

Chapter 391 of NAC

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

LCB File No. T011-11

Filed with the Secretary of State on May 19, 2011

~~[NAC 391.350 Qualifications for teaching pupils who have serious emotional disturbances and moderate to intense needs for assistance and intervention. (NRS 385.080, 391.019, 391.032)~~

~~— 1. Before teaching pupils who have serious emotional disturbances and moderate to intense needs for assistance and intervention in their educational processes, a person must hold:~~

~~— (a) An endorsement issued pursuant to this section; or~~

~~— (b) A teacher's elementary, secondary or special license with an endorsement in special education, a license to teach middle school or junior high school education with an endorsement in special education, or a bachelor's or master's degree with a major or minor in special education, must have completed 6 semester hours from the course work prescribed in subparagraph (2) of paragraph (c) of subsection 2 and must complete a program of preparation leading to licensing in this field within 3 years after beginning to teach such pupils.~~

~~— 2. To receive the endorsement, the person must:~~

~~— (a) Have completed a program of preparation for teaching pupils who have serious emotional disturbances, which has been approved by the Board;~~

~~— (b) Hold a license or certificate, issued by another state, with an endorsement to teach pupils who have serious emotional disturbances;~~

~~— (c) Hold a bachelor's or master's degree in the education of pupils who have serious emotional disturbances and have completed 8 semester hours of student teaching, equivalent field experience or 1 year of verifiable teaching experience in special education;~~

~~— (d) Have:~~

~~— (1) Met the requirements for an endorsement prescribed in NAC 391.343, 391.356, 391.360 or 391.370;~~

~~— (2) One year of verifiable teaching experience with pupils who have serious emotional disturbances; and~~

~~— (3) Completed 9 semester hours of the course work prescribed in sub-subparagraphs (IV), (V) and (VI) of subparagraph (2) of paragraph (c); or~~

~~— (e) Hold a bachelor's or master's degree and:~~

~~— (1) Have completed 8 semester hours of student teaching of pupils who have serious emotional disturbances, equivalent field experience with such pupils or 1 year of verifiable teaching experience with such pupils; and~~

~~— (2) Have completed 24 semester hours of course work, including course work in the following areas:~~

~~— (I) Educational psychology;~~

~~— (II) Human growth and development;~~

~~— (III) Introduction to special education or the education of pupils who have disabilities;~~

- ~~———— (IV) The assessment of pupils who have disabilities;~~
 - ~~———— (V) Characteristics of pupils who have emotional disturbances;~~
 - ~~———— (VI) Curriculum development or methods and strategies for teaching pupils who have emotional disturbances;~~
 - ~~———— (VII) Education or planning for the transition of pupils who have disabilities from their current placement to placement in additional educational programs, employment and living independently as an adult;~~
 - ~~———— (VIII) Behavior management; and~~
 - ~~———— (IX) Parental involvement in programs for pupils who have disabilities.~~
- ~~☐ The requirement for course work in two of these areas may be satisfied by completing one course, of at least 3 semester hours, that encompasses both subject matters.]~~

NEVADA DEPARTMENT OF EDUCATION

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS
REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB File No. T011-11

**NAC 391.350 – Qualifications for Teaching Pupils Who Have Serious Emotional
Disturbances and Moderate to Intense Needs for Assistance and Intervention**

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 February 9, 2011. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the deletion of NAC 391.350 – Qualifications for Teaching Pupils Who Have Serious Emotional Disturbances and Moderate to Intense Needs for Assistance and Intervention was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on March 24 and May 4, 2011 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the deletion of the regulation.

2. The Number of Persons Who:
 - a) Attended Each Hearing: First Workshop: 10; First Hearing: 10; Second Hearing: 4
 - b) Testified at Each Hearing: First Workshop: 1; First Hearing: 1; Second Hearing: 1
 - c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: 1

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 January 6, 2011; and the public hearing notice of February 17 and March 31, 2011. At the February 9, 2011 Workshop to Solicit Comments, there was public comment to the proposed temporary regulation language. At the March 24 and May 4, 2011 public hearing there was public comment to the proposed temporary regulation language.

Workshop comments:

- a) Rorie Fitzpatrick, Nevada Department of Education, Director of the Office of Special Education, Elementary, Secondary Education and School Improvement Programs and on behalf of the Special Education Advisory Committee (SEAC), provided recommendations from SEAC to retain NAC 391.350 as a stand-alone endorsement and strengthen the coursework in this area.

Public Hearing comments:

- a) MaryAnn Demchak, University of Nevada, Reno-Special Education Department and the Vice Chair of the Special Education Advisory Committee, expressed support to retain NAC 391.350; as this is recognized as a unique population of students and their unique needs. Dr. Demchak recommended retaining NAC 391.350 as written to meet the needs of this population of students who have serious emotional disturbances and moderate to intense needs for assistance and intervention.
- b) Rorie Fitzpatrick, Nevada Department of Education, Director of the Office of Special Education, Elementary, Secondary Education and School Improvement Programs and on behalf of the Special Education Advisory Committee (SEAC) to retain NAC 391.350 as currently written as a stand-alone endorsement that could serve as a placeholder in order for the Commission to revisit the coursework requirements to serve students identified as having serious emotional disturbance.
- c) Andre Yates, Clark County School District, expressed support for the elimination of NAC 391.350, as the requirements in NAC 391.350 is a duplication of the requirements within the Generalist Endorsement.

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 deletion of regulation language at the public hearing held May 4, 2011. The reason for the deletion of NAC 391.350 is that the requirements are included within the Generalist Endorsement in an effort to consolidate special education endorsements to allow for reciprocity with special education teachers and their license/endorsement from other states per a request for the Nevada Legislature.

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 are no adverse effects.

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.