

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION
OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at
8:00 AM on March 16, 2016 to be video-conferenced in the following locations:

Department of Education Department of Education
9890 South Maryland Pkwy 700 East Fifth Street
Board Room *and* Board Room
Las Vegas, NV 89183 Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

8:00 A.M. **Public Hearing and Possible Adoption of Proposed Amendments to R140-15; NAC Chapter 391 relating to education; eliminating the endorsement to teach English as a second language; providing for an English language acquisition and development endorsement and an endorsement as a specialist in English language acquisition and development; and providing other matters properly relating thereto.**

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to education; eliminating the endorsement to teach English as a second language; providing for a license or an endorsement as a specialist in English language acquisition and development.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the license or endorsement for English language acquisition and development.
3. There is no economic effect of the regulation on the business and industry that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.

5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions on or before March 2, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R140-15

February 4, 2016

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

AUTHORITY: §§1 and 2, NRS 391.019.

A REGULATION relating to education; eliminating the endorsement to teach English as a second language; providing for an English language acquisition and development endorsement and an endorsement as a specialist in English language acquisition and development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) Existing regulations authorize a person who has received certain education to receive an endorsement to teach English as a second language. (NAC 391.237) This regulation eliminates that endorsement and instead authorizes a person who has received certain education to receive an English language acquisition and development endorsement. This regulation also establishes the education required to receive such an endorsement. Finally, this regulation: (1) creates an endorsement as a specialist in English language acquisition and development; and (2) authorizes a person who has completed the requirements for an English language acquisition and development endorsement and received certain additional education to receive such an endorsement.

Section 1. NAC 391.237 is hereby amended to read as follows:

391.237 1. To receive an *English language acquisition and development* endorsement, ~~to teach English as a second language,~~ a person must have:

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- (a) A valid elementary, secondary or special license, a valid license to teach special education, or a valid license to teach middle school or junior high school education; ~~and~~
- (b) Completed at least 3 semester hours of credit in each of the following areas of study:
- (1) ~~Methods and materials for teaching~~ *Language acquisition theory and English as a second language* ~~and~~ *development practices;*
 - (2) ~~Theories for the acquisition of a second language;~~ *Methods and curriculum for teaching English language learners; and*
 - (3) ~~Testing~~ *Assessment and evaluation of pupils studying English as a second language; and*
 - ~~(4) Developing a curriculum for pupils studying English as a second language;~~ *language learners;*
- (c) Completed at least 2 semester hours of credit in one of the following areas of study:
- (1) *Policies, critical issues and best practices for English language learners in prekindergarten and elementary school; or*
 - (2) *Policies, critical issues and best practices for English language learners in secondary school; and*
- (d) Completed at least 1 semester hour of credit of practicum, which must include, without limitation, at least 25 hours of experience working in the classroom.
2. To receive an endorsement as a professional teacher of English as a second language, a person must have completed the requirements for an *English language acquisition and development* endorsement ~~to teach English as a second language~~ as described in subsection 1 and:

(a) Hold a master's degree; and

(b) Have 3 years of experience as a teacher.

3. *To receive an endorsement as a specialist in English language acquisition and development, a person must:*

(a) Have completed the requirements for an English language acquisition and development endorsement as described in subsection 1; and

(b) Have completed at least 3 semester hours of credit in each of the following areas of study:

(1) Foundations in education in cultural and linguistic diversity; and

(2) Cultural and linguistic diversity program leadership.

4. Requirements for the successful completion of a course of study in which a person is enrolled are in addition to the requirements to receive an endorsement.

Sec. 2. A person who, on the effective date of this regulation, possesses a valid endorsement to teach English as a second language that was granted before the effective date of this regulation by the Superintendent of Public Instruction:

1. Shall be deemed to hold an English language acquisition and development endorsement issued by the Superintendent pursuant to NAC 391.237, as amended by section 1 of this regulation; and

2. May continue to renew the endorsement as if the endorsement were an English language acquisition and development endorsement issued by the Superintendent pursuant to NAC 391.237, as amended by section 1 of this regulation.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



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

Date: 10/29/2015

RE: Proposed Adoption of Regulations Revising NAC391.237 Endorsement to teach English as a second language; endorsement as a professional teacher of English as a second language. (NRS 385.080, 391.019, 391.032)

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

1. The proposed changes to the regulation NAC 391.237 is 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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,

A handwritten signature in black ink, appearing to read "Steve Canavero".

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

Posted 10/29/2015