

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

LCB File No. R183-05

Effective December 29, 2005

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

AUTHORITY: §§1 and 4, NRS 391.019 as amended by section 1 of Assembly Bill No. 206 of the 73rd Session of the Nevada Legislature, chapter 46, Statutes of Nevada 2005, at page 92 and section 9 of Assembly Bill No. 162 of the 73rd Session of the Nevada Legislature, chapter 411, Statutes of Nevada 2005, at page 1670; §2, NRS 391.019 as amended by section 1 of Assembly Bill No. 206 of the 73rd Session of the Nevada Legislature, chapter 46, Statutes of Nevada 2005, at page 92; §3, NRS 391.019 as amended by section 9 of Assembly Bill No. 162 of the 73rd Session of the Nevada Legislature, chapter 411, Statutes of Nevada 2005, at page 1670.

A REGULATION relating to educational personnel; setting forth the provisions for the issuance of a special qualifications license to teach and an alternate special qualifications license to teach to certain persons with graduate degrees and work experience; and providing other matters properly relating thereto.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The Superintendent of Public Instruction shall issue a special qualifications license to teach to a person who submits an application which is accompanied by proof satisfactory to the Superintendent that the applicant satisfies the requirements of subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 as amended by section 1 of Assembly Bill No. 206 of the 73rd Session of the Nevada Legislature, chapter 46, Statutes of Nevada 2005, at page 92.*

2. The Department shall develop and maintain a list of acceptable professional licensing boards for purposes of subparagraph (8) of paragraph (a) of subsection 1 of NRS 391.019 as amended by of section 1 Assembly Bill No. 206 of the 73rd Session of the Nevada Legislature, chapter 46, Statutes of Nevada 2005, at page 92.

3. A special qualifications license must contain an endorsement for the subject area and grade level for which the licensee may teach that is based upon:

- (a) The field of study of the master's degree or doctoral degree held by the licensee; and*
- (b) The relevant work experience of the licensee.*

↪ The endorsement placed on a special qualifications license authorizes the licensee to teach only at the grade level and in the subject area designated on the license.

4. The subject areas for which an endorsement to the special qualifications license may be issued are:

- (a) English, including, without limitation, reading, composition and writing.*
- (b) Mathematics.*
- (c) Science.*
- (d) Social studies, including, without limitation, history, geography, economics and government.*
- (e) Arts and humanities, including, without limitation, music, theater and visual arts.*
- (f) Computer education and technology.*
- (g) Health.*
- (h) Physical education, including, without limitation, dance.*
- (i) Foreign language.*
- (j) Career and technical education.*

5. If a school district or a private school that is licensed pursuant to chapter 394 of NRS employs a person who holds a special qualifications license, the school district or private school shall:

(a) Provide the holder of the special qualifications license at least 120 hours of training and orientation before he begins teaching.

(b) Assign a teacher who is unconditionally licensed to provide assistance, guidance and training to the holder of the special qualifications license during the initial 3 years of employment as a teacher with a special qualifications license.

(c) Assist the holder of the special qualifications license in the development of an individualized plan for professional development to be carried out during the initial 3 years of teaching with a special qualifications license.

6. A special qualifications license is valid for 3 years and may be renewed by showing evidence of professional growth in the area of endorsement during the term of the special qualifications license.

Sec. 3. 1. The Superintendent of Public Instruction shall issue an alternate special qualifications license to teach to a person who submits an application which is accompanied by proof satisfactory to the Superintendent that the applicant satisfies the requirements of subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 as amended by section 9 of Assembly Bill No. 162 of the 73rd Session of the Nevada Legislature, chapter 411, Statutes of Nevada 2005, at page 1671. If the applicant does not submit proof that he completed a program of student teaching or mentoring, a provision must be placed on the alternate special qualifications license issued to the applicant requiring him to participate in a mentoring

program for the first year of his employment as a teacher with a Nevada school district or charter school.

2. Except as otherwise provided in this subsection, an applicant for an alternate special qualifications license shall, in addition to the requirements of subsection 1, pass each test required by NAC 391.036 for the field of study in which the applicant will provide instruction. An applicant is exempt from each examination required pursuant to this subsection if the applicant has successfully passed the test or its equivalent in another state.

3. An alternate special qualifications license issued by the Superintendent of Public Instruction pursuant to this section must endorse the licensee to teach at the grade level and in a subject area related to the teaching experience of the licensee. The endorsement authorizes the holder to teach only in the grade level and subject area designated on the license.

4. An alternate special qualifications license is valid for 3 years. Except as otherwise provided in this subsection, an alternate special qualifications license may be renewed if the holder earns 6 semester hours of credit or the equivalent during the term of the license. If the license is issued on a specialist's or doctor's degree of a National Board Certification, the license may be renewed if the holder shows evidence of professional growth in the area of endorsement during the term of the license.

Sec. 4. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, *subparagraph (8) of paragraph (a) of subsection 1 of Assembly Bill No. 206 of the 73rd Session of the Nevada Legislature, chapter 46, Statutes of Nevada 2005, at page 92*, NAC 391.0545, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection 6 of NAC 391.330, ~~and~~ subsection 5 of NAC 391.363, *and subsection 2 of section 3 of this regulation*, an applicant who applies for an initial

license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (a) Basic reading, writing and mathematics;
- (b) The principles and methods of teaching; and
- (c) The subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

(a) Submits to the Department evidence that he:

(1) Has retired from teaching in this State;

(2) Held a special license, a license to teach elementary or secondary education, or a license to teach middle or junior high school education, which:

(I) Has expired within the 3 years immediately preceding the date on which his application was submitted;

(II) Was free from any conditions that the applicant pass a competency test; and

(III) Authorized the applicant to teach in the same grade level and subject area for which he is applying to receive an initial license;

(3) Was required, for the issuance of his expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of an initial license; and

(4) Otherwise satisfies the requirements for the issuance of an initial license; or

(b) Submits to the Department evidence that he has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if he submits to the Department:

(a) Official documentation which indicates that he passed, at the level of competency specified by the Commission:

(1) The “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) The “California Basic Educational Skills Test,” prepared and administered by the California Commission on Teacher Credentialing;

(b) Evidence that he holds a license to teach that was issued by another state and has completed 3 years of full-time teaching within the immediately preceding 5 years in the subject area for which he is applying to receive an initial license in this State;

(c) Evidence that he:

(1) Holds a license to teach which was issued by another state;

(2) Has at least 1 year of experience in teaching, administrating or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and

(3) Has passed, at the level of competency required for licensure by the state in which his license was issued:

(I) The “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service;

(II) An equivalent examination in basic reading, mathematics and writing, prepared and administered by National Evaluation Systems, Inc.; or

(III) An equivalent examination in basic reading, mathematics and writing, prepared and administered by the state in which his license was issued;

(d) Evidence that he has received a master's or more advanced degree from a regionally accredited college or university, the receipt of which required the passage of the "Graduate Record Examinations," prepared and administered by the Educational Testing Service, or its equivalent;

(e) An official transcript which indicates that he achieved at least a 3.0 grade-point average in his undergraduate studies and evidence that he has taken the "Graduate Record Examinations," prepared and administered by the Educational Testing Service, and received a score of:

- (1) At least 420 on the verbal portion of the examination;
- (2) At least 460 on the quantitative portion of the examination; and
- (3) At least 430 on the analytical portion of the examination or at least 3.5 on the analytical writing portion of the examination, as applicable; or

(f) Evidence that he completed, with a grade of B or better, a course of study in a subject area approved by the Commission or the Director of Licensure for the Department.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he:

(a) Submits to the Department official documentation which indicates that he passed, at the level of competency specified by the Commission, the "Professional Knowledge Test," prepared and administered by the Educational Testing Service;

(b) Submits to the Department evidence that he holds a license that was issued by another state and has completed 3 years of full-time teaching within the immediately preceding 5 years in the subject area for which he is applying to receive an initial license in this State;

(c) Submits to the Department evidence that he:

(1) Holds a license to teach which was issued by another state;

(2) Has at least 1 year of experience in teaching, administrating or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and

(3) Has passed, at the level of competency required for licensure by the state in which his license was issued:

(I) The “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;

(II) An equivalent examination prepared and administered by National Evaluation Systems, Inc.; or

(III) An equivalent examination prepared and administered by the state in which his license was issued;

(d) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required;

(e) Is applying for an elementary endorsement and submits to the Department evidence that he passed, at the level of competency specified by the Commission, the “Elementary Education: Curriculum, Instruction, and Assessment Test” and the “Elementary Education: Content Area Exercises Test,” both prepared and administered by the Educational Testing Service; or

(f) Is applying for a special license to teach pupils from birth through kindergarten pursuant to NAC 391.088.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of endorsement if he:

(a) Submits to the Department official documentation which indicates that he previously passed, at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for an initial license with an endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he has received a certificate of clinical competence from the American Speech-Language-Hearing Association;

(d) Is applying for an endorsement in home economics and submits to the Department official documentation which indicates that he satisfactorily completed the “National Family and Consumer Sciences Certification Examination,” prepared and administered by the American Association of Family and Consumer Sciences; or

(e) Submits to the Department evidence that he:

(1) Holds a license to teach which was issued by another state;

(2) Has at least 1 year of experience in teaching, administrating or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and

(3) Has passed, at the level of competency required for licensure by the state in which his license was issued:

(I) A competency test in the subject matter of endorsement that was prepared and administered by the Educational Testing Service or National Evaluation Systems, Inc.; or

(II) An equivalent examination prepared and administered by the state in which his license was issued.

6. If a competency test in a subject matter has been reviewed by the Commission for less than 1 year but is not yet approved, an applicant must take the test, but is not required to pass the test at a level of competence specified by the Commission.

7. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

8. The tests required by subsection 1 will be administered three times each year at locations and times established by the Commission.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R183-05

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R183-05 which pertain to chapter 391 of the Nevada Administrative Code on December 16, 2005.

Notice date: 11/4/2005
Hearing date: 12/16/2005

Date of adoption by agency: 12/16/2005
Filing date: 12/29/2005

INFORMATIONAL STATEMENT

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. Workshops were held on May 12; July 8; September 22; and December 16, 2005. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the new regulation for the special qualifications license and the alternate special qualifications license were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on December 16, 2005 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the proposed new regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 11; Second Workshop: 4; Third Workshop: 13; Fourth Workshop: 5; First Hearing: 5; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 2; Second Workshop: 0; Third Workshop: 0; Fourth Workshop: 2; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 1; Second Workshop: 0; Third Workshop: 0; Fourth Workshop: 0; First Hearing: 1; Second Hearing: N/A

A copy of any written comments may be obtained by calling 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 April 29, 2005; June 1, 2005; August 16, 2005; and November 9, 2005 and the public hearing notice of August 16, 2005. At the May 12, July 8, September 22, and December 16, 2005 Workshops to Solicit Comments, there were public comments to the proposed new regulation language. At the December 16, 2005 Public Hearing there was no public comment to the proposed new regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

- (a) Brian Thomas, Interim Executive Director of Andre Agassi College Preparatory Academy, expressed the concern about the difficulty in finding highly qualified teacher to fill classrooms. Mr. Thomas proposed requirements for an individual to receive an alternate special qualifications license.
- (b) Ken Lange, Director of the Nevada State Education Association, expressed concern regarding the Legislature becoming overly prescriptive in the business of maintaining oversight of teacher licensure. Mr. Lange stated that NESA wants to ensure that individuals teaching in the classroom have sufficient content knowledge and pedagogical skills to manage that classroom and translate that information to usable and workable materials for students, and the character to each in the classroom.
- (c) Dr. Francine Mayfield, Director of Education for Nevada State College, stated that she understands the crucial need for teachers, but has a responsibility to ensure that individuals that teach in the classroom are qualified and prepared. Dr. Mayfield recognized a need for an alternative route to licensure. Dr. Mayfield proposed that the colleges/universities provide a mentor to these individuals, with the cost of the program to be incurred by the individual.
- (d) Commissioner Lark suggested that the college/universities partner with school districts for the mentoring.
- (e) Commissioner Ries stated that these individuals need to be responsible to obtain the 120 hours of training and mentorship if they want to obtain this license.
- (f) Commissioner Perdomo expressed concern that these professionals do not have the experience to teach in the classroom. There was discussion that the 120 hours of training be required prior to an individual receiving the license.
- (g) Vice President Luft stated that a concern has been expressed to him regarding that there is no pedagogy requirement for this license.
- (h) Dr. Jerry Barbee stated that an individual must retain active status in their professional license to remain eligible for the special qualifications license.

- (i) Commissioner Lark stated that the school districts and schools will ultimately be responsible for the hiring and training of these individuals. The school districts need to be extremely careful in the hiring process.
- (j) Sean McClenahan, Agassi Enterprises, Inc., in a written statement, expressed support for the language of the new regulation and requested that the Commission adopt the proposed new regulation.

A copy of the summary and/or minutes of the public hearing may be obtained by calling 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 new regulation language at the public hearing held December 16, 2005. The reason for adopting the regulation is in response to AB 206 and AB 162 to provide a special qualifications license and an alternate special qualifications license to individual who do not have the traditional education licensure coursework.

- 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 a beneficial economic effect is that it allows school districts to hire an individual with an special qualifications license or for private schools to hire individuals with the alternate special qualifications license. This will help alleviate the teacher shortage. 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.