

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

LCB File No. R026-16

April 8, 2016

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

AUTHORITY: §1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; revising provisions governing the issuance of a provisional nonrenewable license; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also authorizes the Commission to adopt regulations that provide for the issuance of conditional licenses to teachers and other educational personnel before they have completed all courses of study or other requirements to obtain a license in this State. (NRS 391.032)

The No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., required all teachers in core academic subjects to be “highly qualified.” Federal law and corresponding regulations provide that a teacher is highly qualified only if the teacher satisfies all of the requirements to obtain a renewable license. (20 U.S.C. § 6301 et seq.) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants if the applicant: (1) has a deficiency in credits; (2) has not completed certain courses or passed certain examinations; or (3) lacks confirmation from a college that the applicant has teaching or school counseling experience. To carry out the requirements of the No Child Left Behind Act of 2001, existing regulations prohibit the Superintendent from issuing a provisional nonrenewable license to a person who applies for a license to teach a core academic subject. (NAC 391.056) In December of 2015, the Every Student Succeeds Act was enacted, which reauthorizes the Elementary and Secondary Education Act, Public Law 114-95, and replaces the No Child Left Behind Act of 2001. Among other things, the Every Student Succeeds Act repeals the provisions that required a teacher who teaches core academic subjects to satisfy all the requirements for the issuance of a renewable license.

On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which: (1) authorizes the Superintendent of Public Instruction to issue a provisional nonrenewable license to a person who applies for a license to teach in a core academic subject but does not meet the requirements for the issuance of a renewable license; and (2) provides that

a provisional nonrenewable license becomes invalid after 1 year unless the licensee meets certain requirements. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently adopt the provisions of the emergency regulation.

Section 1. NAC 391.056 is hereby amended to read as follows:

391.056 1. ~~Except as otherwise provided in subsection 4, the~~ *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) or (c) of subsection 1 of NAC 391.045.

2. ~~{A}~~ *Except as otherwise provided in this subsection, a* license issued pursuant to this section becomes invalid ~~{3 years}~~ *1 year* after the date on which the license is issued. *A licensed issued to an applicant described in paragraph (b) of subsection 1 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.~~