

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

LCB File No. R039-05

Effective October 31, 2005

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

AUTHORITY: §§1 and 2, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; prescribing a limited endorsement to teach core academic subjects exclusively to pupils with disabilities; and providing other matters properly relating thereto.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A special education teacher, whether new or not new to the profession, providing instruction at an elementary, middle, junior high or high school may be granted a limited endorsement to teach one or more core academic subjects exclusively to pupils with disabilities.

2. To receive the limited endorsement, a special education teacher must:

(a) Hold a valid special license to teach with an endorsement in special education;

(b) Receive, before and during the term of his limited endorsement, high-quality professional development that is sustained, intensive and focused on instruction in the classroom to ensure a positive and lasting impact on the teacher's instruction in the classroom; and

(c) Demonstrate satisfactory progress toward achieving competence in each applicable core academic subject as prescribed by the Department.

3. *The term of a limited endorsement issued pursuant to this section is 3 years and the endorsement is not renewable. To continue teaching one or more core academic subjects exclusively to pupils with disabilities, the holder must, during the term of his limited endorsement, complete the requirements for designation as a highly qualified teacher by demonstrating competence in each applicable core academic subject in accordance with the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), and the Individuals with Disabilities Education Act, 20 U.S.C. § 1401(10).*

4. *As used in this section, “core academic subject” has the meaning ascribed to it in 20 U.S.C. § 7801(11).*

Sec. 2. NAC 391.162 is hereby amended to read as follows:

391.162 ~~{The}~~ *Except as otherwise provided in section 1 of this regulation, the* Department will not issue or renew a limited endorsement on or after July 1, 2002. A limited endorsement in effect on July 1, 2002, remains valid for the term for which it was issued unless earlier revoked by the Department.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R039-05

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R039-05 which pertain to chapter 391 of the Nevada Administrative Code on September 22, 2005.

Notice date: 8/26/2005
Hearing date: 9/22/2005

Date of adoption by agency: 9/22/2005
Filing date: 10/31/2005

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 September 22, 2005. There was one public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the new limited endorsement to teach one or more core academic subjects exclusively to students with disabilities was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on September 22, 2005, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Commission adopted the proposed new regulation for limited endorsement to teach one or more core academic subjects exclusively to students with disabilities with amendments.

2. The Number of Persons Who:

- a) Attended Each Hearing: Workshop: 9 First Hearing: 9 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 contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in 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 August 16, 2005, and the public hearing notice of August 16, 2005. At the September 22, 2005, Workshop to

Solicit Comments, there was one public comment to the proposed language. At the September 22, 2005, public hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

Nancy Silo, UNLV, questioned if the proposal included middle school teachers. The question was answered that by definition, the term “secondary school” includes middle or junior high school. It was recommended that the term “middle school/junior high school” be included in the proposal for clarification.

Public Hearing Comments:

a) None

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, (775) 687-9226, 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 new regulation language at the public hearing held September 22, 2005. The reason for adopting the proposed new limited regulation is to grant a limited endorsement to special education teachers working in elementary, middle, or secondary schools as an alternative route to certification in order to teach one or more core academic subjects exclusively to students with disabilities.

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:

There is no economic effect on the business, which is regulated. The beneficial effect would allow current special education teachers in elementary, middle, or secondary schools to remain in the classroom with students with disabilities. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

The immediate effect would allow current special education teachers to remain in the classroom and not place a substitute teacher in a special education classroom. The long-term effect would allow special education teachers three years in which to complete the requirements for demonstrating competence in the core academic subject(s) in accordance with the requirements for designation as a highly qualified teacher under the No Child Left Behind Act and the Individuals with Disabilities Education Improvement Act.

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.