

Chapter 391 of NAC

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

**LCB File No. T010-13**

**(Filed with the Secretary of State on April 11, 2013)**

**NAC 391.392 Endorsement to teach program of alternative education.** (NRS 385.080, 391.019)

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; or
    - (4) 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 an adult high school program as defined in subsection 2 of NAC 389.690. *Or to act as teacher of record to issue credit in an approved Program of Distance Education program as defined by NRS 388.829 and NAC 388.815.*
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, "program of alternative education" means:
  - (a) An alternative program as defined in NAC 388.500; or
  - (b) 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 TEMPORARY REGULATION AS**  
**REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

**LCB File No. T010-13**

**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 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. A workshop was held on January 29, 2013. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of temporary regulation NAC 391.392 was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on March 12, 2013 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 17; First Hearing: 16; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 1; Second Hearing: N/A
- c) Submitted Written Statements: First 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, 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 December 26, 2012; and the public hearing notice of February 6, 2013. At the January 29, 2013 Workshop to Solicit Comments, there was public comment to the proposed regulation language. At the March 12, 2013 public hearing there was public comment to the proposed regulation language.

Workshop comments:

There were no workshop comments.

Public Hearing comments:

- a) Brad Deeds, Nevada Department of Education – Career and Technical Education, expressed support for the proposed amendments as it will allow for flexibility. Mr. Deeds stated that there has been an increase in the participation in distance education programs across the State. For example, if there is a computer lab set up in a high school, for students to participate in an on-line class, generally there is one teacher that supervises that class. There may 30-35 students in that class, but odds are many of them are taking different subjects (math, social studies, science, English) and perhaps the teacher that supervises that lab has an endorsement in English, but can't be the teacher of record for math, science, or social studies, because it is outside of their field of endorsement. This necessitates teachers of record assigned from outside that classroom. These other teachers do not supervise these students and do not have daily interaction with these students and most of the time do not even know these students, but are expected to act as the "teacher of record" simply to issue the credit after the student has completed the coursework on the distance program. This can cause issues with teacher accountability as there is no direct interaction with these students. Mr. Deeds responded that currently you need a teacher of record assigned to issue a credit; otherwise a teacher of record could be in a different school. Mr. Deeds stated that students are required to attend class and perform the work.

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, 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 temporary regulation language at the public hearing held March 12, 2013. The reason for adopting the amendments to 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.

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 of the regulation on the business that it regulates.

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.

There is no new fee or fee increase.