

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

LCB File No. R016-04

Effective August 25, 2004

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

AUTHORITY: §§1-4, NRS 391.019.

A REGULATION relating to educational personnel; revising the provisions governing the endorsements to teach pupils who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation; and providing other matters properly relating thereto.

Section 1. NAC 391.057 is hereby amended to read as follows:

391.057 1. The Superintendent of Public Instruction shall issue a conditional license to teach elementary education, a conditional license to teach children in a program of early childhood education, a conditional license to teach secondary education or a conditional license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation ~~[and mild to moderate needs for assistance and intervention in their educational processes]~~ to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

- (a) Holds a bachelor's degree from a postsecondary institution that is regionally accredited;
- (b) Passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test; and

(c) Has a negative report of an X-ray film of his chest or a tuberculin test which was completed within the 12 months immediately preceding the date on which he submitted his application.

2. In addition to the requirements of subsection 1, an applicant for a conditional license:

(a) To teach elementary education, must, before he teaches pupils who are enrolled in a program of bilingual education, pass the examination required by subsection 1 of NAC 391.242, if an examination is available.

(b) To teach secondary education, must pass a competency test which has been approved by the commission in the subject matter of the area for which he will be employed to teach or provide to the department proof that he is eligible for an exemption from that test.

(c) To teach pupils in a program of early childhood education, must have earned:

(1) At least 6 semester hours of credit in courses relating to early childhood education from a regionally accredited postsecondary institution if the application is submitted before February 1, 2000; and

(2) At least 9 semester hours of credit in courses relating to early childhood education from a regionally accredited postsecondary institution if the application is submitted after February 1, 2000.

(d) To teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation , ~~[and mild to moderate needs for assistance and intervention in their educational processes,]~~ must have earned at least 9 semester hours of credit in courses relating to special education from a regionally accredited postsecondary institution.

3. A conditional license to teach elementary education, to teach a program of early childhood education, to teach secondary education or to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation : ~~[and mild to moderate needs for assistance and intervention in their educational processes:]~~

(a) Authorizes the holder of the license to teach in a county school district or a private school that is licensed pursuant to chapter 394 of NRS, if the school district or private school has received the approval of the Department to hire the holder of the license pursuant to NAC 391.058;

(b) Becomes valid on the date on which the holder of the license is employed by a school district or private school pursuant to NAC 391.058;

(c) Is valid for 3 years; and

(d) Is not renewable.

4. A person who holds a conditional license to teach elementary education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 12 semester hours of credit which is required for the issuance of an initial license to teach elementary education, excluding any credit that he has received for student teaching.

5. A person who holds a conditional license to teach secondary education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 9 semester hours of credit which is required for the issuance of an initial license to teach secondary education, excluding any credit that he has received for student teaching.

6. A person who holds a conditional license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation ~~[and mild to moderate needs for assistance and intervention in their educational processes]~~ shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 18 semester hours of credit, excluding any credit earned for student teaching, which is required for the issuance of an initial license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation . ~~[and mild to moderate needs for assistance and intervention in their educational processes.]~~

7. A person who holds a conditional license to teach early childhood education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 15 semester hours of credit which is required for the issuance of an initial license to teach a program of early childhood education, excluding any credit he has received for student teaching.

8. A person who holds a conditional license must complete the requirements for the issuance of an initial license to teach elementary education, to teach a program of early childhood education, to teach secondary education or to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation ~~[and mild to moderate needs for assistance and intervention in their educational processes]~~ within the 3 years that his conditional license is valid. If the licensee submits to the Department copies of at least five evaluations issued pursuant to NRS 391.3125 which indicate that his performance has been satisfactory, the holder of the conditional license is

not required to complete the 8 semester hours of supervised teaching required for the issuance of an initial license and the Department shall reduce the number of hours that he is required to complete for the issuance of an initial license accordingly.

Sec. 2. 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 *mild to moderate* 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

mild to moderate 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 *mild to moderate* 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;

(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. 3. NAC 391.343 is hereby amended to read as follows:

391.343 1. Before teaching pupils who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation, ~~[and mild to moderate needs for assistance and intervention in their educational processes,]~~ a person must hold:

(a) An endorsement to perform the duties of a generalist in special education issued pursuant to this section; or

(b) A teacher's elementary, secondary or special license with an endorsement in special education or a bachelor's or master's degree with a major or minor in special education, must have completed at least 6 semester hours from the courses prescribed in subparagraph (2) of paragraph (d) of subsection 2 and must complete a program of preparation leading to licensing in this field within 3 years after beginning to teach such pupils.

2. To receive the endorsement to perform the duties of a generalist in special education, the person must:

(a) Have completed a program of preparation for teaching pupils who have specific learning disabilities, emotional disturbances or mental retardation, which has been approved by the Board;

(b) Hold a license or certificate, issued by another state, with an endorsement to teach pupils who have specific learning disabilities, emotional disturbances or mental retardation;

(c) Hold a bachelor's or master's degree in the education of pupils who have specific learning disabilities, emotional disturbances or mental retardation and have completed 8 semester hours of student teaching, equivalent field experience or 1 year of verifiable teaching experience in special education; or

(d) Hold a bachelor's or master's degree and:

(1) Have completed 8 semester hours of student teaching of pupils who have learning disabilities, emotional disturbances or mental retardation, equivalent field experience with such pupils or 1 year of verifiable teaching experience with such pupils; and

(2) Have completed 30 semester hours of course work, including course work in the following areas:

(I) Human growth and development;

(II) Educational psychology;

(III) Methods and materials of teaching reading or mathematics;

(IV) Additional studies in methods of teaching reading or mathematics;

(V) Introduction to special education or the education of pupils who have disabilities;

(VI) The characteristics of pupils who have specific learning disabilities, emotional disturbances or mental retardation;

(VII) The assessment of pupils who have disabilities;

(VIII) Behavior management;

(IX) Parental involvement in programs for pupils who have disabilities;

(X) Curriculum development or methods and strategies for teaching pupils who have specific learning disabilities, emotional disturbances or mental retardation; and

(XI) Education or planning for the transition of pupils who have disabilities from their current placement to placement in additional educational programs, employment and living independently as an adult.

↪ The requirement for course work in two of these areas may be satisfied by completing one course, of at least 3 semester hours, that encompasses both subject matters.

Sec. 4. NAC 391.347 is hereby amended to read as follows:

391.347 1. To receive a limited endorsement to teach pupils who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation, ~~[and mild to moderate needs for assistance and intervention in their educational processes,]~~ a person must hold a teacher's elementary, secondary or special license with an endorsement in special education or a bachelor's or master's degree with a major or minor in special education, and must have completed 20 of the 30 semester hours prescribed in subparagraph (2) of paragraph (d) of subsection 2 of NAC 391.343 and the student teaching, equivalent field experience, or verifiable teaching experience prescribed in subparagraph (1) of paragraph (d) of subsection 2 of NAC 391.343.

2. The term of a limited endorsement is 3 years and the endorsement is not renewable. To continue teaching pupils who have specific learning disabilities, emotional disturbances or *mild to moderate* mental retardation, ~~[and mild to moderate needs for assistance and intervention in their educational processes,]~~ the holder must complete, during the term of his limited endorsement, the requirements for the general endorsement prescribed in subsection 2 of NAC 391.343.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R016-04

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R016-04 which pertain to chapter 391 of the Nevada Administrative Code on July 16, 2004.

Notice date: 6/16/2004

Date of adoption by agency: 7/16/2004

Hearing date: 7/16/2004

Filing date: 8/25/2004

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. One workshop was held on July 16, 2004. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions to NAC 391.305 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on July 16, 2004 to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Commission adopted the proposed regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: Workshop: 7 First Hearing: 7 Second Hearing: N/A
- b) Testified at Each Hearing: Workshop: 1 First Hearing: 0 Second Hearing: N/A
- c) Submitted Written Statements: 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 June 16, 2004, and the public hearing notice of June 16, 2004. At the July 16, 2004 Workshop to Solicit Comments, there were no public comments to the proposed language revisions. At the July 16, 2004 Public Hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop/Public Hearing Comments:

Mary Ann Gibbs, Clark County School District, stated that this proposal would allow an individual with a generalist and generalist limited licensure to teach mild to moderate mental retardation students. This proposal would help recruit and hire teachers in this area.

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 regulation language at the public hearing held July 16, 2004. The reason for adopting the regulation is to allow teachers with a generalist or generalist limited endorsement to teach mild to moderate mental retardation students and allow for greater recruitment in this area to hire teachers.

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 economic effect for teachers is that an individual with a generalist or limited generalist license would allow them to be hired to teach mild to moderate mental retardation students. 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.