

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

LCB File No. R034-15

Effective June 28, 2016

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

AUTHORITY: §§1-5, NRS 391.019.

A REGULATION relating to education; revising the requirements for an initial license and to obtain full state certification for purposes of federal law; requiring certain educational personnel who hold a nonrenewable license to complete certain courses when an examination on the subject is not an available alternative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., requires schools to employ highly qualified teachers to teach certain core academic subjects. Pursuant to that federal law, to be considered highly qualified a teacher must not have any certification or licensure requirements waived on an emergency, temporary or provisional basis. (20 U.S.C. § 7801(23)) Existing law requires the Commission on Professional Standards in Education to develop regulations prescribing qualifications for licensing teachers and other educational personnel. Existing law requires these regulations to prescribe course work on parental involvement and family engagement. (NRS 391.019) **Section 1** of this regulation provides that a person has obtained full state certification for the purposes of the No Child Left Behind Act if the person satisfies the requirements for a renewable license to teach in this State, regardless of whether the person has completed the requirements regarding parental involvement and family engagement prescribed by the Commission. Federal law does not require a teacher to complete any course work regarding parental involvement and family engagement in order to be considered highly qualified.

Existing regulations require an applicant for the initial issuance of a license as a teacher or other educational employee to submit evidence that the applicant has successfully completed a course regarding parental involvement and family engagement. (NAC 391.030) **Section 3** of this regulation removes the requirement that an applicant for an initial license complete a course of study or an in-service or continuing education course regarding parental involvement and family engagement. **Section 2** of this regulation instead makes the completion of a course regarding parental involvement and family engagement a qualification to become a licensed employee of a school district other than a substitute teacher in kindergarten through grade 12. **Section 2** also allows a person who holds a nonrenewable license to pass an examination for a required course,

other than a course regarding parental involvement and family engagement, instead of taking the required course if the Department of Education has developed an examination for the course. If the Department has not developed such an examination, the person is required to take a course on the subject.

Section 1. NAC 391.013 is hereby amended to read as follows:

391.013 The Commission determines that a person has obtained “full state certification” for purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), if the person satisfies all the requirements for the issuance of a renewable license to teach in this State, regardless of whether the person has:

1. Submitted his or her fingerprints pursuant to subsection 3 of NRS 391.033; ~~for~~
2. Complied with the requirements prescribed by NRS 391.090 ~~for~~ ; *or*
3. *Complied with the requirements prescribed by the Commission pursuant to paragraph (k) of subsection 1 of NRS 391.019.*

Sec. 2. NAC 391.030 is hereby amended to read as follows:

391.030 1. Except as otherwise provided in ~~subsection~~ *subsections 2 for and 3*, as a qualification for becoming a licensed employee of a school district, a person must:

(a) Complete courses covering:

- (1) Title 34 of NRS;
- (2) *Parental involvement and family engagement that meet the criteria set forth in subsection 4;*

(3) The Constitution of the State of Nevada; and

~~(3)~~ *(4)* Except as otherwise provided in paragraph (b) of subsection 4 of NAC 391.425, the Constitution of the United States; or

(b) Hold a license which is not renewable and allows the person 3 years to:

(1) Take courses on those subjects from an accredited university or college; or

(2) Pass an examination ~~developed by the Department in those subjects,~~ *on each subject other than parental involvement and family engagement* by achieving the passing score set by the Commission ~~H~~, *if the Department has developed such an examination for the subject.*

2. A person is exempt from the requirements of subparagraph ~~(3)~~ (4) of paragraph (a) of subsection 1 if the person submits to the Department evidence that he or she holds a license to teach which was issued by another state and has more than 3 years of experience in teaching, administering or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12.

3. *A person is exempt from the requirements of subparagraph (2) of paragraph (a) of subsection 1 if the person holds a valid special license or provisional special license with an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to subsection 2 of NAC 391.332.*

4. *To demonstrate completion of a course regarding parental involvement or family engagement, a person must submit to the Department evidence of completion of at least 3 semester hours of credit in a course of study regarding parental involvement and family engagement that:*

(a) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

(b) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds.

5. The staff of the Department or representatives appointed by the Department will administer an examination in the subjects set forth in subsection 1 in November and May in each school year.

Sec. 3. NAC 391.045 is hereby amended to read as follows:

391.045 1. An applicant for the initial issuance of a license as a teacher or other educational employee must submit with his or her application:

(a) His or her official transcripts;

(b) Evidence that the applicant has successfully completed:

(1) At least 3 semester hours of credit in a course of study regarding education or curricular adaptation for pupils with disabilities; or

(2) An in-service or continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the Department; *and*

(c) ~~Evidence that the applicant has successfully completed:~~

~~—— (1) At least 3 semester hours of credit in a course of study regarding parental involvement and family engagement that:~~

~~—— (I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and~~

~~—— (II) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; or~~

~~—— (2) An in-service or continuing education course regarding parental involvement and family engagement that is approved by the Department and:~~

~~—— (I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and~~

~~—(H) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; and~~

~~—(d)~~ Except as otherwise provided in NAC 391.0565, a fee of \$161, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fee does not include the cost of any examination required by NAC 391.036.

2. If the applicant is not eligible for licensure, the fee will not be returned. The applicant must pay another fee if he or she applies again.

3. An applicant for an endorsement to an existing license or for an additional license must submit with his or her application:

(a) Current official transcripts; and

(b) A fee of \$50.

4. The academic credits required to obtain initial licensing or an endorsement to an existing license are not satisfiable by the completion of courses offered by a provider of continuing education, but those courses may be used for the renewal of a license.

Sec. 4. NAC 391.056 is hereby amended to read as follows:

391.056 1. Except as otherwise provided in subsection 4, the Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

(a) Has a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher;

(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;

(c) Lacks confirmation from a college that the applicant has student teaching experience if he or she is applying for a teaching license, or that the applicant has completed a school counseling practicum or internship if he or she is applying for a school counseling endorsement, but:

(1) Has completed all necessary course-work requirements for the school counseling endorsement;

(2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his or her application for licensure; and

(3) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

(d) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(e) Has not completed the course required by paragraph (b) ~~for (e)~~ of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section becomes invalid 3 years after the date on which the license is issued.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

4. The Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c) or (d) of subsection 1 on or after July 1, 2010, to a person who is applying for:

- (a) An elementary license pursuant to NAC 391.095;
- (b) A special teaching license in music or art;
- (c) A license to teach special education; or
- (d) A secondary license with an endorsement in one or more of the following major or minor

fields:

- (1) Art.
- (2) Biological science.
- (3) Chemistry.
- (4) English.
- (5) French.
- (6) General science.
- (7) History.
- (8) Mathematics.
- (9) Music.
- (10) Physical science.
- (11) Reading.
- (12) Social studies.
- (13) Spanish.
- (14) Speech and drama.

Sec. 5. NAC 391.425 is hereby amended to read as follows:

391.425 1. To receive a business and industry endorsement, the applicant must:

- (a) Have earned a high school diploma or its equivalent;
- (b) Have been employed for at least 5 years after 16 years of age in a position which relates to the program for which he or she is applying for endorsement; and
- (c) Hold the appropriate license if one is required by law for employment in an occupation which the person desires to teach.

2. Three of the 5 years of work experience required by paragraph (b) of subsection 1 may be fulfilled by the completion of courses or training in an area of career and technical education which relates to the desired endorsement at the rate of 1 year of full-time employment to:

- (a) Sixteen semester hours of credit from an accredited or licensed postsecondary institution;
- (b) Two hundred and fifty hours of training from an accredited or licensed postsecondary institution;
- (c) Two thousand hours of part-time employment; or
- (d) One thousand hours of employment which is preplanned. A training agreement between industry and the appropriate sponsor must be on file, supervised and approved by an accredited postsecondary institution or the Department.

3. To fulfill the requirement of 5 years of work experience required by paragraph (b) of subsection 1, a person who wishes to receive a business and industry endorsement must, if the endorsement is for:

- (a) Agricultural and natural resources science, have industry experience in at least three of the following areas:
 - (1) Agricultural business and marketing;
 - (2) Animal science or veterinary medicine;

- (3) Forestry;
- (4) Horticulture;
- (5) Floriculture;
- (6) Landscaping; or
- (7) Agricultural research.

(b) Agricultural mechanical engineering technology, have industry experience in each of the following areas:

- (1) Agricultural construction; and
- (2) Agricultural power.

(c) Building construction, have at least 2 years of industry experience in carpentry and at least 1 year of industry experience in any of the following areas or a combination of those areas:

- (1) Electrical;
- (2) Plumbing; or
- (3) Masonry.

(d) Commercial arts, have industry experience in at least two of the following areas:

- (1) Advertising design;
- (2) Digital or graphic arts; or
- (3) Photography.

4. In addition to the requirements set forth in subsection 1, a person who wishes to receive a business and industry endorsement must:

(a) If the endorsement is for automotive service technology, be certified by the National Institute for Automotive Service Excellence as:

- (1) A master automobile technician; or

(2) An automobile technician in the following areas:

- (I) Brakes;
- (II) Electrical and electronic systems;
- (III) Engine performance; and
- (IV) Suspension and steering.

(b) If the endorsement is for military science, be certified by the secretary of the military branch in which the applicant serves or from which the applicant has retired to teach pupils in the Junior Reserve Officers' Training Corps program developed pursuant to 10 U.S.C. § 2031. A person who meets the requirements of this paragraph and who teaches pupils in the Junior Reserve Officers' Training Corps program is exempt from the:

- (1) Provisions of subsection 5;
 - (2) Provisions of subparagraph ~~1(3)~~ (4) of paragraph (a) of subsection 1 of NAC 391.030;
- and
- (3) Provisions of NAC 391.036.

5. Except as otherwise provided in paragraph (b) of subsection 4 and subsections 6 and 7, a person who desires to renew for the first time an endorsement issued pursuant to this section must provide proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

- (a) Three semester hours in professional career and technical education courses;
- (b) Three semester hours in a course involving career and technical education teaching methodology;
- (c) Three semester hours in a course on applied or work-based learning; and

(d) Three semester hours in a course on pupil organization and management in career and technical education.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

6. A person who desires to renew for the first time a business and industry endorsement for ethnic music issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or music methodology, or both; and

(b) Nine semester hours in the subject area of music.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

7. A person who desires to renew for the first time a business and industry endorsement for ethnic dance issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or dance methodology, or both; and

(b) Nine semester hours in the subject area of dance.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

**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. R034-15

Amendments to NAC 391.013 – A Regulation relating to Education; revising the requirements for an initial license and to obtain full state certification for purposes of federal law; requiring certain educational personnel who hold a nonrenewable license to complete certain courses when an examination on the subject is not an available alternative; and providing other matters properly relating thereto.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed amendments to NAC Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to revising the requirements for an initial license and to obtain full certification for purposes of federal law; requiring certain educational personnel who hold a nonrenewable license to complete certain courses when an examination on the subject is not an available alternative. The department of Education has requested a repeal of this regulation, as the federal requirements related to No Child Left Behind have changed, and therefore make this regulation unnecessary. Full State Certification is no longer a federal requirement under the Every Student Succeeds Act.

2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education were advised of their right to appear at the scheduled public hearing and their right to address 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 have received written submissions **on or before March 2, 2016**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards in Education proceeded.

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.

The public response can be summarized as non-existent as no individuals testified at the workshop or the hearing and no one provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Kim Bennett, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-668-4317, or by writing to the Nevada Department of Education at 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

3. The Number of Persons Who:

- a) Attended Hearing: Workshop: 15; Hearing: 15;
- b) Testified at Workshop: 0; Hearing: 0
- c) Submitted Written Statements: Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

There were no public comments.

5. **A description of how comment was solicited from affected business, a summary of their response and an explanation of how other interested person may obtain a copy of the summary.**

Comments were solicited through the public hearing notice of March 16, 2016. At the workshop Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education were advised of their right appear at the scheduled public hearing and their right to address 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 have received written submissions **on or before March 2, 2016**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards in Education proceeded.

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.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Kim Bennett, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-668-4317, or by writing to the Nevada Department of Education at 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

- 6. 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 on March 16, 2016 as presented. There were no further amendments that needed to be made proposed regulation.

- 7. 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 will be no economic effect of the regulation on the business that it regulates.
There is no estimated economic effect on the public.

- 8. 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.

- 9. A description of any regulations of other state or governmental agencies which the 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.

- 10. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are none.

- 11. 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.