

LCB File No. T044-03

ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION

Filed with the Secretary of State on May 21, 2003

Explanation: Matter in *Italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 385.080

Section 1. NAC 391 is hereby amended by adding thereto the provisions set forth, inclusive of this regulation to read as follows:

Section 2. *"Paraprofessional" interpreted; requirements for employment of a high qualified paraprofessional.*

1. A "paraprofessional" in a Title I program, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. 6301, an hired after January 8, 2002, must:

(a) At a minimum, have earned a high school diploma or its recognized equivalent; and,

(b) Have completed one of the following requirements;

(1) Completed at least 2 years of study at an accredited college or university, which for the purpose of this requirement is defined as successful completion of 48 semester hours of credit; or,

(2) Obtained an associate's or higher degree from an accredited college or university; or,

(3) Passed an examination that has been approved by the State Board of Education at a level of competence specified by the Board that demonstrates an individual's knowledge of, and ability to assist in instructing, reading or reading readiness, mathematics or mathematics readiness, and writing or writing readiness.

2. A "paraprofessional" in a Title I program as defined in the No Child Left Behind Act of 2001, U.S.C. 6301, and hired prior to January 8, 2002, has until January 8, 2006, to comply with subsection 1 (b).

3. A school district may submit an alternative paraprofessional assessment for consideration and approval by the State Board if the alternative paraprofessional assessment meets the following criteria:

- (a) The assessment instrument can be used to measure an individual's competency in the knowledge of, and the ability to assist in instructing, reading or reading readiness, mathematics or mathematics readiness, and writing or writing readiness;*
- (b) Evidence is provided that the assessment instrument is valid and reliable;*
- (c) The assessment instrument can produce a specific score related to an individual's performance on the assessment; and,*
- (d) The level of competence that each candidate must meet or exceed on the assessment instrument can reliably be determined.*

4. The Department will maintain:

- (a) A statewide database of paraprofessionals who meet these requirements utilizing data provided by districts; and,*
- (b) A listing of State Board approved examinations and competency level requirements.*

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T044-03**

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 April 12, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for the public hearing for Board adoption of regulation language was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on May 17, 2003, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

2. The Number of Persons Who:

a) **Attended Each Hearing:** Workshop: 10 Hearing: 15

b) **Testified at Each Hearing;** Workshop: 0 Hearing: 2

and,

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

A copy of any written comments 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, 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 March 11, 2003, and public hearing notice of April 16, 2003. There were no comments from the public at the workshop. The comments from the public hearing were as follows: Al Bellister, Nevada State Education Association, urged the Board to adopt the language as proposed, with 48 semester hours of credit at an accredited college or university to meet the two years of study requirement; and Dr. Dotty Merrill, Washoe County School District, recommended consideration to allow 48 semester hours of credit for the current hirees who have until

January 8, 2006, to meet the requirements, and to require paraprofessionals hired after January 8, 2002, to meet 60 semester hours of credit.

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 temporary regulation language was adopted by the Nevada State Board of Education at the public hearing held May 17, 2003, with 48 semester hours of credit to meet the 2 years of study requirement.

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.