

Chapter 391 of NAC

LCB File No. T038-05

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

Filed with the Secretary of State on May 18, 2005.

Explanation: Matter in Italics is new; matter in brackets is material to be omitted.

AUTHORITY: NRS 391.019

Chapter 391 of NAC is hereby amended as follows:

391.____. Limited endorsement to teach one or more core academic subjects exclusively to students with disabilities.

Special education teachers working in elementary, middle, or secondary schools, whether new or not new to the profession as defined under NCLB, may be granted a limited endorsement as an alternative route to certification in order to teach one or more core academic subjects exclusively to students with disabilities.

1. To receive a limited endorsement to teach one or more core academic subjects exclusively to students with disabilities, a person must

(a) Hold a teacher's special license with an endorsement in special education;

(b) Receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching; and

(c) Demonstrate satisfactory progress toward full certification as prescribed by the Nevada Department of Education.

2. The term of a limited endorsement is 3 years and the endorsement is not renewable. To continue teaching one or more core academic subjects exclusively to students with disabilities, the holder must complete, during the term of his limited endorsement, 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 of 2001, 20 U.S.C. §7801 and the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq.s

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T038-05

The Commission on Professional Standards in Education adopted temporary regulations assigned LCB File No. T038-05 which pertain to chapter 391 of the Nevada Administrative Code on May 12,2005.

Notice date: 4/6/2005
Hearing date: 5/12/2005

Date of adoption by agency: 5/12/2005
Filing date: 5/18/2005

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 May 12, 2005. There were two speakers from the public.

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 May 12, 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.

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: 2 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 April 6, 2005, and the public hearing notice of April 6, 2005. At the May 12, 2005, Workshop to Solicit Comments,

there were two public comments to the proposed language revisions. At the May 12, 2005, public hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

- a) Ms. Gloria Dopf stated that the proposed new limited endorsement would enable current teachers to continue teaching core content subjects in accordance with No Child Left Behind.
- b) Ms. Frankie McCabe stated that the 17 school districts and the special education parent advisory group support this proposal. Ms. McCabe stated that this proposal is considered an alternative route to licensure for special education teachers to become highly qualified.

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 May 12, 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.