

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

LCB File No. R009-18

March 15, 2018

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

AUTHORITY: §§1 and 2, NRS 391.019.

A REGULATION relating to education; converting an endorsement as an emergency substitute teacher to a special license as an emergency substitute teacher; establishing the period of validity of such a special license; authorizing a person to reapply for such a special license not more than two times, except as otherwise authorized by the Superintendent of Public Instruction; authorizing certain charter schools to hire an emergency substitute teacher in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a special license for teachers and other educational personnel in this State, which authorizes the holder to teach or perform other educational functions as designated in the license. (NRS 391.031) Under existing law, the Commission on Professional Standards in Education is required to adopt regulations: (1) identifying fields of specialization in teaching; (2) requiring teachers to obtain from the Department of Education an endorsement to be eligible to teach in such fields; and (3) establishing the educational requirements to obtain such an endorsement. (NRS 391.019) Existing regulations establish the endorsement as an emergency substitute teacher as a type of special endorsement, which is valid for 3 years after issuance. (NAC 391.330) **Section 2** of this regulation converts the endorsement as an emergency substitute teacher to a special license as an emergency substitute teacher. **Section 2** also provides that a special license as an emergency substitute teacher is valid for 1 year. **Section 2** authorizes a person to reapply for a special license as an emergency substitute teacher not more than two times after the expiration of his or her original special license, except as otherwise authorized by the Superintendent of Public Instruction. **Section 2** also authorizes a school district or charter school that employs the holder of such a special license to request that the Superintendent authorize the holder to reapply more than two times.

Existing regulations allow: (1) certain smaller school districts to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed; and (2) upon written request by a larger school district in an emergency, the Department to authorize the 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. (NAC 391.330) **Section 2**

additionally authorizes a charter school to hire an emergency substitute teacher under similar circumstances.

Senate Bill No. 20 of the 2017 Legislative Session eliminated the requirement that certain educational personnel show, by examination or credentials showing college, university or normal school study, evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of Nevada. (NRS 391.090; Chapter 96, Statutes of Nevada 2017, at page 430) **Section 2** removes references to that repealed statutory provision.

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, NAC 391.0545, subsection 2 of NAC 391.0585, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection ~~6~~ 8 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 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 391.330 is hereby amended to read as follows:

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

2. ~~An endorsement~~ *A special license* as an emergency substitute teacher:

(a) Is valid for ~~3 years~~ *1 year* after the date of issuance; 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. *Except as otherwise provided in this subsection, a person who holds or has held a special license as an emergency substitute teacher may apply for such a special license not more than two times after the expiration of his or her original special license as an emergency substitute teacher. The Superintendent of Public Instruction may authorize such a person to apply for a special license as an emergency substitute teacher more than two times after the expiration of his or her original special license as an emergency substitute teacher at the written request of the school district or charter school that employs the applicant.*

4. A school district whose enrollment is less than 9,000 pupils *or a charter school located within the geographic boundaries of such a school district* may, in an emergency, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed.

~~{4.}~~ 5. 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.}~~ 6. *Upon the written request of a charter school located in a rural area within the geographic boundaries of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the charter school to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in the charter school.*

7. A person employed pursuant to subsection ~~{3-or}~~ 4, 5 or 6 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 *or charter school* shall not allow a person solely holding ~~{an endorsement}~~ *a special license* as an emergency substitute teacher to serve as a teacher.

~~{6.}~~ 8. An applicant for ~~{an endorsement}~~ *a special license* 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

(c) NAC 391.065.

~~17.~~ 9. 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, *other than an emergency substitute teacher*, is not immediately available.