

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

**LCB File No. R049-03**

Effective October 22, 2003

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

AUTHORITY: §§1-5, NRS 385.080, 391.100 and section 74 of Senate Bill No. 1 of the 19th Special Session of the Nevada Legislature.

**Section 1.** Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this regulation, “paraprofessional” has the meaning ascribed to it in section 73 of Senate Bill No. 1 of the 19th Special Session of the Nevada Legislature.*

**Sec. 3. 1.** *Each school district and charter school shall recognize that a paraprofessional has satisfied the qualifications prescribed by the No Child Left Behind Act of 2001, 20 U.S.C. § 6319, if the paraprofessional possesses a high school diploma or its recognized equivalent and has:*

*(a) Completed at least 48 semester hours of credit at an accredited college or university;*

*(b) Obtained an associate’s degree or higher degree from an accredited college or university; or*

*(c) Passed:*

*(1) The ParaPro Assessment prepared and administered by the Educational Testing Service with a score of at least 460; or*

*(2) An alternative assessment approved by the Board pursuant to section 4 of this regulation with a score prescribed by the Board.*

*2. Each school district and charter school shall ensure that a paraprofessional who is:*

*(a) Initially hired by the school district or charter school on or after January 8, 2002, to work in a program supported with Title I money satisfies the requirements of 20 U.S.C. § 6319 upon hire.*

*(b) Hired by the school district or charter school before January 8, 2002, to work in a program supported with Title I money satisfies the requirements of 20 U.S.C. § 6319 on or before January 8, 2006.*

*Sec. 4. 1. The board of trustees of a school district or the governing body of a charter school may submit to the Board an alternative assessment for consideration and approval by the Board for purposes of paragraph (c) of subsection 1 of section 3 of this regulation. The school district or charter school must submit information to demonstrate that:*

*(a) The assessment may be used to measure a person's competency in the knowledge of and the ability to assist with providing instruction in:*

*(1) Reading or reading readiness;*

*(2) Mathematics or mathematics readiness; and*

*(3) Writing or writing readiness;*

*(b) The assessment is valid and reliable;*

*(c) The assessment produces a specific score related to the person's performance on the assessment; and*

*(d) The level of competence that each person must meet or exceed on the assessment may be determined in a reliable manner.*

*2. If the Board approves an alternative assessment submitted pursuant to subsection 1:*

*(a) The Board shall prescribe the passing score that a person must achieve on the assessment to satisfy the requirements of paragraph (c) of subsection 1 of section 3 of this regulation; and*

*(b) Each school district and charter school shall accept proof of passage of that assessment with the score prescribed by the Board as satisfaction of the requirements of paragraph (c) of subsection 1 of section 3 of this regulation.*

**Sec. 5. *The Department shall establish and maintain:***

*1. A statewide database of paraprofessionals who satisfy the requirements of section 3 of this regulation based upon information provided by the school districts and charter schools; and*

*2. A list of each assessment approved by the Board pursuant to section 4 of this regulation, if any, and the passing score that must be achieved to satisfy the requirements of paragraph (c) of subsection 1 of section 3 of this regulation.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R049-03**

The State Board of Education adopted regulations assigned LCB File No. R049-03 which pertain to chapter 391 of the Nevada Administrative Code on September 27, 2003.

**Notice date:** 8/22/2003  
**Hearing date:** 9/27/2003

**Date of adoption by agency:** 9/27/2003  
**Filing date:** 10/30/2003

**INFORMATIONAL STATEMENT**

**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.**

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 391 Paraprofessional Qualifications, was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted on September 27, 2003, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing for Board permanent adoption of LCB File R049-03, NAC 391 Paraprofessional Qualifications, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted by the Nevada State Board of Education on September 27, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

**2. The Number of Persons Who:**

- a) **Attended Each Hearing:** Workshop: 5 Hearing: 5
- b) **Testified at Each Hearing:** Workshop: 0 Hearing: 0  
**and,**
- c) **Submitted Written Statements:** Workshop: 0 Hearing: 0

A copy of written comments can be requested by calling LaDonna Byrd, Assistant to the Board, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, NV 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 August 22, 2003, and public hearing notice of August 22, 2003. There were no comments from the public at the workshop or at the public hearing.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Assistant to the Board, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, NV 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 was adopted by the Nevada State Board of Education at the public hearing held September 27, 2003, without revision.

**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 an estimated economic effect on the public for the costs related to courses that meet the requirements for two year equivalency for the higher education degree program or proposed costs for the examination to meet the level of competence specified by the State Board of Education.

**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.