

**ADOPTED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R023-00**

Effective July 1, 2000

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

AUTHORITY: §§1-7, NRS 391.037 and 391.038.

**Section 1.** NAC 391.058 is hereby amended to read as follows:

391.058 1. A school district or a private school that is licensed pursuant to chapter 394 of NRS must apply to the department before it employs a person who holds a conditional license that was issued pursuant to NAC 391.057. The application must be in writing and include:

(a) Proof that the school district or private school has advertised in good faith its desire to fill a vacancy in the position of, as applicable, an unconditionally licensed teacher to teach elementary education to pupils who are enrolled in a program of bilingual education, an unconditionally licensed teacher to teach pupils in a program of early childhood education, an unconditionally licensed teacher to teach secondary education in the subject area and at the grade level in which there is a vacancy *or an unconditionally licensed teacher to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes;*

(b) An affidavit stating that despite the required advertisement the school district or private school was not successful in hiring, as applicable, an unconditionally licensed teacher to teach elementary education to pupils who are enrolled in a program of bilingual education, an

unconditionally licensed teacher to teach a program of early childhood education, an unconditionally licensed teacher to teach secondary education in the subject area and at the grade level in which there is a vacancy or an unconditionally licensed teacher to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes; and

(c) A written assurance that the school district or private school will, if required by statute or regulation, continue its efforts to hire unconditionally licensed educational personnel.

2. A superintendent of a school district or an administrator of a private school shall assign an unconditionally licensed teacher to provide assistance, guidance and training to each person it hires to teach elementary education to pupils who are enrolled in a program of bilingual education, to teach pupils in a program of early childhood education or to teach secondary education pursuant to this section. Before such a person may begin teaching, he must complete at least 3 weeks of training and orientation under the supervision of the unconditionally licensed teacher who has been assigned to assist him pursuant to this subsection.

3. A superintendent of a school district or an administrator of a private school shall assign a postprobationary teacher who is unconditionally licensed pursuant to NAC 391.343 to provide assistance, guidance and training to each person the school district or private school hires to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes. Before such a person may begin teaching, he must complete at least 3 weeks of training and orientation under the supervision of the unconditionally licensed teacher who has been assigned to assist him pursuant to this subsection. The teacher who is assigned to

the conditionally licensed teacher pursuant to this subsection must be present at each meeting concerning an individual education plan that the conditionally licensed teacher is required to attend.

4. A school district or private school shall, in consultation with a postsecondary institution which is regionally accredited and which offers courses of study and training for the education of teachers, develop a plan for each person that it hires pursuant to this section which includes:

(a) Provisions for the evaluation of the person;

(b) A description of the courses of study and training that the person is required to complete within the 3 years that his conditional license is valid; ~~and~~

(c) *A written assessment plan for the course of study and training, as described in paragraph (k) of subsection 1 of NAC 391.557; and*

(d) Any other training that the school district or private school considers necessary.

5. Each school district or private school which employs a person pursuant to this section shall cooperate with the commission and the department in the evaluation of the effectiveness of this section and NAC 391.057.

**Sec. 2.** NAC 391.557 is hereby amended to read as follows:

391.557 1. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education required for the issuance of ~~an~~ *an elementary, secondary or special* license, renewal of *such* a license or an endorsement in a field of specialization, must file with the superintendent of public instruction, at least 180 calendar days before the first date of instruction, an application for approval of the course of study and training. The application must include:

(a) The name and location of the institution;

- (b) A copy of the articles of incorporation or charter for the institution;
- (c) Proof of the financial solvency of the institution, including financial resources available to the institution in this state;
- (d) If the institution is accredited, as that term is defined in NRS 394.006, information concerning the accreditation;
- (e) The proposed operating budget for the course of study and training;
- (f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;
- (g) A description of the course of study and training, including a description of its compliance with:
  - (1) The ~~provisions of NAC 391.600 to 391.686, inclusive, which are applicable to the course of study and training;~~ *standards adopted by the National Council for Accreditation of Teacher Education on March 31, 2000, and the curriculum guidelines for specific programs approved by the National Council for Accreditation of Teacher Education, if applicable;* or
  - (2) Subsection 9 of NAC 391.558;
- (h) The qualifications a person must hold to provide instruction for the course of study and training; ~~and~~
- (i) The proposed course work for the course of study and training ~~;~~;
- (j) *A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520; and*

*(k) Except as otherwise provided in this paragraph, a written assessment plan that describes the:*

- (1) Conceptual framework for the course of study and training;*
- (2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;*
- (3) Manner by which the course of study and training will be assessed and evaluated;*
- (4) Field experience and clinical practice offered by the course of study and training;*
- (5) Diversity of the population of students who participate in the course of study and training; and*
- (6) Performance and development of the faculty who provide instruction for the course of study and training.*

FLUSH *If an institution is accredited by the National Council for Accreditation of Teacher Education, the institution may submit written proof of such accreditation in lieu of the written assessment plan required by this paragraph.*

2. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of ~~an~~ *an elementary, secondary or special* license, renewal of *such* a license or an endorsement in a field of specialization, the superintendent of public instruction shall notify the board that an application has been received.

3. *The department shall develop a manual that:*

- (a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;*
- (b) Describes the process for approval of a course of study and training; and*

*(c) Includes the standards adopted by the National Council for Accreditation of Teacher Education on March 31, 2000, and the curriculum guidelines for specific programs approved by the National Council for Accreditation of Teacher Education.*

FLUSH *The department shall maintain a copy of the manual and, upon the request of an institution, the department shall provide a copy of the manual to the institution.*

**Sec. 3.** NAC 391.558 is hereby amended to read as follows:

391.558 1. The board will appoint a review team to review each application received by the superintendent of public instruction. The superintendent of public instruction shall submit to the board a list of persons whom he recommends for membership on the review team. At least 2 months before the date of the visit required by subsection 5, the superintendent of public instruction shall send a list of his recommendations to the chief administrative officer of the institution that submitted the application. The list must include a description of the professional position, experience and areas of expertise of each person recommended by the superintendent of public instruction. If the chief administrative officer has concerns about any of the persons recommended by the superintendent of public instruction he shall, within 30 days after receipt of the list, provide to the superintendent of public instruction for transmittal to the board a written response which describes his concerns. The board will address the concerns of the chief administrative officer before it appoints members to the review team. Employees or other members of the institution shall not contact the persons recommended for membership on the review team before the board formally appoints members to the team.

2. Upon receipt of the recommendations and a written response, if one has been provided by the chief administrative officer, the board will appoint no more than seven members to the review team. The board may, for good cause, refuse to appoint any of the persons recommended

by the superintendent of public instruction. If possible, members of the review team must reside in the area where the institution that submitted the application is located. The review team must include, but is not limited to:

(a) One representative from a public educational institution in this state, other than the applicant, which offers a course of study and training for the education of teachers or other educational personnel;

(b) One representative from a private educational institution in this state, other than the applicant, which offers a course of study and training for the education of teachers or other educational personnel;

(c) At least one licensed teacher who has expertise in the course of study and training offered by the applicant;

(d) At least one representative of a local school district;

(e) One member of the board; and

(f) One member of the general public.

3. The review team shall:

(a) Examine the application submitted; and

(b) Decide whether to recommend that the board grant provisional approval of the course of study and training.

4. If the board grants provisional approval of a course of study and training, the applicant may offer the course of study and training to students pending final approval by the board.

Members of the general public who inquire about the status of the course of study and training must be informed that it has been provisionally approved and that final approval is pending.

5. If the board grants provisional approval of a course of study and training, the review team shall, within 12 months after provisional approval has been granted, visit the site of instruction to verify the information provided by the institution pursuant to subsection 1 of NAC 391.557. The visit must not exceed 5 days.

6. Within 30 days after the visit, the chairman of the review team shall send to the applicant a draft report which summarizes the results of the review conducted by the review team. Within 30 days after receipt of the draft report by the applicant, the applicant may file a reply to the draft report with the superintendent of public instruction for transmittal to the board and the review team which describes the resolution of any deficiencies in the application that were addressed in the draft report. If the applicant files a reply, the review team shall consider the reply in deciding whether to recommend approval of the course of study and training.

7. Within 60 days after the visit, the review team shall decide ~~[, in accordance with the standards prescribed in NAC 391.600 to 391.686, inclusive, which are applicable to the course of study and training,]~~ whether to recommend approval of the course of study and training ~~[,]~~ and shall submit a final report to the superintendent of public instruction for transmittal to the board. The final report must state whether the review team recommends approval of the course of study and training. Upon transmittal of the final report to the board, the superintendent of public instruction shall inform the applicant of the recommendation of the review team. The review team shall recommend approval of the course of study and training if the applicant complies with the ~~[requirements]~~ :

(a) *Requirements* of NAC 391.557 ~~[,]~~;

(b) *Standards adopted by the National Council for Accreditation of Teacher Education on March 31, 2000; and*



*(c) Curriculum guidelines for specific programs approved by the National Council for Accreditation of Teacher Education, if applicable.*

8. Upon receipt of the final report, the board will ~~[decide whether to]~~ grant approval of the course of study and training ~~[in accordance]~~ *if the applicant complies* with the ~~[standards prescribed in NAC 391.600 to 391.686, inclusive, which are applicable to the course of study and training.]~~:

*(a) Requirements of NAC 391.557;*

*(b) Standards adopted by the National Council for Accreditation of Teacher Education on March 31, 2000; and*

*(c) Curriculum guidelines for specific programs approved by the National Council for Accreditation of Teacher Education, if applicable.*

FLUSH If the board denies approval, the applicant may appear before the board, and is entitled to a hearing and judicial review pursuant to subsection 5 of NRS 391.038.

9. In addition to the standards of approval set forth in subsections 7 and 8, the review team shall recommend approval, and the board will approve, a course of study and training for the education of teachers and other educational personnel for teaching in the secondary grades if:

(a) Enrollment in the course of study and training is restricted to persons who hold a bachelor's degree in a field recognized by the commission pursuant to NAC 391.1301; and

(b) The course of study and training includes course work described in subsection ~~[2]~~ 3 of NAC 391.120.

10. ~~[Approval]~~ *Except as otherwise provided in subsection 11, approval* of a course of study and training pursuant to this section is valid for 5 years. During the 5-year period of approval, the institution shall notify the superintendent of public instruction of any changes in

the information that it provided in its application pursuant to subsection 1 of NAC 391.557, except for a change in the information required by paragraph (e) of *that* subsection. ~~[H.]~~ Upon expiration of each 5-year period of approval, or during a regularly scheduled review of the institution by the National Council of Accreditation of Teacher Education, the superintendent of public instruction may recommend to the board that approval of the course of study and training be renewed for an additional 5 years.

11. *The board may require a review of a course of study and training before the expiration of the 5-year period of approval if:*

*(a) During 1 year, 10 or more students who are enrolled in the course of study and training take specialty or pedagogy competency tests, or both, that are required by this state and the percentage of those students who pass the tests is:*

*(1) Before January 1, 2004, less than 90 percent; and*

*(2) On or after January 1, 2004, less than 95 percent;*

*(b) Pursuant to the information collected by the department pursuant to subsection 12, the percentage of probationary licensed educational personnel employed by school districts in this state who completed the course of study and training and who are terminated from employment or who are not reemployed:*

*(1) Before January 1, 2004, is 10 percent or greater for 1 year; and*

*(2) On or after January 1, 2004, is 5 percent or greater for 1 year; or*

*(c) The board requests a review.*

FLUSH *Based upon a review conducted pursuant to this subsection, the board may renew the approval of a course of study and training or revoke the approval of a course of study and training.*

*12. On or before July 1 of each year, each school district in this state shall report to the department the:*

*(a) Number of probationary licensed educational personnel that the school district terminated from employment or did not reemploy for another school year; and*

*(b) For each licensee who is reported pursuant to paragraph (a) the:*

*(1) Subject area taught by the licensee, if applicable;*

*(2) Educational institution that the licensee attended;*

*(3) Course of study and training completed by the licensee; and*

*(4) Reason that the school district terminated the licensee from employment or did not reemploy the licensee.*

FLUSH *Each school district shall report the information required by this subsection without disclosing the identity of an individual licensee or otherwise violating the confidentiality of a licensee.*

**13.** The applicant shall pay to the board a fee equal to:

(a) The expenses incurred on behalf of the review team for preparation of the documentation required by this section; and

(b) The travel expenses and per diem allowances to which the review team is entitled which are related to the visit of the site of instruction.

**Sec. 4.** NAC 391.600, 391.602, 391.604, 391.606, 391.608, 391.610, 391.612, 391.614, 391.616, 391.618, 391.620, 391.622, 391.624, 391.626, 391.628, 391.630, 391.632, 391.634, 391.636, 391.638, 391.640, 391.642, 391.644, 391.646, 391.648, 391.650, 391.652, 391.654, 391.656, 391.658, 391.660, 391.662, 391.664, 391.666, 391.668, 391.670, 391.672, 391.674, 391.676, 391.678, 391.680, 391.682, 391.684 and 391.686 are hereby repealed.

**Sec. 5.** Each school district shall report the information required by subsection 12 of NAC 391.558 commencing on July 1, 2000.

**Sec. 6.** 1. An institution whose course of study and training is approved before July 1, 2000, is not required to comply with the amendatory provisions of this regulation until it seeks renewal of its course of study and training.

2. An institution may request a review of its current course of study and training in accordance with the amendatory provisions of this regulation before the expiration of its 5-year period of approval.

3. If an institution proposes to revise its current course of study and training before the date on which the course of study and training would otherwise be renewed, the institution shall comply with the amendatory provisions of this regulation when it seeks approval of the revised course of study and training.

**Sec. 7.** This regulation becomes effective on July 1, 2000.

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### **LEADLINES OF REPEALED SECTIONS**

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**391.600 Preparation of person to be administrator of program.**

**391.602 Preparation of person to be school principal.**

**391.604 Preparation of person to be school counselor.**

**391.606 Preparation of student to be school social worker.**

- 391.608** Preparation of student to be school psychologist.
- 391.610** Preparation of student to teach pupils who are handicapped in speech and language.
- 391.612** Preparation of student to teach pupils who have mild or moderate learning disabilities, emotional handicaps or mental handicaps.
- 391.614** Preparation of student to teach pupils who have moderate or severe learning disabilities.
- 391.616** Preparation of student to teach pupils who are moderately or severely emotionally handicapped.
- 391.618** Preparation of student to teach pupils who are severely or profoundly mentally handicapped.
- 391.620** Preparation of student to teach handicapped pupils who are less than 7 years of age.
- 391.622** Preparation of student to teach special physical education to handicapped pupils.
- 391.624** Preparation of student to teach agricultural education.
- 391.626** Preparation of student to teach art.
- 391.628** Preparation of student to teach biological science.
- 391.630** Preparation of student to teach biology.
- 391.632** Preparation of student to teach business education.
- 391.634** Preparation of student to teach chemistry.
- 391.636** Preparation of student to teach classical languages.
- 391.638** Preparation of student to teach computer literacy.
- 391.640** Preparation of student to teach computer applications.

- 391.642 Preparation of student to teach computer programming or computer science.**
- 391.644 Preparation of student to teach drivers' education.**
- 391.646 Preparation of student to teach English.**
- 391.648 Preparation of student to teach English as second language.**
- 391.650 Preparation of student to teach foreign language.**
- 391.652 Preparation of student to teach general science.**
- 391.654 Preparation of student to teach health education.**
- 391.656 Preparation of student to teach home economics.**
- 391.658 Preparation of student to teach industrial arts.**
- 391.660 Preparation of student to teach library science.**
- 391.662 Preparation of student to teach marketing education.**
- 391.664 Preparation of student to teach mathematics.**
- 391.666 Preparation of student to teach music.**
- 391.668 Preparation of student to teach physical education.**
- 391.670 Preparation of student to teach physical education and health.**
- 391.672 Preparation of student to teach physical science.**
- 391.674 Preparation of student to teach physics.**
- 391.676 Preparation of student to teach psychology.**
- 391.678 Preparation of student to teach reading.**
- 391.680 Preparation of student to be specialist in teaching reading.**
- 391.682 Preparation of student to teach social studies.**
- 391.684 Preparation of student to teach speech.**
- 391.686 Preparation of student to teach stage and theater.**

**LCB File No. R023-00**

**NOTICE OF ADOPTION**

The Nevada State Board of Education held a Workshop to Solicit Comments on Proposed Regulations on March 17, 2000, a first public hearing on March 18, 2000, and a second public hearing on April 29, 2000, for the adoption of revisions to NAC 391, Teacher Education Programs. Please accept the following for filing with the Secretary of State:

<u>Affected Regulation</u>	<u>LCB File #</u>	<u>Adoption Date</u>
NAC 391, Teacher Education Programs, as Amended (see pages 10 & 11)	R 023-00	April 29, 2000

**INFORMATIONAL STATEMENT**

**NEVADA DEPARTMENT OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
NAC 391, TEACHER EDUCATION PROGRAMS  
(LCB File #R 023-00)**

**IMPACT STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 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 one-hundred fifty individuals and educational organizations. One workshop was held March 17, 2000. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred fifty individuals and educational organizations. Two public hearings were conducted on March 18, 2000, and April 29, 2000, to provide the opportunity for comments by affected parties and the public. There were no public comments.

- 2. The Number of Persons Who:**

a) **Attended Each Hearing:** Workshop: 12 First Hearing: 13 Second Hearing: 19

b) **Testified at Each Hearing:** Workshop: 0 First Hearing: 0 Second Hearing: 0

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 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.**

Comment was solicited through the workshop notice of February 29, 2000, and public hearing notices of February 16, 2000 and March 28, 2000. There were no comments from the public at the workshop or public hearings.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the 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 permanent regulation language (LCB File R023-00) was adopted by the Nevada State Board of Education at the public hearing held April 29, 2000, with the following revisions to the proposed language: 1) to replace “teacher” with “licensed educational personnel” throughout the document; 2) to amend Section 3.11(a) (page 10), to insert “or” to identify “speciality and/or pedagogy competency tests;” and, 3) to add a new subsection to section 3.12(b) (page 11), “(4) Reason for school districts' action.”

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

There is no economic effect on the business which is regulated. 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 government 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 government agency regulations will be overlapped or duplicated by the above noted regulations. 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 or involve a new fee.