

NEVADA DEPARTMENT OF EDUCATION

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

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

LCB File No. R020-11

NAC 391.036 – Tests of Competency Required for Initial License; Exemptions; Failure to Comply; Administration of Tests; NAC 391.087 – Requirements for Teaching in Program of Instruction for Prekindergarten Pupils; Exception; and Delete NAC 391.088 – Qualifications for Teaching Pupils From Birth Through Kindergarten

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 August 17, 2011. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.036 – Tests of Competency Required for Initial License; Exemptions; Failure to Comply; Administration of Tests; NAC 391.087 – Requirements for Teaching in Program of Instruction for Prekindergarten Pupils' Exception; and Delete NAC 391.088 – Qualifications for Teaching Pupils From Birth Through Kindergarten was sent to approximately 100 individuals and educational organizations. A public hearing was conducted on October 5, 2011 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the proposed amendments to the regulation on October 5, 2011.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 8; First Hearing: 11; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 1; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 1; Second Hearing: N/A

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 July 20, 2011; and public hearing notice of August 31, 2011. At the August 17, 2011 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the October 5, 2011 public hearing there was public comment to the proposed regulation language.

Workshop comments:

There were no public comments.

Public Hearing comments:

- a) Melissa M. Burnham, Ph.D. and Associate Professor for Early Childhood Education at the University of Nevada, Reno, provided written testimony which was read into the record by Dr. Tom Harrison. The letter strongly recommended that the Commission consider retaining the 0-K license and appointing a task force to review. Dr. Burnham stated that a revised 0-K license would provide a licensing option for those teachers whose skill set best aligns with testing very young children and who do not wish to teach in an early elementary grade classroom. Although the current 0-K license overlaps almost entirely with the Birth-Second grade license, a revision would eliminate this overlap and instead focus on the skills and knowledge areas necessary to work most effectively with children from birth to age 5.

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 proposed regulation language at the public hearing held October 5, 2011. The reason for adopting the amendments and deleting NAC 391.088 is that all of the licensure requirements/coursework for early childhood birth through kindergarten are included in NAC 391.089-Early Childhood Education; Birth Through Age Eight; this allows licensure and hiring flexibility for the school districts.

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 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.