

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

**LCB File No. R020-11**

Effective May 30, 2012

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

AUTHORITY: §§1-3, NRS 391.019, as amended by section 2 of Senate Bill No. 315, chapter 432, Statutes of Nevada 2011, at page 2622, and section 2 of Assembly Bill No. 230, chapter 488, Statutes of Nevada 2011, at page 3097.

A REGULATION relating to educational personnel; repealing the special license or endorsement to teach pupils from birth through kindergarten; 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)]~~ *paragraph (h)* of subsection 1 of NRS 391.019, *as amended by section 2 of Senate Bill No. 315, chapter 432, Statutes of Nevada 2011, at page 2622, and section 2 of Assembly Bill No. 230, chapter 488, Statutes of Nevada 2011, at page 3097*, 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 or she:

(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 or her 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 or she is applying to receive an initial license;

(3) Was required, for the issuance of the applicant's 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;

(b) Submits to the Department evidence that the applicant 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; 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 the applicant submits to the Department:

(a) Official documentation which indicates that he or she 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 the applicant 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;

(c) An official transcript which indicates that the applicant achieved at least a 3.0 grade-point average in his or her undergraduate studies and evidence that he or she 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

(d) Evidence that:

(1) The applicant 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), the applicant 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 or she:

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

(b) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required; *or*

(c) Is applying for an elementary endorsement and submits to the Department evidence that the applicant 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. ~~;~~

~~—(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 or she:

(a) Submits to the Department official documentation which indicates that the applicant 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 or she 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 the applicant satisfactorily completed the “National Family and Consumer Sciences Certification Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

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.

**Sec. 2.** NAC 391.087 is hereby amended to read as follows:

391.087 1. Except as otherwise provided in this section, a person must hold a special license or endorsement issued pursuant to NAC ~~391.088 or~~ 391.089 before teaching in a

program of instruction for prekindergarten pupils conducted by a public school or a private school licensed pursuant to chapter 394 of NRS.

2. The provisions of this section do not apply to a person who:
  - (a) Holds an elementary license pursuant to the provisions of NAC 391.095;
  - (b) On July 1, 2002, is employed full-time teaching pupils in such a program; and
  - (c) After July 1, 2002, is continuously employed full-time teaching pupils in such a program.

**Sec. 3.** NAC 391.088 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**391.088 Qualifications for teaching pupils from birth through kindergarten. (NRS 391.019, 391.032)** To receive a special license or endorsement to teach pupils from birth through kindergarten, a person must hold a bachelor's degree or graduate degree from an accredited college or university and must:

1. Have completed a program of preparation to teach such pupils that is approved by the Board;
2. Hold a license to teach such pupils that was issued by another state and approved by the Commission;
3. Hold an elementary license, a secondary license, or a license to teach middle school or junior high school education, that is endorsed with a major in child care, and:

(a) Have experience teaching pupils under 6 years of age that consists of:

(1) Eight semester hours of student teaching;

(2) One year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school that is licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment; or

(3) An equivalent field experience or practicum conducted by an accredited college or university; and

(b) Have completed at least 12 semester hours of courses in early childhood education, of which:

(1) Six semester hours must consist of courses in any of the following subjects:

(I) Early childhood curriculum;

(II) Emergent language and literacy; or

(III) Play theory and creativity; and

(2) Any additional semester hours must consist of courses in any of the subjects listed in subparagraph (1) or in any of the following subjects:

(I) Child development from birth to 8 years of age;

(II) Diversity in young children;

(III) Introduction to early childhood education;

(IV) Positive discipline and guidance for young children; or

(V) Working with families with young children;

4. If the person holds a bachelor's degree or graduate degree in child development or early childhood education, have experience teaching pupils under 6 years of age that consists of:

(a) Eight semester hours of student teaching;

(b) One year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment; or

(c) An equivalent field experience or practicum conducted by an accredited college or university; or

5. Have completed at least 35 semester hours of courses in early childhood education for children who are developing typically and atypically consisting of:

(a) Six semester hours in child development and learning, with the content of the courses covering diversity in culture, language and ability;

(b) Fifteen semester hours in early childhood curriculum and program implementation, of which:

(1) Six semester hours must be in:

(I) Emergent language and literacy; and

(II) Integrated curriculum; and

(2) Nine semester hours must be in any of the following subjects:

(I) Curriculum for infants and toddlers;

(II) Early childhood classroom management;

(III) Emergent mathematics and science;

(IV) Play theory and creativity;

(V) Positive discipline and guidance for young children; or

(VI) Strategies for working with children with disabilities;



(c) Three semester hours in family and community relations, including working with families;

(d) Three semester hours in assessment and evaluation for early childhood education; and

(e) Except as otherwise provided in this paragraph, 8 semester hours of student teaching involving pupils in at least two different age groups, such as pupils under 3 years of age and pupils from 3 to 5 years of age. At least one of the groups must have included pupils with and without disabilities. In lieu of completing 8 semester hours of student teaching, a person may have 1 year of verifiable experience teaching pupils under 6 years of age in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment.

**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. R020-11**

**NAC 391.036 – Tests of Competency Required for Initial License; Exemptions; Failure to Comply; Administration of Tests; NAC 391.087 – Requirements for Teaching in Program of Instruction for Prekindergarten Pupils; Exception; and Delete NAC 391.088 – Qualifications for Teaching Pupils From Birth Through Kindergarten**

**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 August 17, 2011. 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; Exemptions; Failure to Comply; Administration of Tests; NAC 391.087 – Requirements for Teaching in Program of Instruction for Prekindergarten Pupils' Exception; and Delete NAC 391.088 – Qualifications for Teaching Pupils From Birth Through Kindergarten was sent to approximately 100 individuals and educational organizations. A public hearing was conducted on October 5, 2011 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 on October 5, 2011.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 8; First Hearing: 11; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 1; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 1; 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 July 20, 2011; and public hearing notice of August 31, 2011. At the August 17, 2011 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the October 5, 2011 public hearing there was public comment to the proposed regulation language.

Workshop comments:

There were no public comments.

Public Hearing comments:

- a) Melissa M. Burnham, Ph.D. and Associate Professor for Early Childhood Education at the University of Nevada, Reno, provided written testimony which was read into the record by Dr. Tom Harrison. The letter strongly recommended that the Commission consider retaining the 0-K license and appointing a task force to review. Dr. Burnham stated that a revised 0-K license would provide a licensing option for those teachers whose skill set best aligns with testing very young children and who do not wish to teach in an early elementary grade classroom. Although the current 0-K license overlaps almost entirely with the Birth-Second grade license, a revision would eliminate this overlap and instead focus on the skills and knowledge areas necessary to work most effectively with children from birth to age 5.

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 October 5, 2011. The reason for adopting the amendments and deleting NAC 391.088 is that all of the licensure requirements/coursework for early childhood birth through kindergarten are included in NAC 391.089-Early Childhood Education; Birth Through Age Eight; this allows licensure and hiring flexibility for the school districts.

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.