

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 virtual public hearing at 9:00 AM on **February 17, 2021**

STATE OF EMERGENCY SPECIAL PUBLIC NOTICE

Due to the circumstances created by the COVID-19 pandemic, the Commission on Professional Standards in Education will meet via videoconference. In accordance with Governor Sisolak's [State of Emergency Directive 006](#), Section 1, and extended indefinitely by the [State of Emergency Directive 029](#), there will be no physical location designated for this meeting. The meeting will be livestreamed on the [Nevada Department of Education](#).

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:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R026-20; Regulation relating to education; requiring teachers to meet certain requirements to receive certain endorsements; requiring a provider of an alternative route to licensure program to include certain coursework in the program; requiring an institution which wishes to offer a course of study or training for the education of teachers to include certain coursework in the program; 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 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other personnel. (NRS 391.019) Existing regulations outline various requirements for obtaining a license to teach. (NAC 391.045, 391.050, 391.052, 391.054, 391.0535, 391.0575, NAC 391.057, 391.0577, 391.089, 391.095, and 391.1301). Section 1 of **R026-20** changes the endorsement for computer technology-based applications and computational thinking to be an endorsement to teach introductory computer science in grades K-12, and also expands the types of licenses a person may hold to receive this endorsement. **Section 3** of this regulation authorizes a person to receive an endorsement to teach pupils who are participating in the Jobs for America's Graduates program if he or she meets certain basic requirements and: (1) holds a bachelor's degree from a regionally accredited college or university; (2) has at least 4 years of certain professional experience; (3) receives approval to obtain the endorsement from the Executive Director of Jobs for America's Graduates. **Section 3** also further outlines the requirements a person must meet to receive approval from the Executive Director. **Sections 4 and 5** of this regulation require a program for an alternative route to licensure or an institution which offers a course of study and training for the education of teachers or other educational personnel to include

certain coursework required to obtain an endorsement to teach English Language Acquisition and Development pursuant to NAC 391.237. **Section 2** of this regulation specifies effective dates after which teacher preparation programs must comply with the changes in sections 4 and 5, and also permits a person to obtain an English Language Acquisition and Development endorsement if he or she completes the required coursework prior to July 1, 2021.

2. The Subjects and Issues involved in the regulations are those who would be seeking initial licensure, renewal, or addition of endorsements to their educator's license.
3. There is no economic effect of the regulation on the business 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, 2080 E. Flamingo Rd., Ste. 210, Las Vegas, NV 89119. The Department of Education must receive written submissions **on or before February 2, 2021**. 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.

This notice and the text of the proposed regulation are 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. Copies of this notice and the proposed regulation will also be mailed or emailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

A copy of this notice and the regulation to be adopted has been posted on the [Nevada Department of Education's website](#), as well as [Nevada's Public Notice site](#).

Notice required by NRS 233B.064: 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.

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

LCB File No. R026-20

May 4, 2020

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

AUTHORITY: §§1, 3 and 4, NRS 391.019; §2, NRS 391.019 and 391.032; §5, NRS 391.019, 391.037 and 391.038.

A REGULATION relating to education; requiring teachers to meet certain requirements to receive certain endorsements; requiring a provider of an alternative route to licensure program to include certain coursework in the program; requiring an institution which wishes to offer a course of study or training for the education of teachers to include certain coursework in the program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations relating to the licensure of teachers and other educational personnel. (NRS 391.019) The Commission must also adopt regulations providing for the licensure of persons who obtain a license pursuant to an alternative route to licensure. (NRS 391.032) Existing law also requires the Commission to adopt regulations to approve a course of study or training offered by an educational institution to qualify a person to be a teacher. (NRS 391.037, 391.038)

Existing regulations authorize a person to receive an endorsement to teach computer technology-based applications and computational thinking if he or she meets certain requirements. (NAC 391.202) **Section 1** of this regulation changes that endorsement to be an endorsement to teach introductory computer science. **Section 1** also expands the types of license a person may hold to receive the endorsement.

Existing regulations outline the requirements a person must meet to receive an endorsement to teach pupils who are participating in the Jobs for America’s Graduates program in Nevada. (NAC 391.253) **Section 3** of this regulation authorizes a person to receive such an endorsement if he or she meets certain basic requirements and: (1) holds a bachelor’s degree from a regionally accredited college or university; (2) has at least 4 years of certain professional experience; or (3) receives approval to receive the endorsement from the Executive Director of Jobs for America’s Graduates. **Section 3** further outlines the requirements a person must meet to receive approval from the Executive Director.

Existing regulations provide for a person to receive an English language acquisition and development endorsement if he or she meets certain requirements. (NAC 391.237) Existing regulations outline the requirements for a program for an alternative route to licensure to receive approval from the Commission. (NAC 391.461) Existing regulations also outline the requirements for a course of study and training for the education of teachers to receive approval from the Superintendent of Public Instruction. (NAC 391.557) **Section 4** of this regulation requires a program for an alternative route to licensure to include certain coursework related to language acquisition theory and English language development, while **section 5** of this regulation requires the same of a course of study and training for the education of teachers or other educational personnel. **Section 2** of this regulation requires a person who is enrolled in a program for an alternative route to licensure or a course of study or training for the education of teachers to take certain coursework related to language acquisition theory and English language development. **Section 2** authorizes a person enrolled in such a program that does not offer the required coursework to still receive an English language acquisition and development endorsement if he or she is enrolled in such a program: (1) to receive a license for early childhood or elementary education before July 1, 2021; or (2) to receive a license for middle school or junior high school or secondary education before July 1, 2022.

Section 1. NAC 391.202 is hereby amended to read as follows:

391.202 To receive an endorsement to teach *introductory* computer ~~technology-based applications and computational thinking~~ *science* that includes issues relating to information technology, tools for productivity, communication and research and computational thinking ~~in~~ *in kindergarten through grade 12*, a person must have 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 must have completed 9 semester hours of course work, consisting of:

1. Three semester hours of coursework in a course of study that covers methods for teaching computer science;
2. Three semester hours of coursework in a course of study that covers concepts in computer science; and
3. Three semester hours of coursework in a course of study that covers methods for teaching computer applications which include, without limitation:

- (a) Word processing and the use of spreadsheets;
- (b) Communication and collaboration tools;
- (c) Internet research tools;
- (d) Internet safety; and
- (e) Proper keyboarding techniques.

Sec. 2. NAC 391.237 is hereby amended to read as follows:

391.237 1. ~~[(F)]~~ *Except as otherwise provided in paragraph (l) of subsection 1 of NAC 391.461 and paragraph (i) of subsection 1 of NAC 391.557, to* receive an English language acquisition and development endorsement, a person must have:

(a) A valid elementary, secondary or special license, a valid license to teach special education, *a valid license to teach pupils in a program of early childhood education* or a valid license to teach middle school or junior high school education;

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

- (1) Language acquisition theory and English language development practices;
- (2) Methods and curriculum for teaching English learners; and
- (3) Assessment and evaluation of English 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 learners in prekindergarten and elementary school; or

(2) Policies, critical issues and best practices for English 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 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.

5. Notwithstanding the provisions of subsection 1, a person who is enrolled in a program for an alternative route to licensure or an approved course of study or training for the education of teachers or other educational personnel that does not offer the coursework outlined in paragraphs (b), (c) and (d) of subsection 1, may still receive an English language acquisition and development endorsement:

(a) If he or she is enrolled in a program to earn a license to teach elementary education or to teach pupils in a program of early childhood education before July 1, 2021; or

(b) If he or she is enrolled in a program to earn a license to teach middle school or junior high school education or secondary education before July 1, 2022.

Sec. 3. NAC 391.253 is hereby amended to read as follows:

391.253 1. A person who holds an endorsement to teach pupils who are participating in the Jobs for America's Graduates program in Nevada may teach pupils in grades 6 to 12, inclusive, who are enrolled in a course provided by Jobs for Nevada's Graduates, Inc. Such a person shall not teach other pupils for whom a separate license or endorsement is required to teach unless he or she holds the required license or endorsement.

2. ~~[To]~~ *Except as otherwise provided in subsection 3, to* receive an endorsement to teach pupils who are participating in the Jobs for America's Graduates program in Nevada, a person must:

(a) ~~[Hold a bachelor's degree;~~

~~—(b)]~~ Successfully complete a training program approved by the Department; ~~[and~~

~~(c)]~~ (b) Secure an offer of employment from the Executive Director of Jobs for Nevada's Graduates, Inc., the board of trustees of a school district, the governing body of a charter school or the principal of an achievement charter school ~~[;]~~ *; and*

(c) *Show that he or she:*

(1) *Holds a bachelor's degree from a regionally accredited college or university;*

(2) *Has at least 4 years of professional experience as a:*

(I) *Social worker;*

(II) *Case manager;*

(III) *Qualified trainer; or*

(IV) *Parole or probation officer; or*

(3) Has approval to receive an endorsement to teach pupils who are participating in the Jobs for America's Graduates program in writing from the Executive Director of Jobs for America's Graduates.

3. Except as otherwise provided in subsection 4, to receive approval from the Executive Director of Jobs for America's Graduates pursuant to subparagraph (3) of paragraph (c) of subsection 2, a person must:

(a) Hold a valid substitute teaching license in this State; or

(b) Show proof of at least 4 years of experience as a qualified professional in a related field.

4. A person may be exempted from the requirements of subsection 3 to receive approval from the Executive Director of Jobs for America's Graduates if:

(a) The person holds a valid special license or provisional special license with an endorsement as a substitute teacher in this State;

(b) The offer of employment secured by the person pursuant to paragraph (b) of subsection 2 is for a position within:

(1) A school district whose enrollment of pupils is 9,000 or less; or

(2) Any geographic area of this State for which the Executive Director of Jobs for America's Graduates certifies in writing that no other qualified person is available to fill; and

(c) The Executive Director of Jobs for America's Graduates has given written approval for such an exemption.

Sec. 4. NAC 391.461 is hereby amended to read as follows:

391.461 1. An institution of higher education or any other provider that operates independently of an institution of higher education which wishes to offer a program for an

alternative route for the licensure of teachers and administrators in this State must apply to the Commission on a form prescribed by the Department for approval to become a qualified provider of such a program. The application must include, without limitation:

- (a) The name and location of the applicant;
- (b) The name of the program;
- (c) If the applicant is accredited, the name of the regional accrediting body and the accreditation status of the applicant;
- (d) If the applicant is a private postsecondary educational institution, as defined in NRS 394.099, evidence that the applicant is licensed to operate by the Commission pursuant to chapter 394 of NRS;
- (e) A description of the budget of the program;
- (f) The areas of licensure for which the applicant will offer the program;
- (g) A description of the program, which must include, without limitation:
 - (1) The way in which the elements of the program will comply with the requirements of this chapter and chapter 391 of NRS;
 - (2) The application and review process for persons to enroll in the program, including, without limitation, a copy of all forms that will be used in the process; and
 - (3) The supervised, school-based experiences the applicant will provide as required by NRS 391.019, including, without limitation:
 - (I) The name of each school and school district that will participate in the supervised, school-based experience;

(II) The length of time for which a student will be required to participate in the supervised, school-based experience, including, without limitation, any orientation that the student must complete;

(III) The manner by which students will be mentored by a postprobationary teacher and evaluated during the supervised, school-based experience;

(IV) How the supervised, school-based experience will promote the effectiveness of teachers; and

(V) A copy of all forms that will be used for the supervised, school-based experience process;

(h) A list of all staff members for the program, the roles and responsibilities of each person and his or her credentials;

(i) A statement of the estimated time it will take a student enrolled in the program to complete the program, which must allow for completion of the program within 2 years but not more than 3 years;

(j) A description of the manner by which the applicant will evaluate the success or failure of each student enrolled in the program and track the progress of each such student, including a copy of all forms that will be used for the evaluation and tracking;

(k) A description of how the applicant will evaluate the success of the program, which must include the information required for the evaluation pursuant to NRS 391.039; ~~and~~

(l) *The proposed course work for the course of study and training, which must include, without limitation, the courses described in paragraphs (b), (c) and (d) of subsection 1 of NAC 391.237; and*

(m) Any other information required by the Department or the Commission.

2. Upon receipt of an application for approval as a qualified provider pursuant to subsection 1, the Commission will appoint a review team to review the application consisting of:

- (a) Two members of the Commission selected by the Commission;
- (b) The Secretary to the Commission; and
- (c) Two employees of the Department selected by the Secretary to the Commission.

3. The review team shall:

- (a) Examine the application;
- (b) Determine whether to recommend that the Commission grant its approval of the application; and
- (c) Submit its recommendation to the Commission.

4. The Commission will review the recommendation of the review team submitted pursuant to subsection 3 and provide to the applicant written notice of its approval or denial. The Commission may grant provisional approval to an applicant pursuant to subsection 5. If the Commission denies an application, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Commission.

5. If the Commission grants an applicant provisional approval, the applicant may offer the program for an alternative route to licensure described in the application for the period prescribed by the Commission. The applicant must remove all the provisions under which the approval was issued before the expiration of the provisional approval. If the applicant removes the provisions within the prescribed time, the Commission will grant nonprovisional approval to the applicant as a qualified provider. Provisional approval is valid for 2 years after the date on which the Commission granted provisional approval. If an applicant does not remove all the provisions within the prescribed time, the provisional approval is automatically revoked.

6. Except as otherwise provided in subsection 5, if an applicant is approved as a qualified provider pursuant to this section, the approval is valid for 2 years after the date of approval. To continue the approval, the qualified provider must submit an application for renewal before the expiration of the approval to the Commission on a form prescribed by the Department. If the application for renewal is approved by the Commission, the renewal is valid for 2 years after the date of the approval.

7. If a qualified provider intends to offer a program for an alternative route to licensure for an area of licensure that is different from the area of licensure for which the qualified provider has been approved, the qualified provider must submit a new application pursuant to subsection 1 to offer a program for an alternative route to licensure for that area of licensure.

8. Each qualified provider must be evaluated on an annual basis pursuant to NRS 391.039. The Department shall:

- (a) Present the results of the evaluation to the Commission; and
- (b) After the results have been presented to the Commission, post the evaluation on the Department's Internet website.

9. Each qualified provider shall cooperate with the Commission and the Department in the evaluation of the effectiveness of this section and NAC 391.057.

Sec. 5. NAC 391.557 is hereby amended to read as follows:

391.557 1. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education required for the issuance of an elementary, secondary or special license, a license to teach special education or a license to teach pupils in a program of early childhood education, renewal of such a license or an endorsement in a field of specialization must file with the Superintendent of

Public Instruction, at least 180 calendar days before the first date of instruction, an application for approval of the course of study and training. The application must include:

- (a) The name and location of the institution;
- (b) A copy of the articles of incorporation or charter for the institution;
- (c) Proof of the financial solvency of the institution, including financial resources available to the institution in this State;
- (d) If the institution is accredited, as that term is defined in NRS 394.006, information concerning the accreditation;
- (e) The proposed operating budget for the course of study and training;
- (f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;
- (g) A description of the course of study and training, including:
 - (1) If the course is designed for teachers:
 - (I) A description of the course's compliance with the standards for new teachers developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556; and
 - (II) Documentation which verifies that the course uses a performance-based assessment of its candidates;
 - (2) If the course is designed for educational personnel other than teachers, a description of the course's compliance with the standards established by a nationally recognized association for the professional specialization for which the applicant seeks the approval of the Board; and

(3) If applicable, a description of the course's compliance with subsection 9 of NAC 391.558;

(h) The qualifications a person must hold to provide instruction for the course of study and training;

(i) The proposed course work for the course of study and training ~~[;]~~, *which must include, without limitation, the courses described in paragraphs (b), (c) and (d) of subsection 1 of NAC 391.237;*

(j) A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(k) Except as otherwise provided in this paragraph, a written assessment plan that describes the:

- (1) Conceptual framework for the course of study and training;
- (2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;
- (3) Manner by which the course of study and training will be assessed and evaluated;
- (4) Field experience and clinical practice offered by the course of study and training;
- (5) Diversity of the population of students who participate in the course of study and training; and
- (6) Performance and development of the faculty who provide instruction for the course of study and training.

↪ If an institution is accredited by the ~~[National Council for Accreditation of Teacher Education;]~~ *Council for the Accreditation of Educator Preparation*, the institution may submit

written proof of such accreditation in lieu of the written assessment plan required by this paragraph.

2. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of an elementary, secondary or special license, a license to teach special education or a license to teach pupils in a program of childhood education, renewal of such a license or an endorsement in a field of specialization, the Superintendent of Public Instruction shall notify the Board that an application has been received.

3. The Department shall develop a manual that:

(a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;

(b) Describes the process for approval of a course of study and training; and

(c) Includes:

(1) The procedures acceptable to the Department to assess the results of students in a course of study and training based upon the standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556;

(2) The standards of nationally recognized professional associations of educational personnel other than teachers, as applicable; and

(3) The program standards adopted by the ~~National Council for Accreditation of Teacher Education.~~ *Council for the Accreditation of Educator Preparation.*

↪ The Department shall maintain a copy of the manual and, upon the request of an institution, the Department shall provide a copy of the manual to the institution.



STEVE SISOLAK
Governor

JHONE EBERT
Superintendent of Public Instruction

STATE OF NEVADA
DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, NV 89701
Phone (775) 687-9200
Fax (775) 687-9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
2080 E. Flamingo Rd., Ste. 210
Las Vegas, Nevada 89119
(702) 486-6458
Fax: (702) 486-6450

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

Date: January 15, 2021

Re: NAC 391.202 Endorsement to teach pupils Computer Science in grades K-12. ([NRS 385.080](#), [391.019](#)).

NAC 391.237 Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development. ([NRS 385.080](#), [391.019](#), [391.032](#)).

NAC 391.253 Endorsement to teach pupils who are participating in the Jobs for America's Graduates program: Authorized activities; qualifications. ([NRS 391.019](#)).

I, Jhone Ebert, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulations: NAC 391.202, NAC 391.237 and NAC 391.253 are **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; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

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4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulations on the small businesses which it is to regulate, is:

- (1) *The Proposed regulations will have no adverse or beneficial effects; and*
- (2) *The Proposed regulations will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulations on small businesses were:

As the proposed regulations have no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulations is zero dollars.

8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

These regulations do not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

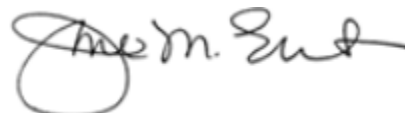
These regulations do not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of these regulations on small businesses because:

These regulations affects only licensed educators and does not affect small businesses.

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,



JHONE EBERT
Superintendent of Public Instruction