

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

LCB File No. R008-13

Effective October 23, 2013

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

AUTHORITY: §1, NRS 391.019.

A REGULATION relating to educational personnel; revising the programs in which certain persons who hold an endorsement to teach a program of alternative education may provide instruction or teach; and providing other matters properly relating thereto.

Section 1. NAC 391.392 is hereby amended to read as follows:

391.392 1. To receive an endorsement to teach a program of alternative education, a person must:

(a) Hold a valid:

- (1) Elementary license;
- (2) License to teach middle school or junior high school education;
- (3) Secondary license;
- (4) License to teach special education; or
- (5) Special license that is endorsed for a recognized field of teaching other than business

and industry;

(b) Have 3 years of verified experience in teaching a program of alternative education; or

(c) Have completed at least 3 semester hours of course work in one or more of the following areas of study:

- (1) Behavior management;

(2) Methods of teaching pupils who have specific learning disabilities;

(3) Parental involvement in programs of alternative education; or

(4) Methods of teaching pupils in a program of alternative education or pupils who are at risk of dropping out of school.

2. Except as limited by subsection 3, a person who holds an endorsement to teach a program of alternative education may:

(a) Provide instruction in any recognized field of teaching for which he or she holds a valid endorsement; and

(b) Teach courses outside his or her area of endorsement.

3. A person who holds an endorsement to teach a program of alternative education initially issued on or after July 1, 2005, may use that endorsement to provide instruction and teach as authorized by subsection 2 only ~~in~~:

(a) In an adult high school program as defined in subsection 2 of NAC 389.690 ~~in~~; or

(b) To act as a teacher of record for a pupil who is enrolled in a course of distance education which has been approved by the Department pursuant to NRS 388.834 and NAC 388.825.

4. An endorsement to teach a program of alternative education is not required to teach a program of alternative education.

5. As used in this section ~~in~~, ~~“program”~~:

(a) “Course of distance education” has the meaning ascribed to it in NRS 388.823.

(b) “Program of alternative education” means:

~~(a)~~ *(1) An alternative program as defined in NAC 388.500; or*

~~(b)~~ *(2) An adult high school program as defined in subsection 2 of NAC 389.690.*

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. R008-13

Proposed Amendments to NAC 391.392 – Endorsement to Teach Program of Alternative Education.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A clear and concise explanation of the need for the adopted regulation.

The need for adopting the regulation is to allow an individual who holds an endorsement to teach a program of alternative education to act as teacher of record to issue credit in an approved program of distance education; due to the explosion of distance education coursework that is now available.

2. Description of how public comment was solicited, a summary of public response, and explanation of how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on September 12, 2013; with no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption was sent to approximately 200 individuals and educational organization. A public hearing was conducted on October 17, 2013 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Commission on Professional Standards in Education adopted the proposed regulation.

Summary of Comments:

Workshop comments:

There were no public comments.

Public hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant, Nevada Department of Education,

775-687-9226, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. The Number of Persons Who:
 - a) Attended Each Hearing: First Workshop: 22; First Hearing: 20
 - b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0
 - c) Submitted Written Statements: First Workshop: 0; Second Workshop: 0
4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

There were no public comments.

5. A description of how comment was solicited from affected businesses, a summary of the response and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited through the workshop notice of August 5, 2013, and a public hearing notice of September 9, 2013. At the September 12, 2013 Workshop to Solicit Comments, there were no public comments to the proposed regulation. At the October 17, 2013 public hearing there was no public comment to the proposed regulation.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant, Nevada Department of Education, 775-687-9226, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Commission on Professional Standards in Education adopted the proposed regulation language at the public hearing held October 17, 2013. There were no comments and the proposed regulation was adopted without further amendments.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Estimated economic effect on the business which they are to regulate.

There is no economic effect on the business it regulates.

(b) Estimated economic effect on the public which they are to regulate.

There is no economic effect on the public

8. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or a statement explaining why the duplication or overlap 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.

There is no federal law affecting the proposed regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation does not include provisions that are more stringent than federal regulation.

11. 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.