

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

**LCB File No. R037-08**

Effective June 17, 2008

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

AUTHORITY: §§1-3, NRS 391.019.

A REGULATION relating to educational personnel; prescribing an endorsement as a substitute teacher of business and industry; prescribing the period for which a substitute teacher of business and industry may be hired; revising the provisions governing the types of career and technical education endorsements; and providing other matters properly relating thereto.

**Section 1.** Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The Superintendent of Public Instruction shall issue to a qualified applicant an endorsement as a substitute teacher of business and industry for a specific program included in a career and technical education group identified in NAC 391.420.*

*2. To receive an endorsement as a substitute teacher of business and industry, the applicant must:*

- (a) Have earned a high school diploma or its equivalent;*
- (b) Have been employed for at least 3 years after 16 years of age in a position which relates to the program for which he is applying for the endorsement; and*
- (c) Submit written verification of the employment required by paragraph (b) in the format required by the Department.*

*3. One of the 3 years of work experience required by paragraph (b) of subsection 2 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 with, supervised by and approved by an accredited postsecondary institution or the Department.*

*4. A person who desires to renew for the first time an endorsement issued pursuant to this section must provide proof that he has completed 3 semester hours of credit from an accredited postsecondary institution in a course that is approved by the Department and that involves career and technical education teaching methodology.*

*5. A school district may hire a person who has an endorsement as a substitute teacher of business and industry in kindergarten through grade 12 for:*

*(a) Unlimited days of service if filling the position of a licensed teacher who is under contract.*

*(b) Except as otherwise provided in subsection 6, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.*

*6. The Department may grant a school district one extension for 30 days with regard to a person who is hired pursuant to paragraph (b) of subsection 5 in an exceptional case upon request from the superintendent of schools of the county school district.*

*7. An endorsement issued pursuant to this section is not subject to the provisions of NAC 391.030 and 391.036.*

**Sec. 2.** 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 NRS 391.019, NAC 391.0545, subsection 2 of NAC 391.0585, 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 7 of section 1 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 school 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:

(1) He did not pass, at the level of competency specified by the Commission, the “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the test described in subparagraph (1), he began and 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, 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) 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 family and consumer sciences 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.

**Sec. 3.** NAC 391.400 is hereby amended to read as follows:

391.400 The types of career and technical education endorsements which the Superintendent of Public Instruction may issue to qualified applicants are:

1. A business and industry endorsement; and
2. An endorsement as a substitute teacher of ~~career and technical education.~~ *business and industry.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R037-08**

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R037-08 which pertain to chapter 391 of the Nevada Administrative Code.

**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 October 5, 2007. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of a new section and amendments to NAC 391.400 – Types of Endorsements for Business and Industry was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on May 2, 2008 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the new section and proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 10; First Hearing: 9; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 2; First Hearing: 1; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; 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 August 30, 2007; and the public hearing notice of March 27, 2008. At the October 5, 2007 Workshop to Solicit Comments, there were public comments to the proposed amendments to the regulation language. At the May 2, 2008 public hearing there were public comments to the proposed amendments to the regulation language.

Summary of Comments:  
Workshop/Public Hearing Comments:

Workshop comments:

- (a) Dr. Cliff McClain, University of Nevada-Las Vegas, stated that shop classrooms operate differently and the training of the substitute teacher would be beneficial as a substitute instructor should have some type of mechanical aptitude in knowing how the tools work to be able to provide the curriculum in a safe manner.
- (b) Mary Lou Lebo, University of Nevada-Las Vegas, stated that safety is the primary issue of importance and substitute teachers may need to learn about liability issues and could teach employability skills to students when substituting in a business and industry classroom. A long-term substitute teacher should have a business and industry background in the area for which they are teaching and the knowledge must be current.

Public Hearing comments:

- (a) Phyllis Dryden, Director of Career, Technical and Adult Education, stated that her office and staff support this proposal, as a substitute teacher in a business and industry classroom needs to know the content and safety components for instructional purposes.

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 new section and proposed amendments to the regulation language at the public hearing held May 2, 2008. The reason for adopting the regulation is to set specific criteria for the Business and Industry Substitute Licensure to ensure that substitute teacher has the proper content knowledge and safety knowledge for that area.

- 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:

The beneficial effect would allow individuals to qualify specifically for a Business and Industry Substitute License with the criteria set forth and be able to substitute teacher in an occupational classroom.

The immediate effect would allow the Office of Teacher Licensure to issue a Business and Industry Substitute License. The long-term effect would allow individuals with certain criteria to be placed in the occupational classroom.

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.