

**Chapter 391 of NAC**

**LCB File No. T004-09**

**ADOPTED TEMPORARY REGULATION OF THE  
STATE BOARD OF EDUCATION**

**Filed with the Secretary of State on December 24, 2008**

**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 recommends for membership on the review team. At least 2 months before the date of the visit required by subsection 5, the Superintendent of Public Instruction shall send a list of his 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 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 his concerns. The Board will address the concerns of the chief administrative officer before it appoints members to the review team. 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.

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 members to the review team. 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 teacher who has expertise in the course of study and training offered by the applicant;

(d) At least one representative of a local school district;

(e) One member of the Board; and

(f) One member of the general public.

3. The review team shall:

- (a) Examine the application submitted; and
- (b) Decide whether to recommend that the Board grant provisional approval of the course of study and training.

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 1 of NAC 391.557. The visit must not exceed 5 days.

6. Within 30 days after the visit, the chairman 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. 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 New Teacher Assessment and Support Consortium, as set forth in the *Model Standards for Beginning Teacher Licensing and Development* 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, if applicable.

8. 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 New Teacher Assessment and Support Consortium, as set forth in the *Model Standards for Beginning Teacher Licensing and Development* 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, 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. In addition to the standards of approval set forth in subsections 7 and 8, the review team shall recommend approval, 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 subsection 3 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 of Accreditation of Teacher 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.

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:

(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 is *on or after January 1, 2009, less than 80 percent.* †

~~— (1) Before January 1, 2004, less than 90 percent; and~~

~~— (2) On or after January 1, 2004, less than 95 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.

12. 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.

13. 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.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T004-09**

The State Board of Education adopted temporary regulations assigned LCB File No. T004-09 which pertain to chapter 391 of the Nevada Administrative Code.

**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 200 individuals and educational organizations. A workshop was held on October 10, 2008. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 391.558 – Procedure and Requirements for Review of Applications and approval of Courses; Provisional and Final Approval; Expiration and Renewal of Approval; Review of Course; Annual Reports by School District; Fee. Public hearing was conducted on December 6, 2008 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 20; First Hearing: 17; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; First Hearing: 0; 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 Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comments were 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 September 22, 2008; and a public hearing notice of November 3, 2008. At the October 10, 2008 Workshop to Solicit Comments, there was public comment to the proposed amendments to the regulation language. At the December 6, 2008 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

- (a) Francine Mayfield, Nevada Association of Educators, expressed support for the amendments.

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 Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held December 6, 2008. The reason for adopting the amendments to this regulation is to amend the percentage of those students who pass the tests to 80%, after January 1, 2009, from 90% prior to January 1, 2004 and 95% after January 1, 2004. The Board may require a review of the university's course of study and training during the seven year period of the percentage of passing students is not met. This would align the pass rate with other states and with NCATE requirements.

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 Department of Education. There is no economic effect on the public or the business it regulates and the changes are beneficial to the university systems.

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.