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May 16, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R012-24

The Commission on Professional Standards in Education will hold a public hearing at 9:02 A.M. on Monday, June 17, 2024 via [livestream](#) and at the following locations: Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.363.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
 - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising requirements for a person to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education; and providing other matters properly relating thereto. This regulation will ensure that persons wishing to obtain this license have a minimum bachelor's degree and ensure coursework rigor for this endorsement.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
- 7. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4308 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in-person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before **Friday, June 14, 2024**. A record of all submitted comments will be retained, and the Commission on Professional Standards will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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. R012-24

March 18, 2024

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to educational personnel; revising requirements for a person to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) With certain exceptions, existing regulations require a person to hold an endorsement to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education before teaching such pupils in such a program. (NAC 391.363) This regulation eliminates an exception to this requirement that allows a person to teach a class in which the majority of the children have developmental delays and are the age of pupils in kindergarten if the person holds a license to teach special education for kindergarten through grade 12 with certain endorsements and has certain teaching experience on or before September 1, 1994.

Existing regulations establish various alternative avenues by which a person may qualify to receive an endorsement to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education. One such avenue allows a person to receive such an endorsement if the person has completed at least 18 semester hours in certain courses and certain student teaching, work experience or field experience. (NAC 391.363) This regulation requires a person who wishes to qualify for such an endorsement by those means to hold a bachelor’s or more advanced degree. Additionally, this regulation: (1) revises the courses that such a person must complete; and (2) increases, from 18 to 24, the minimum number of semester hours that are required.

Finally, this regulation eliminates an avenue by which a person may receive an endorsement to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education if the person has completed a certain program of special education approved by the Department of Education.

Section 1. NAC 391.363 is hereby amended to read as follows:

391.363 1. ~~{Except as otherwise provided in subsection 5, before}~~ *Before* teaching pupils who have disabilities and who are under 8 years of age in a program of early childhood special education, a person must:

(a) Hold an endorsement issued pursuant to this section; or

(b) Hold a teacher's elementary or secondary license, a license to teach special education, or a license to teach middle school or junior high school education, complete 6 semester hours from the courses prescribed in paragraph (a) of subsection 3 within 1 year after beginning that teaching and complete a program of preparation leading to licensing in early childhood special education within 3 years after beginning that teaching.

2. To receive an endorsement to teach pupils who have disabilities and who are under 8 years of age in a program of early childhood special education, a person must:

(a) ~~{Have completed a program of special education, approved by the Department, for children who have disabilities and who are under 8 years of age;~~

~~—(b)}~~ Hold a current license or certificate with a similar endorsement issued by another state;

~~{(e)}~~ (b) Hold a bachelor's or a more advanced degree in early childhood special education and have completed 8 semester hours of student teaching, equivalent field experience or 1 year of verifiable teaching experience in early childhood special education; or

~~{(d)}~~ (c) Satisfy the requirements of subsection 3.

3. A person may also receive the endorsement if he or she:

(a) ~~{Has}~~ *Holds a bachelor's or more advanced degree and has* completed at least ~~{18}~~ *24* semester hours which ~~{included}~~, *except as otherwise provided in subsection 4, must include* a course in each ~~{subject listed in subparagraphs (1) to (5), inclusive, with any remaining hours~~

~~completed by courses in any~~ of the *following* subjects : ~~listed in subparagraphs (6) to (9),~~
~~inclusive:~~

- (1) Foundations or overview of early childhood special education;
 - (2) Typical and atypical development of children who are under 8 years of age;
 - (3) Assessment of children who have disabilities and who are under 8 years of age;
 - (4) Strategies for intervention or development of curriculum for children who have disabilities and who are under 8 years of age;
 - (5) Working with families of children who have disabilities and who are under 8 years of age;
 - (6) ~~Issues regarding physical and medical management of~~ *Characteristics of autism spectrum disorders or intellectual disabilities in* children who ~~have disabilities and who~~ are under 8 years of age;
 - (7) Development of language and strategies for intervention for children who have disabilities and who are under 8 years of age;
 - (8) Social and emotional development and strategies for intervention for children who have disabilities and who are under 8 years of age; and
 - (9) Coordination and collaboration of services *through multi-tiered systems of support* among other agencies and disciplines which serve children who have disabilities and who are under 8 years of age; and
- (b) Has completed a minimum of 8 semester hours of credit through a regionally accredited college or university in student teaching of pupils who have disabilities or developmental delays and who are under 8 years of age or has 1 year of verifiable experience, at the conclusion of which the person is eligible for reemployment, working as a teacher in a program of early

childhood special education in a public or private agency that is licensed by the State or that has been approved by a national organization and which serves such pupils and their families or has completed equivalent field experience with such pupils through a regionally accredited college or university.

4. For the purpose of completing the requirements for the subjects listed in subparagraphs (1) to ~~(5)~~ (9), inclusive, *of paragraph (a) of subsection 3*, a single course of 3 semester hours may be applied to satisfy the required course work in no more than two of those subjects.

~~{5.— A person may teach in a class in which the majority of the children have developmental delays and are the age of pupils in kindergarten if the person:~~

~~—(a) On or before September 1, 1994, has at least 3 years of experience teaching pupils who have developmental delays and are the age of pupils in kindergarten in a program of early childhood special education at a public or private agency that is licensed by the State or that has been approved by a national organization; and~~

~~—(b) Holds a license to teach special education for kindergarten through grade 12 with an endorsement issued pursuant to NAC 391.343, 391.347, 391.360, 391.370 or 391.376.}~~