

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

LCB File No. R015-04

Effective May 7, 2004

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

AUTHORITY: §§1-4, NRS 391.019.

A REGULATION relating to educational personnel; removing the requirement that a person provide proof of a negative report of a tuberculin test as a condition to the issuance or renewal of a license to teach; and providing other matters properly relating thereto.

Section 1. NAC 391.045 is hereby amended to read as follows:

391.045 1. An applicant for the initial issuance of a 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;~~

~~—(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 in-service or continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the Department; and

~~(d)~~ (c) Except as otherwise provided in NAC 391.0565, a fee of \$65, plus the amount charged by the Federal Bureau of Investigation and the Nevada Highway Patrol Division of the Department of Public Safety for their reports on the applicant's fingerprints. The fee does not include the cost of any examination required by NAC 391.036.

2. If the applicant is not eligible for 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 license or for an additional license must submit with his application:

(a) Current official transcripts; and

(b) A fee of \$45.

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 those courses may be used for the renewal of a license.

Sec. 2. 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 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 and is not exempt from the requirements of that section;

(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 ~~(e)~~ (b) 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), (c) or (d) of subsection 1 on or after July 1, 2005, to a person

who is applying for an elementary license pursuant to subsection 2 of NAC 391.095 or to a person who is applying for a secondary license with an endorsement in one or more of the following major or minor fields:

- (a) Art.
- (b) Biological science.
- (c) Chemistry.
- (d) English.
- (e) French.
- (f) General science.
- (g) History.
- (h) Mathematics.
- (i) Music.
- (j) Physical science.
- (k) Reading.
- (l) Social studies.
- (m) Spanish.
- (n) Speech and drama.

Sec. 3. NAC 391.057 is hereby amended to read as follows:

391.057 1. The Superintendent of Public Instruction shall issue a conditional license to teach elementary education, a conditional license to teach children in a program of early childhood education, a conditional license to teach secondary education or a conditional license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and

intervention in their educational processes to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

(a) Holds a bachelor's degree from a postsecondary institution that is regionally accredited;

and

(b) Passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test. ~~;~~ and

~~—(c) Has a negative report of an X-ray film of his chest or a tuberculin test which was completed within the 12 months immediately preceding the date on which he submitted his application.]~~

2. In addition to the requirements of subsection 1, an applicant for a conditional license:

(a) To teach elementary education ~~;~~ must, before he teaches pupils who are enrolled in a program of bilingual education, pass the examination required by subsection 1 of NAC 391.242, if an examination is available.

(b) To teach secondary education ~~;~~ must pass a competency test which has been approved by the commission in the subject matter of the area for which he will be employed to teach or provide to the department proof that he is eligible for an exemption from that test.

(c) To teach pupils in a program of early childhood education ~~;~~ must have earned:

(1) At least 6 semester hours of credit in courses relating to early childhood education from a regionally accredited postsecondary institution if the application is submitted before February 1, 2000; and

(2) At least 9 semester hours of credit in courses relating to early childhood education from a regionally accredited postsecondary institution if the application is submitted after February 1, 2000.

(d) To teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes ~~§~~ must have earned at least 9 semester hours of credit in courses relating to special education from a regionally accredited postsecondary institution.

3. A conditional license to teach elementary education, to teach a program of early childhood education, to teach secondary education or to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes:

(a) Authorizes the holder of the license to teach in a county school district or a private school that is licensed pursuant to chapter 394 of NRS, if the school district or private school has received the approval of the Department to hire the holder of the license pursuant to NAC 391.058;

(b) Becomes valid on the date on which the holder of the license is employed by a school district or private school pursuant to NAC 391.058;

(c) Is valid for 3 years; and

(d) Is not renewable.

4. A person who holds a conditional license to teach elementary education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 12 semester hours of credit which is required for the issuance of an initial license to teach elementary education, excluding any credit that he has received for student teaching.

5. A person who holds a conditional license to teach secondary education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC

391.058, provide to the school district or private school proof that he has completed at least 9 semester hours of credit which is required for the issuance of an initial license to teach secondary education, excluding any credit that he has received for student teaching.

6. A person who holds a conditional license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 18 semester hours of credit, excluding any credit earned for student teaching, which is required for the issuance of an initial license to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes.

7. A person who holds a conditional license to teach early childhood education shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058, provide to the school district or private school proof that he has completed at least 15 semester hours of credit which is required for the issuance of an initial license to teach a program of early childhood education, excluding any credit he has received for student teaching.

8. A person who holds a conditional license must complete the requirements for the issuance of an initial license to teach elementary education, to teach a program of early childhood education, to teach secondary education or to teach pupils in kindergarten through grade 12 who have specific learning disabilities, emotional disturbances or mental retardation and mild to moderate needs for assistance and intervention in their educational processes within the 3 years that his conditional license is valid. If the licensee submits to the Department copies

of at least five evaluations issued pursuant to NRS 391.3125 which indicate that his performance has been satisfactory, the holder of the conditional license is not required to complete the 8 semester hours of supervised teaching required for the issuance of an initial license and the Department shall reduce the number of hours that he is required to complete for the issuance of an initial license accordingly.

Sec. 4. NAC 391.070 is hereby amended to read as follows:

391.070 1. To renew a license, the holder must submit before it expires:

(a) A request for renewal in the form prescribed by the Department;

(b) Current official transcripts or verification of credits for in-service or continuing education courses; *and*

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

~~—(d)]~~ A renewal fee of \$80.

2. Renewal may not be requested earlier than 9 months before the expiration date of a license.

3. The Superintendent *of Public Instruction* may delay the expiration date of a license for not more than 30 days if the licensee has completed the educational prerequisites prescribed in NAC 391.065 and the general prerequisites prescribed in subsection 1 in a timely manner, except:

(a) Submission of the request for renewal or the renewal fee, or both; or

(b) Submission of the current official transcript or verification of credits.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R015-04

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R015-04 which pertain to chapter 391 of the Nevada Administrative Code on March 12, 2004.

Notice date: 2/4/2004
Hearing date: 3/12/2004

Date of adoption by agency: 3/12/2004
Filing date: 5/1/2004

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. One workshop was held on March 12, 2004. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions to NAC 391.036 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on March 12, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Commission adopted the proposed regulation.

2. The number of persons who:

- (a) Attended Each Hearing:** Workshop: 9 First Hearing: 9 Second Hearing: N/A
- (b) Testified at Each Hearing:** Workshop: 0 First Hearing: 0 Second Hearing: N/A
- (c) Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: N/A

A copy of any written comments may be obtained by calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9226, or in writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited through the workshop notice of February 4, 2004, and the public hearing notice of February 4, 2004. At the March 12, 2004 Workshop to Solicit Comments, there were no public comments to the proposed language revisions. At the March 12, 2004 Public Hearing there were no public comments to the proposed language.

Summary of Comments:
Workshop/Public Hearing Comments:

There were no public comments for either the workshop or public hearing.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, NV 89701-5096.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Commission on Professional Standards in Public Education adopted the proposed regulation language at the public hearing held March 12, 2004. The reason for adopting the regulation was to eliminate the TB requirement for teacher initial licensure or renewal of licensure. Previous testimony from Vener DeFriez, Nevada Division of Health -- TB Control and Elimination Program, stated that the TB skin testing procedure is unnecessary, a waste of money and resources, and does not eliminate TB in schools, and does not follow the recommendations from the Center for Disease Control and Prevention. Ms. DeFriez stated that the screening of low-risk persons and testing for administrative purposes should be replaced by targeted tuberculin skin testing. The Commission voted to eliminate the TB requirement for teacher licensure and renewal based upon the recommendation from the Nevada Division of Health.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

There a beneficial economic effect on teachers as this eliminates a medical testing procedure and thus one less expense for either the initial license or renewal of their license. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or government agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

- 8. Does the regulation include provisions which are more stringent than a federal regulation which regulates the same activity?**

There are none.

- 9. Does the regulation provide a new fee or increase an existing fee?**

This regulation does not provide for a new fee or increase an existing fee.