-Las Vegas, stated that the Special Education Department at UNLV supports the extension of the Autism Option Program to June 30, 2012.
- (c) Mary Ann Gibbs, Clark County School District, stated that the Clark County School District strongly encourages the Commission to extend the Option Program to June 30, 2012.

Public Hearing comments:

- (a) Rorie Fitzpatrick, Assistant Director of the Special Education, Elementary and Secondary Education, and School Improvement, expressed support for the proposal and reiterated that the seventeen special education district directors and the Special Education Advisory Committee recommended that the Autism Options Program be extended to June 30, 2012.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9224, 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 Commission on Professional Standards in Public Education adopted the proposed amendments to the regulation language at the public hearing held May 2, 2008. The reason for adopting the regulation is to extend the sunset clause from July 1, 2008 to July 1, 2012 to allow the Autism Option Program to continue. There has been a great deal of success with this program.

- 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:

The beneficial effect would allow individuals to continue in the Options Program to qualify for an endorsement in Autism and to be able to have qualified individuals in autism classrooms.

The immediate effect would allow the Office of Teacher Licensure to continue to allow individuals into the Options Program in order to obtain an Autism endorsement. The long-term effect would place qualified individuals into autism classrooms.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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.