

# PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

## LCB File No. R128-16

**NAC 391.557 Requirements for application for approval of course; manual.** (NRS 385.080, 391.019, 391.037, 391.038)

1. ***Definitions:***

***(a) Accredited has the same meaning as defined in NRS 394.006; and***

***(b) Initial program review means the review of a course of study and training which has not been previously approved by the Board.***

2. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education required for the issuance of an elementary, secondary or special license, or a license to teach special education, renewal of such a license or an endorsement in a field of specialization must file with the Superintendent of Public Instruction, at least ~~180~~ 365 calendar days before the first date of instruction, an ***intent to request approval of a course of study and training, on a form prescribed by the Department. At least 180 calendar days before the first date of instruction, an*** application for approval of the course of study and training ***must be filed with the Superintendent.*** The application must include:

(a) The name and location of the institution;

(b) A copy of the articles of incorporation or charter for the institution;

(c) Proof of the financial solvency of the institution, including financial resources available to the institution in this State;

(d) If the institution is accredited, ~~as that term is defined in NRS 394.006,~~ information concerning the accreditation;

(e) The proposed operating budget for the course of study and training;

(f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;

(g) A description of the course of study and training, including:

(1) If the course is designed for teachers:

(I) A description of the course's compliance with the standards for new teachers developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the Model Core Teaching Standards: A Resource for State Dialogue adopted pursuant to NAC 391.556; and

(II) Documentation which verifies that the course uses a performance-based assessment of its candidates;

(2) If the course is designed for educational personnel other than teachers, a description of the course's compliance with the standards established by a nationally recognized association for the professional specialization for which the applicant seeks the approval of the Board; and

(3) If applicable, a description of the course's compliance with subsection 9 of NAC 391.558;

(h) The qualifications a person must hold to provide instruction for the course of study and training;

(i) The proposed course work for the course of study and training *including copies of all course syllabi*;

(j) A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; ~~and~~

*(k) A written statement that describes how the Nevada Educator Performance Framework (NEPF) Standards and Indicators will be integrated into the course of study and training;*

*(l) A description of the application, screening, and selection process for candidates, including the minimum entrance qualifications which must be met;*

*(m) An action plan that demonstrates how the program will meet the hiring needs of local school districts and charter schools; and*

~~(k)~~(n) Except as otherwise provided in this paragraph, a written assessment plan that describes the:

(1) Conceptual framework for the course of study and training;

(2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;

(3) Manner by which the course of study and training will be assessed and evaluated;

(4) Field experience and clinical practice offered by the course of study and training;

(5) Diversity of the population of students who participate in the course of study and training; and

(6) Performance and development of the faculty who provide instruction for the course of study and training.

↪ If an institution is accredited ~~by the National Council for Accreditation of Teacher Education~~ *by an accrediting body which is recognized by the United States Department of Education*, the institution may submit written proof of such accreditation in lieu of the written assessment plan required by this paragraph.

~~1-2~~. 3. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of an elementary, secondary or special license, or a license to teach special education, renewal of such a license or an endorsement in a field of specialization, the Superintendent of Public Instruction shall notify the Board that an application has been received.

~~1-3~~. ~~1~~4. The Department shall develop a manual that:

(a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;

(b) Describes the process for approval of a course of study and training; and

(c) Includes:

(1) The procedures acceptable to the Department to assess the results of students in a course of study and training based upon the standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the Model Core Teaching Standards: A Resource for State Dialogue adopted pursuant to NAC 391.556;

(2) The standards of nationally recognized professional associations of educational personnel other than teachers, as applicable; and

(3) The program standards adopted by ~~the National Council for Accreditation of Teacher Education~~ *an accrediting body recognized by the United States Department of Education*.

↪ The Department shall maintain a copy of the manual and, upon the request of an institution, the Department shall provide a copy of the manual to the institution.

**NAC 391.558 Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee.** (NRS 385.080, 391.019, 391.037, 391.038)

1. The Board will appoint a review team to review each application received by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall submit to the Board a list of persons whom he or she recommends for membership on the review team. At least 2 months before the ~~{date of the visit required by subsection 5}~~*initial review of the application submitted pursuant to NAC 391.557*, the Superintendent of Public Instruction shall send a list of his or her recommendations to the chief administrative officer of the institution that submitted the application. The list must include a description of the professional position, experience and areas of expertise of each person recommended by the Superintendent of Public Instruction. If the chief administrative officer has concerns about any of the persons recommended by the Superintendent of Public Instruction, he or she shall, within 30 days after receipt of the list, provide to the Superintendent of Public Instruction, for transmittal to the Board a written response which describes the concerns. The Board will address the concerns of the chief administrative officer before it appoints members to the review team. *If a person initially selected to be on the review team is unable to serve, the Superintendent shall name a replacement, and the chief administrative officer shall be notified.* Employees or other members of the institution shall not contact the persons recommended for membership on the review team before the Board formally appoints members to the team. *The Department shall facilitate the program review process.*

2. Upon receipt of the recommendations and a written response, if one has been provided by the chief administrative officer, the Board will appoint ~~{no more than seven}~~*five* members to the review team. *The review team must consist of an odd number of members.* The Board may, for good cause, refuse to appoint any of the persons recommended by the Superintendent of Public Instruction. If possible, members of the review team must reside in the area where the institution that submitted the application is located. The review team must include, but is not limited to:

(a) One representative from a public educational institution in this State, other than the applicant, which offers a course of study and training for the education of teachers or other educational personnel;

(b) One representative from a private educational institution in this State, other than the applicant, which offers a course of study and training for the education of teachers or other educational personnel;

(c) At least one licensed, *full-time* ~~{teacher}~~*educator* who:

(1) *Was prepared via a traditional educator preparation program;*

(2) *Has content expertise; and*

(3) *Is currently practicing* in the course of study and training offered by the applicant;

(d) At least one representative ~~{off}~~*from* ~~{a}~~ local school district *administration; and*

(e) One member of the Board. ~~{, and~~

~~{(f) One member of the general public.}~~

3. The review team shall:

(a) *Prior to participating in the review, receive training by the Department in the procedure for the review of course of study and the timeline;*

(b) Examine the application submitted; ~~{and}~~

(b)(c) Decide whether to recommend that the Board grant provisional approval of the course of study and training; and

*(d) Upon the Board granting provisional approval of the course of study and training, conduct a site visit.*

4. If the Board grants provisional approval of a course of study and training, the applicant may offer the course of study and training to students pending final approval by the Board. Members of the general public who inquire about the status of the course of study and training must be informed that it has been provisionally approved and that final approval is pending.

5. If the Board grants provisional approval of a course of study and training, the review team shall, within 12 months after provisional approval has been granted, visit the site of instruction to verify the information provided by the institution pursuant to subsection (b)(2) of NAC 391.557. The visit must not exceed 5 days.

6. *For initial program review only, within 30 days after the visit, the chair of the review team shall send to the applicant a draft report which summarizes the results of the review conducted by the review team. Within 30 days after receipt of the draft report by the applicant, the applicant may file a reply to the draft report with the Superintendent of Public Instruction for transmittal to the Board and the review team which describes the resolution of any deficiencies in the application that were addressed in the draft report. If the applicant files a reply, the review team shall consider the reply in deciding whether to recommend approval of the course of study and training.*

7. *For initial program review only, within 60 days after the visit, the review team shall decide whether to recommend approval of the course of study and training and shall submit a final report to the Superintendent of Public Instruction for transmittal to the Board. The final report must state whether the review team recommends approval of the course of study and training. Upon transmittal of the final report to the Board, the Superintendent of Public Instruction shall inform the applicant of the recommendation of the review team. The review team shall recommend approval of the course of study and training if the applicant complies with the:*

(a) Requirements of NAC 391.557;

(b) Standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the Model Core Teaching Standards: A Resource for State Dialogue adopted pursuant to NAC 391.556 and, as applicable, the standards developed by nationally recognized professional associations of educational personnel other than teachers; or

(c) Program standards approved by ~~the National Council for Accreditation of Teacher Education~~ *an accrediting body recognized by the United States Department of Education*, if applicable.

8. *For initial program review only, upon receipt of the final report, the Board will grant approval of the course of study and training if the applicant complies with the:*

(a) Requirements of NAC 391.557;

(b) Standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the Model Core Teaching Standards: A Resource for State Dialogue adopted pursuant to NAC 391.556 and, as applicable, the standards developed by nationally recognized professional associations of educational personnel other than teachers; or

(c) Program standards approved by ~~the National Council for Accreditation of Teacher Education~~ *an accrediting body recognized by the United States Department of Education*, if applicable.

↪ If the Board denies approval, the applicant may appear before the Board, and is entitled to a hearing and judicial review pursuant to subsection 5 of NRS 391.038.

9. *For initial program review only, if* in addition to the standards of approval set forth in subsections 7 and 8, the review team shall recommend approval of, and the Board will approve, a course of study and training for the education of teachers and other educational personnel for teaching in the secondary grades if:

(a) Enrollment in the course of study and training is restricted to persons who hold a bachelor's degree in a field recognized by the Commission pursuant to NAC 391.1301; and

(b) The course of study and training includes course work described in paragraph (c) of subsection 1 of NAC 391.120 or subsection 2 of NAC 391.120.

10. Except as otherwise provided in subsection 11, approval of a course of study and training pursuant to this section is valid for 7 years. During the 7-year period of approval, the institution shall, within 90 days, notify the Superintendent of Public Instruction of any changes in the information that it provided in its application pursuant to subsection 1 of NAC 391.557, except for a change in the information required by paragraph (e) of that subsection. Upon expiration of each 7-year period of approval, or during a regularly scheduled review of the institution by ~~the National Council for Accreditation of Teacher Education~~ *an accrediting body recognized by the United States Department of Education*, the Superintendent of Public Instruction may recommend to the Board that approval of the course of study and training be renewed for an additional 7 years *provided that no changes have occurred to the previous course of study and training, and, if applicable, the course of study and training remains accredited by an accrediting body recognized by the United States Department of Education.*

11. The Board may require a review of a course of study and training before the expiration of the 7-year period of approval ~~if~~ *upon the Board's request.*

~~— (a) During 1 year, 10 or more students who are enrolled in the course of study and training take specialty or pedagogy competency tests, or both, that are required by this State and the percentage of those students who pass the tests on or after January 1, 2009, is less than 80 percent;~~

~~— (b) Pursuant to the information collected by the Department pursuant to subsection 12, the percentage of probationary licensed educational personnel employed by school districts in this State who completed the course of study and training and who are terminated from employment or who are not reemployed:~~

~~— (1) Before January 1, 2004, is 10 percent or greater for 1 year; and~~

~~— (2) On or after January 1, 2004, is 5 percent or greater for 1 year; or~~

~~— (c) The Board requests a review.~~

↪ Based upon a review conducted pursuant to this subsection, the Board may renew the approval of a course of study and training, ~~or~~ *revoke the approval of a course of study and training, or place a course of study and training on probation. Courses of study and training which lose accreditation by an accrediting body recognized by the United States Department of Education, or are identified as low performing, pursuant to subsection 12, may be placed on probation. Courses of study and training may continue to admit students for entry while on the first probation cycle. Probation shall last two years or until the next review cycle, unless significant evidence is provided to substantiate meeting full approval, as determined by the Department. Probation may be extended after the first two-year probation cycle has been completed if the course of study and training is deemed to be making satisfactory progress;*

*however, no new students may be admitted. Courses of study and training that continue to be identified as low performing after four years on probation will have approval revoked.*

*12. A course of study and training will be identified as low performing if, during an academic year:*

*(a) Ten or more students who are enrolled in the course of study and training take specialty or pedagogy competency tests, and the percentage of those students who pass the tests is less than 80 percent; or*

*(b) Pursuant to the information collected by the Department pursuant to subsection 14, the percentage of probationary licensed educational personnel employed by school districts in this State who completed the course of study and training and who are terminated from employment due to an ineffective rating on the statewide evaluation after the first full academic year or who are not reemployed due to an ineffective rating on the statewide evaluation after the first full academic year is 5 percent or greater.*

*13. For each approved course of study and training, the chief administrative officer shall submit an annual report to the Department, for each graduating class, with the following information which may include, but not be limited to:*

*(a) The number of program completers;*

*(b) The number of enrollees who are current students and have not yet met the requirements for program completion;*

*(c) The number of enrollees who withdrew from the course of study and training;*

*(d) The number of enrollees who were removed from the course of study and training, and the reason for removal;*

*(e) Demographic information about program completers;*

*(f) Teaching assignments in Nevada schools by subject-area, grade-level, district, and school;*

*(g) Performance on tests required by NAC 391.036; and*

*(h) First-year Nevada Educator Performance Framework (NEPF) ratings, including ratings and observations at the standards and indicators levels, of each program completer employed in a Nevada school.*

~~12~~**14.** On or before July 1 of each year, each school district in this State shall report to the Department:

(a) The number of probationary licensed educational personnel that the school district terminated from employment or did not reemploy for another school year; and

(b) For each licensee who is reported pursuant to paragraph (a), the:

(1) Subject area taught by the licensee, if applicable;

(2) Educational institution that the licensee attended;

(3) Course of study and training completed by the licensee; and

(4) Reason that the school district terminated the licensee from employment or did not reemploy the licensee.

↪ Each school district shall report the information required by this subsection without disclosing the identity of an individual licensee or otherwise violating the confidentiality of a licensee.

*15. For a course of study and training that intends to close, whether the closure is by choice or by order of the Board, the chief administrative officer must send a letter to the Superintendent with the following information:*

*(a) The course(s) of study and training that are approved and will close;*

*(b) The date upon which the course of study and training will cease enrollments;*

- (c) The date which the course of study and training will continue to teach out;*
  - (d) A teach-out plan;*
  - (e) The number of students currently enrolled in the course of study and training to be closed and the names of those students;*
  - (f) A copy of the notice provided to currently enrolled students;*
  - (g) The expected date that students currently enrolled will complete the course of study and training; and*
  - (h) Any other information requested by the Department.*
- ↪ The course of study and training is obligated to adhere to Title II HEA reporting responsibilities that may linger after the course of study and training has closed.*

~~13.16.~~ **16.** The applicant shall pay to the Board a fee equal to:

- (a) The expenses incurred on behalf of the review team for preparation of the documentation required by this section; ~~and~~
- (b) The travel expenses and per diem allowances to which the review team is entitled which are related to the visit of the site of instruction~~;~~ **and**
- (c) For initial program review of a course of study and training, a fee of \$1,000; for changes to an approved course of study and training, a fee of \$1,000; and, for review of a continuing course of study and training with no modifications, a fee of \$750.*

(Added to NAC by Bd. of Education, eff. 7-19-96; A by Comm'n on Prof. Standards in Education by R023-00, 6-20-2000, eff. 7-1-2000; A by Bd. of Education by R008-03, 10-30-2003; R097-04, 8-25-2004; R012-09, 10-27-2009; A by Comm'n on Prof. Standards in Education by R018-11 & R028-11, 10-26-2011)

**SMALL BUSINESS IMPACT STATEMENT  
PURSUANT TO NRS 233B.0608**

Date: April 29, 2016

Re: Proposed Revisions of NAC 391.557, Requirements for application for approval of course; manual; and 391.558, Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of application; review of course; annual reports by school district; fee.

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I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed revisions to NAC 391.557 and NAC 391.558 are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses, as the regulations modify/change the requirements and approval process for an institution to offer a course of student and training for the education of teachers or other educational personnel.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

- (1) *The Proposed regulation will have no adverse or beneficial effects; and*
- (2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

NRS 391.038(3) authorizes the State Board to adopt regulations establishing fees for review by the Board of a course of study and training submitted to the Board by an educational institution. The fee structure has not yet been determined.

9. An explanation of why such any provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions that existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

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/s/

STEVE CANAVERO, Ph.D.  
Superintendent of Public Instruction