

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

LCB File No. R127-11

Effective September 14, 2012

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

AUTHORITY: §§1 and 3, NRS 391.019 and 391.040; §2, NRS 391.019.

A REGULATION relating to educational personnel; revising provisions governing the qualifications for initial licensure to require course work in parental involvement and family engagement; revising certain fees for licensure; and providing other matters properly relating thereto.

Section 1. NAC 391.045 is hereby amended to read as follows:

391.045 1. An applicant for the initial issuance of a license as a teacher or other educational employee must submit with his or her application:

(a) His or her official transcripts;

(b) Evidence that the applicant has successfully completed:

(1) At least 3 semester hours of credit in a course of study regarding education or curricular adaptation for pupils with disabilities; or

(2) An in-service or continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the Department; ~~[and]~~

(c) *Evidence that the applicant has successfully completed:*

(1) At least 3 semester hours of credit in a course of study regarding parental involvement and family engagement that:

(I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

(II) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; or

(2) An in-service or continuing education course regarding parental involvement and family engagement that is approved by the Department and:

(I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

(II) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; and

(d) Except as otherwise provided in NAC 391.0565, a fee of ~~[\$110, plus the amount charged by the Federal Bureau of Investigation and the Nevada Highway Patrol Division of the Department of Public Safety for their reports on the applicant's fingerprints.] \$161, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.~~ The fee does not include the cost of any examination required by NAC 391.036.

2. If the applicant is not eligible for licensure, the fee will not be returned. The applicant must pay another fee if he or she applies again.

3. An applicant for an endorsement to an existing license or for an additional license must submit with his or her application:

(a) Current official transcripts; and

(b) A fee of \$50.

4. The academic credits required to obtain initial licensing or an endorsement to an existing license are not satisfiable by the completion of courses offered by a provider of continuing education, but those courses may be used for the renewal of a license.

Sec. 2. NAC 391.056 is hereby amended to read as follows:

391.056 1. Except as otherwise provided in subsection 4, the Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

(a) Has a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher;

(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;

(c) Lacks confirmation from a college that the applicant has student teaching experience if he or she is applying for a teaching license, or that the applicant has completed a school counseling practicum or internship if he or she is applying for a school counseling endorsement, but:

(1) Has completed all necessary course-work requirements for the school counseling endorsement;

(2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his or her application for licensure; and

(3) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

(d) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(e) Has not completed the course required by paragraph (b) *or* (c) of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section becomes invalid 3 years after the date on which the license is issued.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

4. The Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c) or (d) of subsection 1 on or after July 1, 2010, to a person who is applying for:

(a) An elementary license pursuant to NAC 391.095;

(b) A special teaching license in music or art;

(c) A license to teach special education; or

(d) A secondary license with an endorsement in one or more of the following major or minor fields:

(1) Art.

(2) Biological science.

(3) Chemistry.

(4) English.

- (5) French.
- (6) General science.
- (7) History.
- (8) Mathematics.
- (9) Music.
- (10) Physical science.
- (11) Reading.
- (12) Social studies.
- (13) Spanish.
- (14) Speech and drama.

Sec. 3. NAC 391.0565 is hereby amended to read as follows:

391.0565 1. The holder of a provisional nonrenewable license issued pursuant to NAC 391.056 must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued pursuant to NAC 391.045 may be made at any time after the removal of all of the provisions under which the provisional nonrenewable license was issued.

2. The holder of a provisional nonrenewable license for which all of the provisions have not been removed on the date on which the license expires may apply as a new applicant for a license pursuant to NAC 391.045 as soon as the provisions under which the expired provisional nonrenewable license was issued have been removed.

3. If an application is made for a license pursuant to NAC 391.045 by the holder of a provisional nonrenewable license before the provisional nonrenewable license expires, the applicant must pay an application fee of ~~[\$80.]~~ ***\$131, which includes the fees for processing the***

fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

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. R127-11

NAC 391.045 – Application for License or Endorsement; Required Documentation; Fee; Applicability of Academic Credits; NAC 391.056 - Provisional Nonrenewable Licensure; Qualifications; Validity; Addition of Endorsement; Inapplicability to Certain Person; and NAC 391.0565 – Provisional Nonrenewable Licensure: Removal of Provisions

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 December 8, 2011. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of R127-11 was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on June 13, 2012 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 regulations.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 19; First Hearing: 15; 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 November 16, 2011; and the public hearing notice of May 10, 2012. At the December 8, 2011 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the June 13, 2012 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 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 June 13, 2012. The reason for adopting the amendments to the regulations is that the proposed amendments were mandated by Assembly Bill 224; requiring coursework in parental involvement in coordination with the Office of Parental Involvement and Family Engagement.

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 an economic effect of the regulation on the business that it regulates based upon an increase in the fee paid to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

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.

The new adopted fee is \$161 and the previous fee was \$110; the additional fee that will be collected will be paid to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.