

Chapter 391 of NAC

LCB File No. T037-05

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

Filed with the Secretary of State on May 18, 2005.

Explanation: Matter in Italics is new; matter in brackets ~~[]~~ is material to be omitted.

AUTHORITY: NRS 391.019

Chapter 391 of NAC is hereby amended as follows:

Section 1. NAC 391.036 Tests of competency required for initial license; exemptions; failure to comply; administration of tests. (NRS 361.019, 361.021, 361.032)

1. Except as otherwise provided in this section, 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, 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) Has retired from teaching in this State;
- (b) Held a special license, or a license to teach elementary or secondary education which:
 - (1) Has expired within the 3 years immediately preceding the date on which his application was submitted;
 - (2) Was free from any conditions that the applicant pass a competency test; and
 - (3) Authorized the applicant to teach in the same grade level and subject area for which he is applying to receive an initial license;
- (c) 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~~
- (d) Otherwise satisfies the requirements for the issuance of an initial license~~[]~~; *or*
- (e) *Submit evidence that he has satisfied equivalent competency examinations required as part of a state approved teacher education program earned through a regionally accredited college or university.*

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 at least 420 on the verbal portion of the examination, 460 on the quantitative portion of the examination and ~~430~~ 3.5 on the analytical *writing* portion of the examination; 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 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, administering 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 TEMPORARY REGULATION
LCB File No. T037-05

The Commission on Professional Standards in Education adopted temporary regulations assigned LCB File No. T037-05 which pertain to chapter 391 of the Nevada Administrative Code on May 12,2005.

Notice date: 4/6/2005
Hearing date: 5/12/2005

Date of adoption by agency: 5/12/2005
Filing date: 5/18/2005

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. One workshop was held on May 12, 2005. There was one speaker from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed endorsement and revisions to NAC 391.036 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on May 12, 2005, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Commission adopted the proposed regulation and amendments to NAC 391.036.

2. The Number of Persons Who:

- a) Attended Each Hearing: Workshop: 11 First Hearing: 11 Second Hearing: N/A
- b) Testified at Each Hearing: Workshop: 1 First Hearing: 0 Second Hearing: N/A
- c) Submitted Written Statements: Workshop: 0 First Hearing: 0 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, (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 6, 2005, and the public hearing notice of April 6, 2005. At the May 12, 2005, Workshop to Solicit Comments, there was one public comment to the proposed language revisions. At the May 12, 2005, public hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

- a) Ms. Donna Brothers explained the reason for the amendments. The Educational Testing Service is now reporting the scores on a different scale. The regulations need to be amended to reflect that change to allow the Office of Teacher Licensure to accept the test and scores.

Public Hearing Comments:

- a) None

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, (775) 687-9226, 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 regulation language with amendments at the public hearing held May 12, 2005. The reason for adopting the proposed regulation is to adopt a score for the Analytical Writing Exam and to accept competency testing at the college/university level.

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 on the business, which is regulated. The beneficial effect would allow the Department of Education to accept competency testing at the college/university and eliminate the need for individuals to retake the competency exam. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

The immediate effect would allow the Department to accept the Analytical Writing Exam equivalency score and accept competency exam score from the college/university. There is no long-term effect.

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.