

Chapter 391 of NAC

LCB File No. T012-05

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

Filed with the Secretary of State on February 3, 2005

**Explanation:** Matter in Italics is new; matter in brackets ~~{}~~  to be omitted.

**Statutory Authority:** NRS 391.019

**NAC 391.057 Conditional licensure: Qualifications; validity; further education required.**

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;
- (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.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T012-05**

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. T012-05 which pertain to chapter 391 of the Nevada Administrative Code on January 13, 2005.

**Notice date:** 12/8/2004  
**Hearing date:** 1/13/2005

**Date of adoption by agency:** 1/13/2005  
**Filing date:** 2/3/2005

**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 January 13, 2005. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed endorsement and revisions to NAC 391.057 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on January 13, 2005, 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 and amendments to NAC 391.057.

2. The Number of Persons Who:
  - a) Attended Each Hearing: Workshop: 10 First Hearing: 10 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 contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, (775) 687-9226, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

Comments were solicited through the workshop notice of December 8, 2004, and the public hearing notice of December 8, 2004. At the January 13, 2005, Workshop to Solicit Comments, there was no public comments to the proposed language revisions. At the January 13, 2005, public hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

- a) None

Public Hearing Comments:

- a) None

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, (775) 687-9226, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Commission on Professional Standards in Public Education adopted the regulation language with amendments at the public hearing held January 13, 2005. The reason for adopting the proposed regulation was that previously the Commission removed the TB test requirement from the licensing requirements and this also needs to be removed as a requirement for the conditional license.

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

There is no economic effect on the business, which is regulated. 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 governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

- 8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

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