

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

LCB File No. R046-10

Effective October 15, 2010

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.

A REGULATION relating to educational personnel; revising provisions governing exemptions from the tests of competency required for an initial license in this State; and providing other matters properly relating thereto.

Section 1. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, subparagraph (8) of paragraph (a) of subsection 1 of NRS 391.019, NAC 391.0545, subsection 2 of NAC 391.0585, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection 6 of NAC 391.330, subsection 5 of NAC 391.363, paragraph (b) of subsection 4 of NAC 391.425 and subsection 7 of NAC 391.436, an applicant who applies for an initial license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (a) Basic reading, writing and mathematics;
- (b) The principles and methods of teaching; and
- (c) 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.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

- (a) Submits to the Department evidence that he:

(1) Has retired from teaching in this State;

(2) Held a special license, a license to teach elementary or secondary education, or a license to teach middle school or junior high school education, which:

(I) Has expired within the 3 years immediately preceding the date on which his application was submitted;

(II) Was free from any conditions that the applicant pass a competency test; and

(III) Authorized the applicant to teach in the same grade level and subject area for which he is applying to receive an initial license;

(3) Was required, for the issuance of his expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of an initial license; and

(4) Otherwise satisfies the requirements for the issuance of an initial license; ~~or~~

(b) Submits to the Department evidence that he has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1 ~~1~~; *or*

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is not a provisional license, and the Commission determines that the examinations required for licensure in that state are comparable to the competency tests required by subsection 1.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if he submits to the Department:

(a) Official documentation which indicates that he passed, at the level of competency specified by the Commission:

(1) The “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) The “California Basic Educational Skills Test,” prepared and administered by the California Commission on Teacher Credentialing;

~~(b) [Evidence that he holds a license to teach that was issued by another state and has completed 3 years of full-time teaching within the immediately preceding 5 years in the subject area for which he is applying to receive an initial license in this State;~~

~~—(c) Evidence that he:~~

~~——(1) Holds a license to teach which was issued by another state;~~

~~——(2) Has at least 1 year of experience in teaching, administrating or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and~~

~~——(3) Has passed, at the level of competency required for licensure by the state in which his license was issued:~~

~~———(I) The “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service;~~

~~———(II) An equivalent examination in basic reading, mathematics and writing, prepared and administered by National Evaluation Systems, Inc.; or~~

~~———(III) An equivalent examination in basic reading, mathematics and writing, prepared and administered by the state in which his license was issued;~~

~~—(d)] Evidence that he has received a master’s or more advanced degree from a regionally accredited college or university, the receipt of which required the passage of the “Graduate~~

Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent;

~~(e)~~ (c) An official transcript which indicates that he achieved at least a 3.0 grade-point average in his undergraduate studies and evidence that he has taken the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, and received a score of:

- (1) At least 420 on the verbal portion of the examination;
- (2) At least 460 on the quantitative portion of the examination; and
- (3) At least 430 on the analytical portion of the examination or at least 3.5 on the analytical writing portion of the examination, as applicable; or

~~(f)~~ (d) Evidence that:

(1) He did not pass, at the level of competency specified by the Commission, the “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the test described in subparagraph (1), he began and completed, with a grade of B or better, a course of study in a subject area approved by the Commission or the Director of Licensure for the Department.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he:

(a) Submits to the Department official documentation which indicates that he passed, at the level of competency specified by the Commission, the “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;

~~(b) [Submits to the Department evidence that he holds a license that was issued by another state and has completed 3 years of full-time teaching within the immediately preceding 5 years in the subject area for which he is applying to receive an initial license in this State;~~

~~—(c) Submits to the Department evidence that he:~~

~~——(1) Holds a license to teach which was issued by another state;~~

~~——(2) Has at least 1 year of experience in teaching, administrating or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and~~

~~——(3) Has passed, at the level of competency required for licensure by the state in which his license was issued:~~

~~———(I) The “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;~~

~~———(II) An equivalent examination prepared and administered by National Evaluation Systems, Inc.; or~~

~~———(III) An equivalent examination prepared and administered by the state in which his license was issued;~~

~~—(d)] Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required;~~

~~[(e)] (c) Is applying for an elementary endorsement and submits to the Department evidence that he passed, at the level of competency specified by the Commission, the “Elementary Education: Curriculum, Instruction, and Assessment Test” and the “Elementary Education: Content Area Exercises Test,” both prepared and administered by the Educational Testing Service; or~~

~~[(d)]~~ (d) Is applying for a special license to teach pupils from birth through kindergarten pursuant to NAC 391.088.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of endorsement if he:

(a) Submits to the Department official documentation which indicates that he previously passed, at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for an initial license with an endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he has received a certificate of clinical competence from the American Speech-Language-Hearing Association; *or*

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that he satisfactorily completed the “National Family and Consumer Sciences Certification Examination,” prepared and administered by the American Association of Family and Consumer Sciences . ~~[(e)]~~

~~—(e) Submits to the Department evidence that he:~~

~~——(1) Holds a license to teach which was issued by another state;~~

~~——(2) Has at least 1 year of experience in teaching, administering or providing other educational functions, or any combination thereof, on a full-time basis at any grade level in prekindergarten through grade 12; and~~

~~—— (3) Has passed, at the level of competency required for licensure by the state in which his license was issued:~~

~~—— (I) A competency test in the subject matter of endorsement that was prepared and administered by the Educational Testing Service or National Evaluation Systems, Inc.; or~~

~~—— (II) An equivalent examination prepared and administered by the state in which his license was issued.}]~~

6. If a competency test in a subject matter has been reviewed by the Commission for less than 1 year but is not yet approved, an applicant must take the test, but is not required to pass the test at a level of competence specified by the Commission.

7. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

8. The tests required by subsection 1 will be administered three times each year at locations and times established by the Commission.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

LCB File No. R046-10

NAC 391.036–Tests of Competency Required for Initial License; Exemptions; Failure to Comply; Administration of Tests; and a New Section to Allow an Individual Licensed to One Student Level Is Not Required to Participate in a Program of Student Teaching as a Condition to the Issuance of an Additional License in Another Student Level

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 March 26, 2010. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.036 – Tests of Competency Required for Initial License was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on September 3, 2010 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: 6; First Hearing: 16; 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 contacting 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 February 22, 2010; and the public hearing notice of July 22, 2010. At the March 26, 2010 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the September 3, 2010 public hearing there was public comment to the proposed regulation language.

Workshop comments:

There were no comments.

Public Hearing comments:

- a) Peggy Lear Bowen expressed concern that there are individuals who are taking the PRAXIS exam numerous times and missing the cut off score by 2, 3 or 5 points and feels that there needs to be some sort of exception for these individuals, as they are good people and have tried many, many times to pass the exam and expressed a concern with how the term “comparable” is used within the regulation.

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, 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 September 3, 2010. The reason for adopting the amendments to the regulation is to address student teaching for an individual with a current teaching license and obtain a teaching license in another level without having to complete the student teaching component and provide requires with regards to testing or individuals coming from other states with a non-provisional 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 of the regulation on the business that it regulates.

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.