

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

LCB File No. R038-25

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; removing certain duplicative reporting requirements of school districts; repealing regulations relating to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of each school district in this State to prepare an annual report of accountability, including information on personnel, teachers and other licensed educational personnel and paraprofessionals employed by the school district. (NRS 385A.070, 385A.220, 385A.230) Existing regulations: (1) require the superintendent of each school district to submit a list of the district’s licensed teachers and their teaching assignments to the Superintendent of Public Instruction; and (2) provide a process for the superintendent of a school district to submit a request for an exception for teachers in the school district who are teaching outside their area of endorsement. (NAC 391.146-391.158) This regulation removes the duplicative reporting requirement and the process for requesting an exception.

Section 1. NAC 391.146, 391.148, 391.150, 391.152, 391.154, 391.156 and 391.158 are hereby repealed.

TEXT OF REPEALED SECTIONS

391.146 “Exception” defined. (NRS 391.019) As used in NAC 391.146 to 391.158, inclusive, unless the context otherwise requires, “exception” means a waiver granted by the Superintendent of Public Instruction which permits the holder of a:

1. Secondary license; or
2. License to teach middle school or junior high school education,
↳ to teach outside his or her area of endorsement.

391.148 Applicability of provisions. (NRS 391.019) NAC 391.146 to 391.158, inclusive, do not apply to any teacher who received a secondary license:

1. Before September 1, 1980, and is teaching outside his or her area of endorsement on January 1, 1992.
2. On or after September 1, 1980, and before January 1, 1992, if the teacher:
 - (a) Submits a notarized affidavit stating that he or she has been teaching outside his or her area of endorsement for not less than 3 years before January 1, 1992; and

(b) Has, as of January 1, 1992, completed in a manner satisfactory to the Superintendent of Public Instruction not less than the equivalent of 6 semester hours of credit in the subject he or she is teaching which is outside his or her area of endorsement.

391.150 Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement. (NRS 391.019)

1. On or before October 1 of each year, the superintendent of each school district shall submit to the Superintendent of Public Instruction a list of the district's licensed teachers and their teaching assignments for the current school year.

2. On or before November 1 of each year, the Superintendent of Public Instruction shall provide the superintendent of each school district with a list of the names of teachers in the school district who are teaching outside their area of endorsement.

391.152 Request for exception: Submission; form and contents; objection. (NRS 391.019)

1. On or before November 15 of each year, the superintendent of a school district shall submit to the Superintendent of Public Instruction a written request for an exception for each teacher named in the list provided pursuant to subsection 2 of NAC 391.150. The request must be in the form prescribed by the Department.

2. A request for an exception must:

(a) Be accompanied by evidence that the licensed teacher has been notified by the district that:

(1) The request is being made; and

(2) He or she has a right to object to the request.

(b) Include a statement demonstrating that extenuating circumstances exist which justify an exception. These circumstances may include:

(1) The number of pupils enrolled in the school;

(2) The unavailability of teachers holding the required endorsement;

(3) Unusual temporary conditions such as double sessions or problems with the facilities of a school; and

(4) The unavailability of an endorsement for a teaching license in the area being taught.

(c) Be accompanied by evidence that all reasonable alternatives have been explored.

(d) Include a plan outlining how the district will eliminate future requests for the same exception.

3. A licensed teacher for whom an exception has been requested may submit a written objection to the Superintendent of Public Instruction within 60 days after receiving notice that the request for the exception is being made.

391.154 Request for exception: Action by Superintendent of Public Instruction. (NRS 391.019) Upon receiving a request for an exception, the Superintendent of Public Instruction shall:

1. On or before December 15, give written notice of whether the request for an exception is granted or denied to the superintendent who requested the exception and the teacher for whom the request was made.

2. Present to the Commission, at its next regularly scheduled meeting after December 15, a report which sets forth:

- (a) The number of requests he or she has denied; and
 - (b) The name of the school district and the subjects taught for which an exception was granted.
3. Report annually to each school district any exceptions granted for the district.

391.156 Period of exception; extension of period. (NRS 391.019)

1. Except as otherwise provided in this section, an exception may be granted for not longer than 2 school years. An exception granted pursuant to a request to which an objection is made by the licensed teacher affected may be granted for not longer than 1 school year.

2. If the request for an exception:

(a) Relates to a course in the humanities, an elective course of study or a course that is supplemental to the basic curriculum prescribed by the Board; and

(b) Is for a teacher who is assigned to teach outside his or her area of endorsement at a middle, junior high, secondary or combined school that has less than 300 pupils enrolled and is located at least 30 miles from a school where the subject is taught by persons who have received endorsements in that area,

↳ the Superintendent of Public Instruction may extend the exception for 2 years if the superintendent of the school district submits to the Superintendent of Public Instruction a plan by which the conditions that necessitated the request can be eliminated within the period of the extension.

3. The Superintendent of Public Instruction may grant an exception for longer than 2 school years to a teacher of a program of alternative education who teaches outside his or her area of endorsement.

4. As used in this section:

(a) A “combined school” means a school which has secondary school, middle school or junior high school, and elementary school pupils in attendance, or which mixes one grade level with another.

(b) “Program of alternative education” has the meaning ascribed to it in subsection 5 of NAC 391.392.

391.158 Limitation on teaching of courses related to area of endorsement. (NRS 391.019)

1. A teacher with a secondary license, or a license to teach middle school or junior high school education, may teach not more than two courses which are related to his or her area of endorsement during any school year.

2. As used in this section, a course is “related” to an area of endorsement if the Commission determines that it is within the same field of study as that of the major or minor area of the endorsement.