

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

LCB File No. R112-18

December 7, 2018

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 education; removing authorization for the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants; revising the length of the period for which a provisional nonrenewable license is valid; 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 regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license who does not meet certain requirements, including an applicant who lacks confirmation that he or she has student teaching experience and meets certain other requirements. (NAC 391.056) **Section 1** of this regulation removes authorization for the Superintendent to issue a provisional nonrenewable license to such an applicant.

Existing regulations provide that a provisional nonrenewable license is valid for 3 years, if the licensee has not completed courses concerning title 34 of NRS and the Nevada and United States Constitutions or passed an examination on those subjects. In all other cases, a provisional nonrenewable license is valid for 1 year. (NAC 391.056) **Section 1** instead provides that, unless all provisions are removed, a provisional nonrenewable license lasts for: (1) one year if the applicant has a deficiency in credits of 6 semester hours or less in all areas of licensure or endorsement or lacks certain requirements for a school counseling endorsement; (2) two years, if the applicant has not passed certain required tests; or (3) three years, if the applicant has not completed certain training concerning education or curricular adaptation for pupils with disabilities. **Section 1** also provides that a provisional nonrenewable license is valid for 3 years if each provision is removed on or before the date on which the license is scheduled to expire. **Sections 2 and 3** of this regulation make conforming changes.

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

391.056 1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 . *Except as otherwise provided in subsection 2, a provisional nonrenewable license is valid for:*

(a) *One year*, if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

~~[(a) Has]~~

(1) *Except as otherwise provided in paragraph (c), 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] ; or~~

(2) *If the applicant is applying for a school counseling endorsement pursuant to NAC 391.185, 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)]~~ (I) Has completed all necessary course-work requirements for the school counseling endorsement;

~~[(2)]~~ (II) 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)}~~ *(III)* Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

~~{(d) Has}~~

(b) Two years, if the applicant has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

~~{(e) Has}~~

(c) Three years, if the applicant has not completed the course required by paragraph (b) of subsection 1 of NAC 391.045.

2. ~~{Except as otherwise provided in this subsection, a}~~ *If each provision is removed on or before the date on which a* license issued pursuant to this section ~~{becomes invalid 1 year after the date on which the license is issued. A license issued to an applicant described in paragraph (b) of}~~ *is set to expire pursuant to* subsection 1 ~~{becomes invalid}~~, *the license expires* 3 years after the date on which the license ~~{is}~~ *was* 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.

Sec. 2. NAC 391.0565 is hereby amended to read as follows:

391.0565 1. The holder of a provisional nonrenewable license issued pursuant to NAC 391.056 must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued pursuant to

NAC 391.045 may be made at any time after the removal of all of the provisions under which the provisional nonrenewable license was issued.

2. The holder of a provisional nonrenewable license for which ~~all of the provisions have~~ *a provision has* not been removed on the date on which the license expires may apply as a new applicant for a license pursuant to NAC 391.045 as soon as the provisions under which the expired provisional nonrenewable license was issued have been removed.

3. If an application is made for a license pursuant to NAC 391.045 by the holder of a provisional nonrenewable license before the provisional nonrenewable license expires, the applicant must pay an application fee of \$131, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

Sec. 3. NAC 391.332 is hereby amended to read as follows:

391.332 1. Except as otherwise provided in NAC 391.330 and 391.436, to serve as a substitute teacher in kindergarten through grade 12, a person must hold a valid:

(a) Elementary or secondary license, a license to teach special education, or a license to teach middle school or junior high school education; or

(b) Special license or provisional special license with an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to subsection 2.

2. To receive an endorsement as a substitute teacher in kindergarten through grade 12 on a special license or a provisional special license, a person must:

(a) Have completed at least 60 semester hours of credit from an accredited college or university; or

(b) Possess an associate's degree or higher degree from an accredited college or university.

3. A school district may hire a person to serve as a substitute teacher 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 4, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.

4. 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 3 in an exceptional case upon request from the superintendent of schools of the county school district or from the administrator of a state-approved private school. Upon the expiration of such an extension, a school district may apply for an additional extension pursuant to NAC 391.398 if the school district is unable to hire a licensed special education teacher.

5. A person who holds a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12 must remove all provisions under which the license was issued ~~within 3 years,~~ *before the date on which the license expires pursuant to subsection 1 of NAC 391.065.* If a person does not remove all provisions under which the license was issued ~~within 3 years,~~ *before that date,* the endorsement as a substitute teacher in kindergarten through grade 12 expires on ~~the~~ *that* date . ~~the provisional special license expires.~~

6. The Department shall not issue any other endorsements on a special license or a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12.

7. To renew an endorsement as a substitute teacher in kindergarten through grade 12, the holder must:

(a) Hold a valid nonprovisional special license; and

(b) Complete six credits, or the equivalent, within 5 years after the initial issuance of the endorsement by:

(1) Attending a course at, or taking a correspondence course given by, an accredited college or university;

(2) Attending any state or national conference which has been approved by the Department to offer credit for continuing education;

(3) Attending an in-service course offered by the Department or a continuing education course offered by a provider who is approved by the Commission;

(4) Attending a workshop approved by the Department; or

(5) Attending professional development activities approved by the Department.