

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

LCB File No. R087-97

September 9, 1997

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

AUTHORITY: §§ 2-5, NRS 391.019.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The superintendent of public instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if he 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;

(c) Lacks confirmation from a college that he has student teaching experience if he is applying for a teaching license, or that he has completed a school counseling practicum or internship if he 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 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 (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 and may not be extended.

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. 3. *1. The holder of a provisional nonrenewable license issued pursuant to section 2 of this regulation must remove all the provisions under which the license was issued before he 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 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 \$65.

Sec. 4. NAC 391.045 is hereby amended to read as follows:

391.045 1. An applicant for the initial issuance of a [certificate] license as a teacher or other educational employee must submit with his application:

(a) His official transcripts;

(b) A negative report of an X-ray film of his chest or a tuberculin test completed within the preceding 12 months; [and

(c) A] (c) *Evidence that he has successfully completed:*

(1) At least 3 semester hours of credit in a course of study regarding education or curricular adaptation for pupils with disabilities; or

(2) An inservice or continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the department; and

(d) Except as otherwise provided in section 3 of this regulation, a fee of \$46 plus the amount charged by the Federal Bureau of Investigation and the Nevada highway patrol division of the department of motor vehicles and public safety for their reports on the applicant's fingerprints. This fee does not include the cost of any examination required by NAC 391.036.

2. If it is determined that the applicant is not eligible for [certification, his records will be returned to his last known mailing address. The] licensure, the fee will not be returned. The applicant must pay another fee if he applies again.

3. An applicant for an endorsement to an existing [certificate] *license* or for an additional [certificate] *license* must submit with his application:

- (a) Current official transcripts; and
- (b) A fee of \$40.

4. The academic credits required to obtain initial licensing or an endorsement to an existing license are not satisfiable by the completion of courses offered by a provider of continuing education but such courses may be used for the renewal of a license.

Sec. 5. NAC 391.077 is hereby amended to read as follows:

391.077 1. [The] *Except as otherwise provided in subsection 4, the* superintendent of public instruction may extend the time prescribed for renewal of a license or for the validity of a provisional license if:

(a) The licensee provides proof that a course or test required for renewal of his license or removal of the provision under which his provisional license was issued was not available during the time his license was valid.

(b) The department's file relating to the licensee contains adequate documentation that the licensee was misinformed about the requirements necessary to renew his license or remove the provision under which his provisional license was issued.

(c) The licensee took the wrong test or course necessary to renew his license or remove the provision under which his provisional license was issued.

(d) The licensee provides written proof from a representative of a religious denomination, sect or organization that a course or test necessary to renew his license or remove a provision under which his provisional license was issued was offered only during a time which conflicted with the religious beliefs of the licensee.

(e) The unemployment of the licensee or personal medical expenses incurred by the licensee which were not covered under a plan of health insurance caused financial debts in excess of the personal income of the licensee and prevented him from complying with the financial requirements for renewal of the license or removal of the provision under which his provisional license was issued.

(f) The licensee suffered a medical condition which prevented him from satisfying the requirements for renewal of his license or removal of the provision under which his provisional license was issued and he provides written proof:

(1) From a licensed physician that he suffered from such a medical condition, including the duration of the medical condition; and

(2) Of the number of days he worked during the time that his license was valid.

(g) The licensee suffered mental anxiety caused by a physical or mental condition which prevented him from passing the test or course required for renewal of his license or removal of the provision under which his provisional license was issued. The licensee must provide written proof from a licensed physician that he suffered such mental anxiety.

(h) A medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his license or removal of the provision under which his provisional license was issued and the superintendent of public instruction determines that the medical condition or administrative problem is adequate to justify the extension.

2. A request for an extension pursuant to subsection 1 must be received by the superintendent of public instruction no less than 15 working days before the expiration of the license or provisional license. If such a request is received less than 15 working days before the expiration of the license or provisional license, the licensee is not guaranteed a decision on the

request before the license becomes invalid or expires. A request for an extension which is postmarked or received after the date of expiration of the license or provisional license will not be considered by the superintendent of public instruction.

3. The superintendent of public instruction may grant an extension for a period of not more than 6 months from the date the extension is granted. In no case may a further extension be granted.

4. A provisional nonrenewable license issued pursuant to section 2 of this regulation may not be renewed pursuant to this section.

Sec. 6. 1. Sections 1, 2 3 and 5 of this regulation become effective upon filing with the secretary of state.

2. Section 4 of this regulation becomes effective 1 year after the date it is adopted by the commission on professional standards in education.