

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

LCB File No. R048-09

Effective November 25, 2009

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

AUTHORITY: §§1-6, NRS 391.019, 391.021 and 391.032; §7, NRS 391.019 and 391.032; §8, NRS 385.080, 391.019 and 391.032.

A REGULATION relating to educational personnel; prescribing requirements for a renewable license and a conditional special qualifications license for persons who complete nontraditional programs which train teachers; revising other provisions relating to the licensure of educational personnel; and providing other matters properly relating thereto.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, “nontraditional program which trains teachers” means a program, other than a program offered by an accredited university or college, which instructs and certifies persons to teach pupils enrolled in prekindergarten through grade 12.*

Sec. 3. *The Commission will prepare and publish a list of nontraditional programs which train teachers that have been approved by the Commission for the purposes of issuing a renewable license pursuant to section 4 of this regulation and a conditional special qualifications license pursuant to section 5 of this regulation.*

Sec. 4. *The Superintendent of Public Instruction shall issue a renewable license to teach pupils in prekindergarten through grade 12 to a person who submits an application which is accompanied by proof satisfactory to the Superintendent that the applicant:*

- 1. Holds a bachelor's degree from a postsecondary institution that is regionally accredited;*
- 2. 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;*
- 3. Passed the competency test in the principles and methods of teaching that is required by NAC 391.036 or is eligible for an exemption from that test;*
- 4. Passed the competency test in the subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment that is required by NAC 391.036 or is eligible for an exemption from that test;*
- 5. Successfully completed in another state a nontraditional program which trains teachers that has been approved by the Commission; and*
- 6. Holds a renewable license in good standing to teach in the state in which the nontraditional program which trains teachers was completed or previously held a renewable license in good standing to teach in that state.*

Sec. 5. *1. The Superintendent of Public Instruction shall issue a conditional special qualifications license to teach pupils in prekindergarten through grade 12 to a person who submits an application which is accompanied by proof satisfactory to the Superintendent 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;

(c) Passed the competency test in the principles and methods of teaching that is required by NAC 391.036 or is eligible for an exemption from that test;

(d) Passed the competency test in the subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment that is required by NAC 391.036 or is eligible for an exemption from that test;

(e) Successfully completed in another state a nontraditional program which trains teachers that has been approved by the Commission; and

(f) Has a promise of employment with a school district, charter school or private school in this State before applying for the conditional license.

2. A conditional special qualifications license issued pursuant to this section:

(a) Becomes valid on the date on which the holder of the license initially enters into a contract with a school district, charter school or private school;

(b) Is valid for 3 years; and

(c) Is not renewable.

3. A superintendent of a school district, an administrator of a charter school or an administrator of a private school shall, for the duration of the conditional license, assign at least one postprobationary teacher who is unconditionally licensed to provide assistance, guidance and training to a person who holds a conditional special qualifications license issued pursuant to this section and who is employed by the school district, charter school or private school.

4. A person who is issued a conditional special qualifications license pursuant to this section may apply for a renewable special qualifications license to teach pupils in prekindergarten through grade 12 if the applicant:

(a) Maintains continuous employment with the school district, charter school or private school in this State that initially employed the person for at least 3 years and receives five satisfactory evaluations during those 3 years;

(b) Successfully completes a program of mentoring as described in subsection 3; and

(c) Submits all the appropriate application documents and the fee required to obtain a renewable special qualifications license.

5. If a person who holds a conditional special qualifications license issued pursuant to this section fails to:

(a) Maintain employment with the school district, charter school or private school that initially employed the person;

(b) Receive five satisfactory evaluations during his or her employment with a school district, charter school or private school; or

(c) Participate in a mentoring program described in subsection 3,

↳ his or her license shall be deemed immediately revoked and the person is not eligible for a renewable special qualifications license to teach pupils in prekindergarten through grade 12.

Sec. 6. 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 pupils in a program of early childhood education, a conditional license to teach secondary education or a conditional license to teach pupils in prekindergarten through grade 12 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 , *other than to teach pupils in a category described in subsection 9*, must ~~be~~:

~~—(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,]~~ , *before beginning his or her employment assignment as a teacher*, 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 , *other than to teach pupils in a category described in subsection 9*, must:

(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 the applicant will be employed to teach or provide to the Department proof that he *or she* is eligible for an exemption from that test and, ~~[if the license is issued on or after July 1, 2007,]~~ *before beginning his or her employment assignment as a teacher*, 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, *before beginning his or her employment assignment as a teacher*, have earned at least 9 semester hours of credit in pedagogically related courses that are acceptable for early childhood education licensure from a regionally accredited postsecondary institution.

(d) To teach pupils in prekindergarten through grade 12 in a category described in subsection 9 must, *before beginning his or her employment assignment as a teacher*, have earned at least 9 semester hours of credit in pedagogically related courses 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 prekindergarten through grade 12 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~~ *initially enters into a contract with* 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 provide to the school district, charter school or private school with whom he *or she* is employed proof that ~~he~~ *the person* has completed:

(a) Within 1 year after he *or she* begins employment, at least 6 semester hours of credit which is required for the issuance of an initial license to teach elementary education, excluding any credit that he *or she* has received for student teaching; and

(b) Within 2 years after he *or she* 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 *or she* has received for student teaching.

5. A person who holds a conditional license to teach secondary education shall provide to the school district, charter school or private school with whom he *or she* is employed proof that ~~he~~ *the person* has completed:

(a) Within 1 year after he *or she* begins employment, at least 6 semester hours of credit which is required for the issuance of an initial license to teach secondary education, excluding any credit that he *or she* has received for student teaching; and

(b) Within 2 years after he *or she* 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 *or she* has received for student teaching.

6. A person who holds a conditional license to teach pupils in prekindergarten through grade 12 in a category described in subsection 9 shall provide to the school district, charter school or private school with whom he *or she* is employed proof that ~~he~~ *the person* has completed:

(a) Within 1 year after he *or she* begins employment, at least 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 prekindergarten through grade 12 in a category described in subsection 9; and

(b) Within 2 years after he *or she* 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 provide to the school district, charter school or private school with whom he *or she* is employed proof that ~~he~~ *the person* has completed:

(a) Within 1 year after he *or she* begins employment, at least 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 *or she* has received for student teaching; and

(b) Within 2 years after he *or she* 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 *or she* 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 prekindergarten through grade 12 in a category described in subsection 9 within the 3 years that ~~his~~ *the person's* conditional license is valid. ~~If the~~ *The* school district, charter school or private school ~~submits~~ *shall submit* to the Department ~~copies~~ *evidence* of at least five evaluations issued pursuant to NRS 391.3125 which indicate that ~~his~~ *the person's* performance has been satisfactory and verification of 3 years of ~~his~~ *the person's* teaching experience under contract with the school

district, charter school or private school in the appropriate area . ~~[, the]~~ *The* holder of the conditional license ~~[is not required to]~~ *shall* complete *3 years of teaching and is not required to complete* the 8 semester hours of supervised teaching *otherwise* 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.]~~ *The holder of a conditional license may not be issued a license to teach until he or she has completed 3 years of teaching under contract with a school district, charter school or private school.*

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. 7. 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, 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 prekindergarten through grade 12 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, 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 prekindergarten through grade 12 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 , *for the duration of the conditional license*, assign ~~[an]~~ *at least one postprobationary teacher who is* unconditionally licensed ~~[teacher]~~ to provide assistance, guidance and training to each person it hires to teach elementary education, to teach pupils in a program of early childhood education or to teach secondary education pursuant to this section. Each such person who is hired:

(a) Shall, within 1 year after he *or she* begins employment, complete a total of 120 hours of training and orientation ~~[under the supervision of the]~~ *with at least one postprobationary teacher who is* unconditionally licensed ~~[teacher]~~ *and* who has been assigned to assist him *or her* 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 , *for the duration of the conditional license*, assign ~~[a]~~ *at least one* 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 prekindergarten through grade 12 in a category described in subsection 9 of NAC 391.057. Each such person who is hired:

(a) Shall, within 1 year after he *or she* begins employment, complete a total of 120 hours of training and orientation ~~[under the supervision of]~~ *with* the unconditionally licensed teacher who has been assigned to assist him *or her* 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]~~ A 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 ~~[.]~~ *during his or her probationary period of employment.*

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 *or her* 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. 8. NAC 391.060 is hereby amended to read as follows:

391.060 1. Upon application, the Department will issue a license for the specified number of years to a person with:

(a) A bachelor's degree or less, for 5 years.

(b) A master's degree and 3 years of verified teaching experience, for 6 years.

(c) A specialist's degree and 3 years of verified teaching experience, for 8 years.

(d) A doctoral degree and 3 years of verified teaching experience, for 10 years.

(e) A National Board Certification issued by the National Board for Professional Teaching Standards, for 10 years. If the National Board Certificate expires less than 10 years after the date of application, the license is valid for the period of the certificate.

↪ A license specified in this subsection is renewable.

2. Except as otherwise provided in this section and NAC 391.057 ~~§~~ *and section 5 of this regulation*, a license expires on the holder's date of birth in the year of expiration.

3. A provisional license that is renewable becomes invalid on the date of expiration of the provision. If the holder of such a license provides evidence to the Department of his *or her* completion of the course work required to satisfy the provision, the Department will remove the provision and the license remains valid until the date of expiration of the license.

4. An endorsement becomes invalid on the date that the license to which it is attached expires.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R048-09**

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R048-09 which pertain to chapter 391 of the Nevada Administrative Code.

NAC 391.057–Conditional Licensure: Categories; Qualifications; Validity; Requirements Following Issuance; NAC 391.058 – Conditional Licensure: Prerequisites to Employment of Person; Assistance, Guidance, Training, Orientation and Evaluation of Person; Cooperation with Commission and Department; and New Sections for Out-of-State License – Out-of-State Categories; Qualifications, Validity; Requirements Following Issuance; and Conditional License: Out-of-State Categories, Qualifications; Validity; Requirements Following Issuance for the Alternative Route to Licensure Program

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

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 September 11, 2009. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.057, 391.058 and New Sections for the Alternative Route to Licensure Regulations were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on October 23, 2009 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Commission adopted the proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 11; First Hearing: 10; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First 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 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 August 3, 2009; and the public hearing notice of September 21, 2009. At the September 11, 2009 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the October 23, 2009 public hearing there was no public comment to the proposed regulation language.

Workshop comments:

There were no comments.

Public Hearing comments:

There were no comments.

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 regulation language at the public hearing held October 23, 2009. The reason for adopting the amendments to the regulations was to update and expand the alternative route to licensure program to accept certificate programs with additional requirements to quality for a conditional teaching license in Nevada.

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 n economic effect of the regulation on the business that it regulates. The beneficial effect would allow individuals who have a teaching certificate from a program to be able to qualify for a conditional teaching license in Nevada.

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.