

Chapter 391 of NAC

LCB File No. T044-09

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

Filed with the Secretary of State on June 22, 2009

**New Section - NAC 391.XXX Out-of-State License: Out-of-State Categories; qualifications; validity; requirements following issuance (NRS 391.019, 391.021, 391.032)**

*1. The Superintendent of Public Instruction shall issue a renewable license to a person who obtained their teacher training through a non-traditional program to teach in the K-12 system 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;*
- (c) Passed the competency test in the principles and methods of teaching as required by NAC 391.036 or is eligible for an exemption from that test; and*
- (d) Passed the competency test, as required by NAC 391.036, 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, or is eligible for an exemption from that test.*

*2. In addition, to the requirement of subsection 1, an applicant for a renewable license to teach in the K-12 system must:*

- (a) Provide proof that a program was completed in another State that is acceptable by the Commission on Profession Standards; and*
- (b) Provide proof of a current renewable license from the State in which the program was completed; or*
- (c) Provide proof of previously possessing a renewable license from the State in which the program was completed and left the State in good standings.*

**New Section - NAC 391.xxx Conditional License: Out-of-State Categories; qualifications; validity; requirements following issuance (NRS 391.019, 391.021, 391.032)**

*1. The Superintendent of Public Instruction shall issue a conditional license to a person who obtained their teacher certification through a non-traditional program to teach in the K-12 system, who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant has met the requirements of subsection 1 of NAC 391.XXX.*

*2. To be eligible for a conditional license, the applicant must:*

*(a) Have completed a non-traditional program in teacher training, but does not possess transcripts indicating teacher education coursework from a regionally accredited postsecondary institution;*

*(b) Provide proof of a non-state teacher certification from outside the State of Nevada, and completion from a non-traditional teacher training program within the state where certification occurred; and*

*(c) Provide proof of intent of employment with a school district, charter school or private school prior to applying for a Nevada Teacher License.*

*3. For the applicant who has received a conditional license, to be eligible for a renewable license, the applicant must:*

*(a) Maintain continuous employment with a school district, charter school or private school for a minimum period of three years;*

*(b) Provide proof of 5 satisfactory evaluations during the three years of employment; and*

*(c) Complete a mentorship program. The program requires the superintendent of a school district, an administrator of a charter school or an administrator of a private school to assign, for the duration of the conditional license, at least one post probationary, unconditionally licensed teacher to provide assistance, guidance and training to a person hired who possesses a conditional license;*

*(d) Submit to the Department of Education, Office of Teacher Licensure all application documents and application fees required to receive a renewable license.*

*4. Failure to meet any of the requirements of NAC 391.xxx subsection 3 will result in immediate invalidation of the conditional license and will prohibit the issuance of a renewable license.*

**NAC 391.057 Conditional licensure: Categories; qualifications; validity; requirements following issuance.**

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, *excluding special education*, must ~~[-:]~~

~~[(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,]~~ *prior to beginning the employment assignment*, 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, *excluding special education*, 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 is eligible for an exemption from that test and, ~~if the license is issued on or after July 1, 2007,~~ *prior to beginning the employment assignment*, 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, *prior to beginning the employment assignment*, must 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, *prior to beginning the employment assignment*, must 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 *initially contracted* ~~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 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 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 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 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 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 is employed proof that he has completed:

(a) Within 1 year after he 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 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 is employed proof that he has completed:

(a) Within 1 year after he 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 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 prekindergarten through grade 12 in a category described in subsection 9 within the 3 years that his conditional license is valid. ~~He~~ *Upon completion of the requirements for a conditional license*, the school district, charter school or private school *must* submit~~s~~ to the Department ~~copies~~ *evidence* 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~~ *Three years of verified teaching experience at the school district, charter school or private school is* required ~~to complete the~~ *in lieu of* 8 semester hours of supervised teaching *experience*. ~~required for the issuance of an initial license and~~ *A person who has committed to a school district, charter school, or private school and has received a conditional license to teach pursuant to the requirements of NAC 391.057 and NAC 391.058, but who does not complete the three years of teaching assignment, will not be eligible to apply for a standard teaching license until the final date of his three year teaching agreement. In lieu of student teaching requirements*, the Department shall reduce the number of hours that he is required to complete for the issuance of an initial license ~~accordingly~~ *by 8 semester hours*.

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.

**NAC 391.058 Conditional licensure: Prerequisites to employment of person; assistance, guidance, training, orientation and evaluation of person; cooperation with Commission and Department.**

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 assign, *for the duration of the conditional license, ~~an~~ at least one post probationary*, 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 begins employment, complete a total of 120 hours of training and orientation ~~under the supervision of~~ *with ~~the~~ at least one post probationary*, 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, *for the duration of the conditional license, [a] at least one* post probationary, ~~[teacher who is]~~ unconditionally licensed *teacher* 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 begins employment, complete a total of 120 hours of training and orientation ~~[under the supervision of]~~ *with [the] at least one post probationary* 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 *probationary*, 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.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T044-09**

The Commission on Professional Standards in Education adopted temporary regulations assigned LCB File No. T044-09 which pertain to chapter 391 of the Nevada Administrative Code.

**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 1, 2009. There was 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 June 19, 2009 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.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 4; First Hearing: 3; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; First Hearing: 2; 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 March 26, 2009; and the public hearing notice of May 13, 2009. At the May 1, 2009 Workshop to Solicit Comments, there was public comment to the proposed regulation language. At the June 19, 2009 public hearing there was public comment to the proposed regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

Workshop comments:

Craig Steven, Nevada State Education Association, expressed opposition to NAC 391.xxx, which would allow for an unqualified individual to obtain a Nevada teaching license as the Commission would have no control over that Alternative Route Program and that Program could lower their standards for the certificate completion and Nevada would have to accept that certificate for licensure based upon the current proposal.

Public Hearing comments:

- a) Andre Yates, Clark County School District, responded to questions regarding the number of teaching vacancies in the Clark County School District. Mr. Yates stated that the District is currently hiring teachers with a large pool of highly qualified individuals, even in the hard to fill vacancies; does not see the District needing to look further for qualified individuals and feels that a vast majority of the teaching positions will be filled with highly qualified licensed individuals.
- b) Craig Stevens, Nevada State Education Association, expressed support for the NAC 391.057 and 391.058 proposals, but again expressed opposition to NAC 391.xxx and suggested this section be referred back to the Task Force for further review and revision. Mr. Stevens stated that programs, such as ABCTE, award certificates to individuals with no prior classroom experience and that individual could have a total of five unsatisfactory evaluations before being removed from the classroom and that is a significant amount of time to spend with students with unsatisfactory evaluations. Mr. Stevens stated that the NSEA and the Commission have worked to have rigorous standards for our teachers to benefit students and suggesting maintaining that rigorous standard and suggested that these individuals have some type of classroom experience prior to being in a Nevada classroom.

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 June 19, 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 qualify 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.