

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

LCB File No. R070-06

Effective September 18, 2006

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

AUTHORITY: §1, NRS 391.019, 391.021 and 391.032; §2, NRS 391.019 and 391.032; §§3-5, NRS 391.019.

A REGULATION relating to educational personnel; revising the provisions governing a conditional license to teach; revising the provisions governing the employment of conditionally licensed persons by a school district, charter school or private school; and providing other matters properly relating thereto.

Section 1. 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]~~ *pupils* in a program of early childhood education, a conditional license to teach secondary education or a conditional license to teach pupils in ~~[kindergarten]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation]~~ *in a category described in subsection 9* 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.

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

(a) To teach elementary education must ~~[-before he teaches]~~ :

(1) If the conditional license is issued before July 1, 2007, and he will teach pupils who are enrolled in a program of bilingual education, *first* pass the examination required by subsection 1 of NAC 391.242, if an examination is available.

(2) If the conditional license is issued on or after July 1, 2007, have earned at least 9 semester hours of credit in pedagogically related courses that are acceptable for elementary education licensure from a regionally accredited postsecondary institution.

(b) To teach secondary education must ~~[pass]~~ :

(1) Have declared a major in the applicant's desired area of licensure; or

(2) Pass a competency test which has been approved by the Commission in the subject matter of the area for which ~~[he]~~ *the applicant* will be employed to teach or provide to the Department proof that he is eligible for an exemption from that test ~~[.]~~, *and if the license is issued on or after July 1, 2007, have earned at least 3 semester hours of credit in pedagogically related courses that are acceptable for secondary education licensure from a regionally accredited postsecondary institution.*

(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]~~ *at* least 9 semester hours of credit in *pedagogically related* courses ~~[relating to]~~ *that are acceptable for* early childhood education *licensure* from a regionally accredited postsecondary institution . ~~[if the application is submitted after February 1, 2000.]~~

(d) To teach pupils in ~~[kindergarten]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation,]~~ *in a category described in subsection 9* must have earned at least 9 semester hours of credit in *pedagogically related* courses ~~[relating to]~~ *that are acceptable for* special education *licensure* 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]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation:]~~ *in a category described in subsection 9:*

(a) Authorizes the holder of the license to teach in a county school district , *a charter school* or a private school that is licensed pursuant to chapter 394 of NRS, if the school district , *charter school* 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 , *charter school* 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 , *charter school* or private school *with whom he is employed* proof that he has completed :

(a) *Within 1 year after he begins employment*, at least ~~[12]~~ 6 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 ~~[]~~; *and*

(b) *Within 2 years after he begins employment, at least 6 additional 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, *charter school* or private school *with whom he is employed* proof that he has completed :

(a) *Within 1 year after he begins employment*, at least ~~[9]~~ 6 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 ~~[]~~; *and*

(b) *Within 2 years after he begins employment, at least 6 additional 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]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation shall, within 2 years after he begins his employment with a school district or private school pursuant to NAC 391.058,]~~ *in a category described in subsection 9 shall* provide to the school district, *charter school* or private school *with whom he is employed* proof that he has completed :

(a) *Within 1 year after he begins employment*, at least ~~[18]~~ 6 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]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation.]~~ *in a category described in subsection 9; and*

(b) *Within 2 years after he begins employment, at least 12 additional 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 prekindergarten through grade 12 in a category described in subsection 9.*

7. A person who holds a conditional license to teach *a program of* 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, *charter school* or private school *with whom he is employed* proof that he has completed :

(a) *Within 1 year after he begins employment*, at least ~~[15]~~ 6 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 ~~[]~~; *and*

(b) *Within 2 years after he begins employment, at least 9 additional 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]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional~~

~~disturbances or mild to moderate mental retardation~~ in a category described in subsection 9 within the 3 years that his conditional license is valid. If the ~~licensee~~ school district, charter school or private school submits to the Department copies of at least five evaluations issued pursuant to NRS 391.3125 which indicate that his performance has been satisfactory ~~and~~ verification of 3 years of his teaching experience under contract with the school district, charter school or private school in the appropriate area, 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.

9. The categories for which the Superintendent of Public Instruction may issue a conditional license to teach pupils in prekindergarten through grade 12 are:

- (a) Hearing impairments;*
- (b) Specific learning disabilities, emotional disturbances or mild to moderate mental retardation;*
- (c) Serious emotional disturbances and moderate to intense needs for assistance and intervention;*
- (d) Specific learning disabilities and moderate to intense needs for assistance and intervention;*
- (e) Mental retardation and moderate to intense needs for assistance and intervention;*
- (f) Pupils who have disabilities and who are under 8 years of age;*
- (g) Adapted physical education to pupils who have disabilities;*
- (h) Speech and language impairments;*
- (i) Autism;*

(j) *Orthopedic impairments;*

(k) *Health impairments, other than orthopedic, that adversely affect educational performance;*

(l) *Traumatic brain injury; or*

(m) *Visual impairments.*

Sec. 2. NAC 391.058 is hereby amended to read as follows:

391.058 1. A school district , *a charter school* or a private school that is licensed pursuant to chapter 394 of NRS must apply to the Department before it employs a person who holds a conditional license that was issued pursuant to NAC 391.057. The application must be in writing and include:

(a) Proof that the school district , *charter school* or private school has advertised in good faith its desire to fill a vacancy in the position of, as applicable, an unconditionally licensed teacher to teach elementary ~~[education to pupils who are enrolled in a program of bilingual]~~ education, an unconditionally licensed teacher to teach pupils in a program of early childhood education, an unconditionally licensed teacher to teach secondary education in the subject area and at the grade level in which there is a vacancy or an unconditionally licensed teacher to teach pupils in ~~[kindergarten]~~ *prekindergarten* through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation;]~~ *in a category described in subsection 9 of NAC 391.057;*

(b) An affidavit stating that despite the required advertisement the school district , *charter school* or private school was not successful in hiring, as applicable, an unconditionally licensed teacher to teach elementary ~~[education to pupils who are enrolled in a program of bilingual]~~ education, an unconditionally licensed teacher to teach *pupils in* a program of early childhood

education, an unconditionally licensed teacher to teach secondary education in the subject area and at the grade level in which there is a vacancy or an unconditionally licensed teacher to teach pupils in ~~{kindergarten}~~ *prekindergarten* through grade 12 ~~{who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation;}~~ *in a category described in subsection 9 of NAC 391.057;* and

(c) A written assurance that the school district, *charter school* or private school will, if required by statute or regulation, continue its efforts to hire unconditionally licensed educational personnel.

2. A superintendent of a school district, *an administrator of a charter school* or an administrator of a private school shall assign an unconditionally licensed teacher to provide assistance, guidance and training to each person it hires to teach elementary ~~{education to pupils who are enrolled in a program of bilingual}~~ education, to teach pupils in a program of early childhood education or to teach secondary education pursuant to this section. ~~{Before such a person may begin teaching, he must complete at least 3 weeks}~~ *Each such person who is hired:*

(a) *Shall, within 1 year after he begins employment, complete a total of 120 hours* of training and orientation under the supervision of the unconditionally licensed teacher who has been assigned to assist him pursuant to this subsection.

(b) *May begin teaching after completion of the first 80 hours of the required 120 hours of training and orientation.*

3. A superintendent of a school district, *an administrator of a charter school* or an administrator of a private school shall assign a postprobationary teacher who is unconditionally licensed pursuant to NAC 391.343 to provide assistance, guidance and training to each person the school district, *charter school* or private school hires to teach pupils in ~~{kindergarten}~~

prekindergarten through grade 12 ~~[who have specific learning disabilities, emotional disturbances or mild to moderate mental retardation. Before such a person may begin teaching, he must complete at least 3 weeks]~~ *in a category described in subsection 9 of NAC 391.057.*

Each such person who is hired:

(a) *Shall, within 1 year after he begins employment, complete a total of 120 hours* of training and orientation under the supervision of the unconditionally licensed teacher who has been assigned to assist him pursuant to this subsection.

(b) *May begin teaching after completion of the first 80 hours of the required 120 hours of training and orientation.*

↳ The teacher who is assigned to the conditionally licensed teacher pursuant to this subsection must be present at each meeting concerning an individual education plan that the conditionally licensed teacher is required to attend.

4. A school district, *charter school* or private school shall, in consultation with a postsecondary institution which is regionally accredited and which offers courses of study and training for the education of teachers, develop a plan for each person that it hires pursuant to this section which includes:

- (a) Provisions for the evaluation of the person;
- (b) A description of the courses of study and training that the person is required to complete within the 3 years that his conditional license is valid;
- (c) A written assessment plan for the course of study and training, as described in paragraph (k) of subsection 1 of NAC 391.557; and
- (d) Any other training that the school district, *charter school* or private school considers necessary.

5. Each school district, *charter school* or private school which employs a person pursuant to this section shall cooperate with the Commission and the Department in the evaluation of the effectiveness of this section and NAC 391.057.

Sec. 3. NAC 391.13096 is hereby amended to read as follows:

391.13096 1. Before the commencement of each school year, the superintendent of schools of a school district, *the administrative head of a charter school* or the ~~administrative or~~ executive head of a private school may submit to the Department a request for an exemption from the requirements of NAC 391.13094 on behalf of a licensed teacher who teaches in the school district, *charter school* or private school. A request for an exemption must include proof that the licensed teacher:

(a) Holds a valid secondary or special license, including, without limitation, a secondary or special license with a business and industry endorsement;

(b) Satisfactorily taught in a program of technology education pursuant to a contract at least one class period per day during the 1997 to 1998 school year or the 1998 to 1999 school year, or both; and

(c) Has maintained continuous service as a teacher of technology education in this State.

↪ An exemption granted by the Department is valid for 1 school year and may be renewed annually if a request is submitted in accordance with this subsection.

2. On or before October 1 of each year, the superintendent of schools of each school district, *the administrative head of each charter school* and the ~~administrative or~~ executive head of each private school shall submit to the Superintendent of Public Instruction a list of the licensed teachers who teach in the school district, *charter school* or private school for whom the Department has approved a request for an exemption for the current school year.

Sec. 4. NAC 391.237 is hereby amended to read as follows:

391.237 1. To receive an endorsement to teach English as a second language, a person must have:

(a) A valid elementary, secondary or special license, or a valid license to teach middle school or junior high school education; and

(b) Completed at least 12 semester hours of credit in a course of study that includes any of the following:

(1) Methods and materials for teaching English as a second language;

(2) Theories for the acquisition of a second language;

(3) Testing and evaluation of pupils studying English as a second language; or

(4) Developing a curriculum for pupils studying English as a second language.

2. To receive an endorsement as a professional teacher of English as a second language, a person must have completed the requirements for an endorsement to teach English as a second language and:

(a) Hold a master's degree; and

(b) Have 3 years of experience as a teacher.

3. Requirements for the successful completion of a course of study in which a person is enrolled are in addition to the requirements to receive an endorsement.

4. The Superintendent of Public Instruction may issue a provisional 1-year endorsement to teach English as a second language to a person who has a deficiency in credits of more than 6 semester hours if the school district, *charter school* or private school that will employ the person provides a written assurance to the Superintendent of Public Instruction that the person will complete the courses of study necessary to ensure that he has a deficiency in credits of 6

semester hours or less by the end of the 1-year period for which the endorsement is valid. The written assurance must also identify the courses of study that will be completed.

5. Upon expiration of an endorsement issued pursuant to subsection 4, a person may apply for another provisional endorsement pursuant to NAC 391.055 if he satisfies the requirements of that section.

Sec. 5. NAC 391.242 is hereby amended to read as follows:

391.242 1. To teach pupils enrolled in a program of bilingual education, a person must:

(a) Hold an endorsement issued pursuant to this section; and

(b) Within 2 years after the issuance of an endorsement, pass an examination approved by the Commission which demonstrates his oral and written proficiency in the native language, if such an examination is available.

2. To receive an endorsement to teach pupils in a program of bilingual education, a person must hold a bachelor's degree with a major in bilingual education, an elementary, secondary or special license, or a license to teach middle school or junior high school education, and must have completed:

(a) A bilingual program of preparation for teaching pupils who are identified as having limited proficiency in English which has been approved by the Board for this purpose; or

(b) At least 12 semester hours of credit in a course of study which includes theories for the acquisition of a second language and at least three of the following other areas of study:

(1) Methods of teaching language arts or reading in the native language;

(2) Methods of teaching math, science and social studies in the native language;

(3) Testing and evaluating pupils of a second language in English and the native language;

(4) Development of curriculum, materials and teaching methods for bilingual education;

(5) Native language and culture; or

(6) Bilingual education, history, philosophy and theory.

3. The Superintendent of Public Instruction may issue a provisional 1-year endorsement to teach a program of bilingual education to a person who has a deficiency in credits of more than 6 semester hours if the school district, *charter school* or private school that will employ the person provides a written assurance to the Superintendent of Public Instruction that the person will complete the courses of study necessary to ensure that he has a deficiency in credits of 6 semester hours or less by the end of the 1-year period for which the endorsement is valid. The written assurance must also identify the courses of study that will be completed.

4. Upon expiration of an endorsement issued pursuant to subsection 3, a person may apply for another provisional endorsement pursuant to NAC 391.055 if he satisfies the requirements of that section.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R070-06**

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R070-06 which pertain to chapter 391 of the Nevada Administrative Code on August 11, 2006.

Notice date: 6/29/2006
Hearing date: 8/11/2006

Date of adoption by agency: 8/11/2006
Filing date: 9/18/2006

**NAC 391.057 – Qualifications; Validity; Further Education Required; and
NAC 391.058 – Conditional Licensure: Application to Department; Assignment of
Unconditionally Licensed Teacher or Postprobationary Teacher Who Is Unconditionally
Licensed; Training; Development of Plan for Evaluation and Training; Cooperation with
Commission and Department**

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. A workshop was held on May 11, 2006. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 391.057 - Qualifications; Validity; Further Education Required; and NAC 391.058 – Conditional Licensure: Application to Department; Assignment of Unconditionally Licensed Teacher or Postprobationary Teacher Who Is Unconditionally Licensed; Training; Development of Plan for Evaluation and Training; Cooperation with Commission and Department were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on August 11, 2006 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the proposed amendments to the regulation with additional amendments.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 7; First Hearing: 6; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 4; First Hearing: 3; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 1; 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 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 an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of April 5, 2006; and the public hearing notice of June 29, 2006. At the May 11, 2006 Workshop to Solicit Comments, there were public comments to the proposed amendments to the regulation language. At the August 11, 2006 Public Hearing there were public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

- (a) Written Comment from the State Board of Education requested that the Commission hold a second public hearing to allow individuals from the northern part of the state to have an opportunity to provide comments to the proposal.
- (b) Mary Ann Gibbs, Clark County School District, stated that the proposal provides clarification and broadening the fields in high needs areas. Ms. Gibbs stated that the Clark County School District supports the proposal and requested that pre-kindergarten be included throughout the document.
- (c) Dr. William Speer, Associate Dean for the College of Education at the University of Nevada, Las Vegas, expressed concern with the minor and competency testing and reinforced that individuals should be competent in the subject area and should be able to pass the competency test and demonstrate subject area knowledge. Dr. Speer stated that knowledge of pedagogy is necessary.
- (d) Dr. Marilyn Ford, University of Nevada, Las Vegas, stated that the conditional license may not be all of the groups of individuals who come into Nevada. Dr. Ford expressed a concern that pedagogy needs to be done up front for all areas and that a certain number of credits should be completed at the end of the first year and a certain number of credits should be completed at the end of the second year. There should be the same number of credits required for all areas.

Public Hearing comments:

- (e) Mary Ann Gibbs, Clark County School District, supported the amended proposal and feels that the proposed changes would be good for all of Nevada.
- (f) Rorie Fitzpatrick, Special Education Consultant for the Nevada Department of Education, stated that the Statewide Special Education Committee held a meeting prior to the workshop and supported the changes to the special education requirements and suggested a sunset date for a review of the data to determine if the program is successful.

- (g) Barbara Belak, Clark County School District, supported the changes of the second Task Force meeting. The proposal allows for flexibility for the district to design their own program.

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, 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 proposed amendments to the regulation language at the public hearing held August 11, 2006. The reason for adopting the regulation is to provide consistency in NAC 391.057 and 391.058; include charter schools within the regulations; and allow 80 hours of the required 120 hours of training and orientation to be completed prior to going into the classroom.

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:

The beneficial economic effect is that the regulation will now be consistent in the number of hours required and that an individual must complete 80 hours of training and orientation prior to teaching in the classroom. 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.