

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

LCB File No. R099-03

Effective September 24, 2003

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

AUTHORITY: §§1-5, NRS 391.019 and section 112 of Senate Bill No. 1 of the 19th Special Session of the Nevada Legislature, Chapter 1, Statutes of Nevada 2003, 19th Special Session, at page 91.

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

The Commission determines that a person has obtained “full state certification” for purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), if he satisfies all the requirements for the issuance of a renewable license to teach in this state, regardless of whether he has:

- 1. Submitted his fingerprints pursuant to subsection 3 of NRS 391.033; or*
- 2. Complied with the requirements prescribed by NRS 391.090.*

Sec. 2. NAC 391.056 is hereby amended to read as follows:

391.056 1. ~~[The]~~ *Except as otherwise provided in subsection 4, the* Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if he otherwise meets the requirements for a license pursuant to NAC 391.045, but:

(a) Has a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher;

(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;

(c) Lacks confirmation from a college that he has student teaching experience if he is applying for a teaching license, or that he has completed a school counseling practicum or internship if he is applying for a school counseling endorsement, but:

(1) Has completed all necessary course work requirements for the school counseling endorsement;

(2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his application for licensure; and

(3) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

(d) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(e) Has not completed the course required by paragraph (c) of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section becomes invalid 3 years after the date on which the license is issued and may not be extended.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

4. The Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c) or (d) of subsection 1 on or after July 1, 2005, to a person who is applying for an elementary license pursuant to subsection 2 of NAC 391.095 or to a person who is applying for a secondary license with an endorsement in one or more of the following major or minor fields:

- (a) Art.*
- (b) Biological science.*
- (c) Chemistry.*
- (d) English.*
- (e) French.*
- (f) General science.*
- (g) History.*
- (h) Mathematics.*
- (i) Music.*
- (j) Physical science.*
- (k) Reading.*
- (l) Social studies.*
- (m) Spanish.*
- (n) Speech and drama.*

Sec. 3. NAC 391.1301 is hereby amended to read as follows:

391.1301 The Commission recognizes the following fields as comprehensive majors or minors, which require 36 or 24 semester hours of credit respectively:

1. In academic education:

- (a) Art;
- (b) Biological science;
- (c) Business;
- (d) English as a second language;
- (e) English;
- (f) General science;
- (g) Mathematics;
- (h) Music;
- (i) Physical education;
- (j) Physical education and health;
- (k) Physical science;
- (l) Recreational physical education;
- (m) Social studies; and
- (n) Speech and drama.

↪ *For the comprehensive majors and minors identified in this subsection, a person who holds a bachelor's degree or a higher degree with a major or minor conferred by a regionally accredited college or university shall be deemed to qualify for a comprehensive major or minor, as applicable, if he has satisfied the requirements of NAC 391.120.*

- 2. In occupational education:
 - (a) Agricultural education;
 - (b) Automotive service technology;
 - (c) Business education;
 - (d) Child care;

- (e) Commercial housekeeping;
- (f) Communications and media;
- (g) Construction technology;
- (h) Drafting and design;
- (i) Electronic technology;
- (j) Food services;
- (k) Health occupations;
- (l) Home economics;
- (m) Hospitality and recreation;
- (n) Housing and home furnishing;
- (o) Human services;
- (p) Industrial arts;
- (q) Manufacturing technology;
- (r) Marketing education;
- (s) Stage and theater technology; and
- (t) Technology education.

Sec. 4. NAC 391.156 is hereby amended to read as follows:

391.156 1. Except as otherwise provided in this section, an exception may be granted for not longer than 2 school years. An exception granted pursuant to a request to which an objection is made by the licensed teacher affected may be granted for not longer than 1 school year.

2. If the request for an exception:

(a) Relates to a course in the humanities, an elective course of study or a course that is supplemental to the basic curriculum prescribed by the Board; and

(b) Is for a teacher who is assigned to teach outside his area of endorsement at a secondary or combined school that has less than 300 pupils enrolled and is located at least 30 miles from a school where the subject is taught by persons who have received endorsements in that area, ↪the Superintendent of Public Instruction may extend the exception for 2 years if the superintendent of the school district submits to the Superintendent of Public Instruction a plan by which the conditions that necessitated the request can be eliminated within the period of the extension.

3. The Superintendent of Public Instruction may grant an exception for longer than 2 school years to a teacher of a program of alternative education who teaches outside his area of endorsement.

4. As used in this section:

(a) A “combined school” means a school which has both secondary and elementary pupils in attendance, or which mixes one grade level with another.

(b) “Program of alternative education” has the meaning ascribed to it in subsection ~~4~~ 5 of NAC 391.392.

Sec. 5. 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) Secondary license; or

(3) 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 high school.

2. ~~[A]~~ *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 holds a valid endorsement; and

(b) Teach courses outside his 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 program of adult education, as defined in subsection 2 of NAC 389.690.*

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

~~[4.]~~ 5. As used in this section, “program of alternative education” means:

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

(b) A program of adult education as defined in subsection 2 of NAC 389.690.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R099-03

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R099-03 which pertain to chapter 391 of the Nevada Administrative Code on September 12, 2003.

Notice date: 8/7/2003
Hearing date: 9/12/2003

Date of adoption by agency: 9/12/2003
Filing date: 9/24/2003

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 12, 2003. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions to NAC 391.036 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on September 12, 2003, to provide the opportunity for comments by affected parties and the public. There were comments from the public. The Commission adopted the proposed regulations.

2. The Number of Persons Who:

a) Attended Each Hearing: Workshop: 11 First Hearing: 11 Second Hearing: N/A
b) Testified at Each Hearing: Workshop: 1 First Hearing: 3 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 Keith Rheault, Deputy Superintendent at the Nevada Department of Education, (775) 687-9224, 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 7, 2003, and the public hearing notice of August 7, 2003. At the September 12, 2003, Workshop to Solicit Comments, there were public comments to the proposed language revisions. At the September 12, 2003, public hearing there was public comments to the proposed language.

Summary of Comments:

Workshop/Public Hearing Comments:

- a) Gloria Dopf, Assistant Superintendent for the Nevada Department of Education, stated that the State Special Education Advisory Committee made the three following recommendations:
- 1) The Special Education Advisory Committee requests that the Commission consider revising NAC 391.378, 2(d) by incorporating additional course work requirements in (4) Characteristics of Pupils with Autism; (5) Curriculum Development or Methods and Strategies for Teaching Pupils Who Have Autism.
 - 2) The Special Education Advisory Committee supports the inclusion of the Option Program for Autism and recommends that a sunset clause be incorporated to eliminate the Option Program for Autism as of June 30, 2005.
 - 3) The Special Education Advisory Committee supports the proposed changes in NAC, Section 391.350, 391.356, 391.360, and 391.378 from three (3) years to one (1) year of verifiable teaching experience.

Public Hearing Comments:

- b) Dr. Tom Pierce, University of Nevada, Las Vegas, stated that he supports all of the three recommended changes by the Special Education Advisory Committee and stated that it is important to have coursework.
- c) Mary Ann Gibbs, Clark County School District, stated that the School District does not support the inclusion of the sunset clause for the Autism Option Program. Ms. Gibbs stated that they do not feel that the needs will be any less in five years.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Keith Rheault, Deputy Superintendent at the 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 September 12, 2003. The reason for adopting the regulations was to change the three years of verifiable teaching experience requirement to one year and to allow an Option Program in the area of Autism.

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. 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.