

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

LCB File No. R102-17

October 20, 2017

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

AUTHORITY: §§1 and 8, NRS 391.019, 391.021, as amended by section 1.5 of Senate Bill No. 20, chapter 96, Statutes of Nevada 2017, at page 430, and section 20 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2119, and 391.032, as amended by section 22 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2120; §§2 and 3, NRS 391.019 and 391.032; §§4-7, NRS 391.019.

A REGULATION relating to educational personnel; repealing the requirement that a person who wishes to become a licensed employee of a school district complete certain courses; 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) The 79th Session of the Nevada Legislature removed the requirement that examinations for the initial licensing of teachers and other educational personnel include an assessment of the laws of Nevada relating to schools, the Constitution of the State of Nevada and the Constitution of the United States. (NRS 391.021, as amended by section 1.5 of Senate Bill No. 20, chapter 96, Statutes of Nevada 2017, at page 430) Existing regulations prescribe certain qualifications for a person to become a licensed employee of a school district, including, without limitation, a requirement that such a person complete courses covering the laws of this State relating to education, the Constitution of the State of Nevada and the Constitution of the United States. (NAC 391.030) **Section 8** of this regulation repeals these requirements. **Sections 1-7** of this regulation make conforming changes.

Section 1. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, *as amended by section 19 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2116*, NAC 391.0545, subsection 2 of NAC 391.0585, paragraph (b) of

subsection 3 of NAC 391.233, paragraph ~~(b)~~ (a) of subsection 6 of NAC 391.330, subsection 5 of NAC 391.363, paragraph (b) of subsection 4 of NAC 391.425 and subsection 7 of NAC 391.436, 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 or she:
 - (1) Has retired from teaching in this State;
 - (2) Held a special license, a license to teach elementary or secondary education, a license to teach special 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 or her 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 or she is applying to receive an initial license;

- (3) Was required, for the issuance of the applicant's 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;

(b) Submits to the Department evidence that the applicant 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; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is not a provisional license, and the Commission determines that the examinations required for licensure in that state are comparable to the competency tests required by subsection 1.

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

(a) Official documentation which indicates that he or she 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 the applicant 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;

(c) An official transcript which indicates that the applicant achieved at least a 3.0 grade-point average in his or her undergraduate studies and evidence that he or she 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

(d) Evidence that:

(1) The applicant 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), the applicant 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 or she:

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

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

(c) Is applying for an elementary endorsement and submits to the Department evidence that the applicant 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.

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

(a) Submits to the Department official documentation which indicates that the applicant 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 or she has received a certificate of clinical competence from the American Speech-Language-Hearing Association; or

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that the applicant satisfactorily completed the ~~“National”~~ “Family and Consumer Sciences ~~Certification~~ *Composite* Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

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. 2. NAC 391.054 is hereby amended to read as follows:

391.054 1. Except as otherwise provided in subsection 2, the Superintendent of Public Instruction may issue a license to teach special education to a person who is licensed and endorsed to teach special education in any other state and may issue a license with any other endorsement to a person who is licensed or certified in a state that has entered into an interstate certification contract with the State of Nevada through the National Association of State Directors of Teacher Education and Certification if:

(a) The applicant holds a license or certificate issued by the other state;

(b) The applicant holds a bachelor's degree from an institution accredited by a regional accrediting association and has completed any postbaccalaureate studies required in this State for the issuance of a license;

(c) The license or certificate issued by the other state is not:

(1) A temporary permit, an emergency, alternative or conditional license or a credential to teach multiple subjects;

(2) A license or certificate for which completion of a bachelor's or higher degree is unnecessary;

(3) A license or certificate for which completion of professional education course work through a college or university accredited by a regional accrediting association is unnecessary; or

(4) A letter or other form of authorization from another state or a county, city, school district or department of education in another state which entitles the person to teach in the same capacity as a licensed teacher on a temporary basis;

(d) The grade levels and subject areas covered by the license or certificate issued by the other state are the same as the grade levels and subject areas for which the applicant is seeking licensure in this State; and

(e) The applicant has satisfactorily taught in the other state, in an assignment similar to the assignment for which licensure is sought in this State, during at least 3 out of the 5 years immediately preceding the application for licensure in Nevada.

2. If the applicant has not complied with the requirements of NAC ~~391.030 or~~ 391.036 at the time he or she applies for a license pursuant to this section, the Superintendent of Public Instruction may only issue a provisional license to the applicant. The provisional license is not renewable.

Sec. 3. NAC 391.056 is hereby amended to read as follows:

391.056 1. Except as otherwise provided in subsection 4, 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)~~ (c) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

~~(e)~~ (d) Has not completed the course required by paragraph (b) or (c) of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section 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), ~~(e)~~ (b) or ~~(d)~~ (c) 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.

Sec. 4. NAC 391.233 is hereby amended to read as follows:

391.233 1. Except as otherwise provided in subsection 4, to receive an endorsement to teach a course in a Great Basin Native American language, a person must:

- (a) Have a high school diploma or its equivalent;
- (b) Have completed 6 semester hours of course work that included, without limitation:
 - (1) Professional education and teaching methodology; or

- (2) The study of Native American languages; and
- (c) Be certified as a fluent speaker of the language that the person proposes to teach by:
 - (1) A council of a tribe of Native Americans who speak that language; or
 - (2) A qualified official of a university or college.
- 2. An endorsement issued pursuant to this section:
 - (a) Is valid for 3 years.
 - (b) Is renewable.
 - (c) May be used only to teach the language set forth on the endorsement.
- 3. An applicant for an endorsement issued pursuant to this section:
 - (a) Must submit with his or her application:
 - (1) The applicable documents and fees required for initial licensure pursuant to NAC 391.045; and
 - (2) Written documentation verifying the applicant's certification as a fluent speaker of the language he or she proposes to teach.
 - (b) Is not subject to the provisions of NAC ~~391.030 and~~ 391.036.
- 4. A person who does not possess the qualifications required by paragraphs (a) and (b) of subsection 1, but does possess the qualifications required by paragraph (c) of subsection 1, may teach a course in a Great Basin Native American language without an endorsement issued pursuant to this section if a licensed teacher is present in the classroom during the instruction. Written documentation of the person's certification as a fluent speaker of the language he or she proposes to teach must be provided to the Department before the person may begin teaching.

Sec. 5. NAC 391.330 is hereby amended to read as follows:

391.330 1. To receive an endorsement as an emergency substitute teacher, a person must earn a high school diploma or its equivalent.

2. An endorsement as an emergency substitute teacher ~~is~~ ~~(a) is~~ ~~is~~ valid for 3 years after the date of issuance . ~~is and~~
~~(b) Is not renewable unless, at the time the person applies for the endorsement, he or she has complied with the requirements of NRS 391.090.~~

3. A school district whose enrollment is less than 9,000 pupils may, in an emergency, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed.

4. Upon the written request of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the school district to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in a school that is located in a rural area of the school district.

5. A person employed pursuant to subsection 3 or 4 may not serve as a teacher in one classroom for more than 5 days in any 20-day period. Except in an emergency, a school district shall not allow a person solely holding an endorsement as an emergency substitute teacher to serve as a teacher.

6. An applicant for an endorsement as an emergency substitute teacher is exempt from the provisions of:

(a) ~~NAC 391.030 in its entirety regarding the subject of title 34 of NRS and, to the extent that it conflicts with subsection 1 of this section, regarding compliance with NRS 391.090 on the subjects of the federal and state constitutions;~~
~~(b)~~ NAC 391.036; and

~~(e)~~ (b) NAC 391.065.

7. As used in this section, “in an emergency” means the occurrence of an unforeseen circumstance which requires immediate action, including any period during which a licensed teacher or substitute teacher is not immediately available.

Sec. 6. NAC 391.425 is hereby amended to read as follows:

391.425 1. To receive a business and industry endorsement, the applicant must:

- (a) Have earned a high school diploma or its equivalent;
- (b) Have been employed for at least 5 years after 16 years of age in a position which relates to the program for which he or she is applying for endorsement; and
- (c) Hold the appropriate license if one is required by law for employment in an occupation which the person desires to teach.

2. Three of the 5 years of work experience required by paragraph (b) of subsection 1 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, supervised and approved by an accredited postsecondary institution or the Department.

3. To fulfill the requirement of 5 years of work experience required by paragraph (b) of subsection 1, a person who wishes to receive a business and industry endorsement must, if the endorsement is for:

(a) Agricultural and natural resources science, have industry experience in at least three of the following areas:

- (1) Agricultural business and marketing;
- (2) Animal science or veterinary medicine;
- (3) Forestry;
- (4) Horticulture;
- (5) Floriculture;
- (6) Landscaping; or
- (7) Agricultural research.

(b) Agricultural mechanical engineering technology, have industry experience in each of the following areas:

- (1) Agricultural construction; and
- (2) Agricultural power.

(c) Building construction, have at least 2 years of industry experience in carpentry and at least 1 year of industry experience in any of the following areas or a combination of those areas:

- (1) Electrical;
- (2) Plumbing; or
- (3) Masonry.

(d) Commercial arts, have industry experience in at least two of the following areas:

- (1) Advertising design;

(2) Digital or graphic arts; or

(3) Photography.

4. In addition to the requirements set forth in subsection 1, a person who wishes to receive a business and industry endorsement must:

(a) If the endorsement is for automotive service technology, be certified by the National Institute for Automotive Service Excellence as:

(1) A master automobile technician; or

(2) An automobile technician in the following areas:

(I) Brakes;

(II) Electrical and electronic systems;

(III) Engine performance; and

(IV) Suspension and steering.

(b) If the endorsement is for military science, be certified by the secretary of the military branch in which the applicant serves or from which the applicant has retired to teach pupils in the Junior Reserve Officers' Training Corps program developed pursuant to 10 U.S.C. § 2031. A person who meets the requirements of this paragraph and who teaches pupils in the Junior Reserve Officers' Training Corps program is exempt from the:

(1) Provisions of subsection 5; *and*

(2) ~~Provisions of subparagraph (3) of paragraph (a) of subsection 1 of NAC 391.030; and~~

~~(3)~~ Provisions of NAC 391.036.

5. Except as otherwise provided in paragraph (b) of subsection 4 and subsections 6 and 7, a person who desires to renew for the first time an endorsement issued pursuant to this section

must provide proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

- (a) Three semester hours in professional career and technical education courses;
- (b) Three semester hours in a course involving career and technical education teaching methodology;
- (c) Three semester hours in a course on applied or work-based learning; and
- (d) Three semester hours in a course on pupil organization and management in career and technical education.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

6. A person who desires to renew for the first time a business and industry endorsement for ethnic music issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

- (a) Three semester hours of course work that includes classroom management or music methodology, or both; and
- (b) Nine semester hours in the subject area of music.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

7. A person who desires to renew for the first time a business and industry endorsement for ethnic dance issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or dance methodology, or both; and

(b) Nine semester hours in the subject area of dance.

↪ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

Sec. 7. NAC 391.436 is hereby amended to read as follows:

391.436 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 or she 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 or she 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 school district.

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

Sec. 8. NAC 391.030 is hereby repealed.

TEXT OF REPEALED SECTION

391.030 Qualification to become licensed employee of school district: Courses or examination in certain subjects required; exemption.

1. Except as otherwise provided in subsection 2, as a qualification for becoming a licensed employee of a school district, a person must:

(a) Complete courses covering:

(1) Title 34 of NRS;

(2) The Constitution of the State of Nevada; and

(3) Except as otherwise provided in paragraph (b) of subsection 4 of NAC 391.425, the Constitution of the United States; or

(b) Hold a license which is not renewable and allows the person 3 years to:

(1) Take courses on those subjects from an accredited university or college; or

(2) Pass an examination developed by the Department in those subjects, by achieving the passing score set by the Commission.

2. A person is exempt from the requirements of subparagraph (3) of paragraph (a) of subsection 1 if the person submits to the Department evidence that he or she holds a license to teach which was issued by another state and has more than 3 years 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.

3. The staff of the Department or representatives appointed by the Department will administer an examination in the subjects set forth in subsection 1 in November and May in each school year.