

Chapter 391 of NAC

ADOPTED TEMPORARY REGULATION OF THE
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. T005-15

(Filed with the Secretary of State on June 2, 2015)

NAC 391.013 IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 391.013 Determination of “full state certification” for purposes of federal No Child Left Behind Act. (NRS 391.019) The Commission determines that a person has obtained “full state certification” for purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), if the person satisfies all the requirements for the issuance of a renewable license to teach in this State, regardless of whether the person has:

1. Submitted his or her fingerprints pursuant to subsection 3 of NRS 391.033; or
2. Complied with the requirements prescribed by NRS 391.090.
3. *Complied with the requirements prescribed by NRS 391.019(k).*

(Added to NAC by Comm’n on Prof. Standards in Education by R099-03, 9-24-2003)

NAC 391.030 IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 391.030 Qualification to become licensed employee of school district: Courses or examination in certain subjects required; exemption. (NRS 385.080, 391.019, 391.021, 391.032)

1. Except as otherwise provided in subsection 2, as a qualification for becoming a licensed employee of a school district, a person must:

(a) Complete courses covering:

- (1) Title 34 of NRS;
- (2) The Constitution of the State of Nevada; ~~and~~
- (3) Except as otherwise provided in paragraph (b) of subsection 4 of NAC 391.425,

the Constitution of the United States; ~~or~~ *and*

(4) At least 3 semester hours of parental involvement and family engagement that:
(1) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

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

(b) Hold a license which is not renewable and allows the person 3 years to:

(1) Take courses on those subjects from an accredited university or college; or

(2) *For courses that the Department has developed an examination for, pass the* ~~an~~ examination developed by the Department in those subjects, by achieving the passing score set by the Commission.

2. A person is exempt from the requirements of subparagraph (3) of paragraph (a) of subsection 1 if the person submits to the Department evidence that he or she holds a license to teach which was issued by another state and has more than 3 years 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.

3. The staff of the Department or representatives appointed by the Department will administer an examination in the subjects set forth in subsection 1 in November and May in each school year.

[Bd. of Education, Certification Reg. § 391.010 subsec. 4, eff. 10-23-81]—(NAC A 10-26-83; A by Comm'n on Prof. Standards in Education, 9-11-89; 11-4-91; 10-23-92; 1-10-96; R092-97, 1-14-98; R210-01, 3-27-2002; R026-07, 10-31-2007)

NAC 391.045 IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 391.045 Application for license or endorsement: Required documentation; fee; applicability of academic credits. (NRS 385.080, 391.019, 391.040)

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;

~~(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 *not more than* ~~[\$161]~~ **\$250 to be maintained on a fee schedule approved by the Commission on Professional Standards in Education**, 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 ~~1\$501~~ *not more than \$250 to be maintained on a fee schedule approved by the Commission on Professional Standards in Education.*

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.

[Bd. of Education, Certification Reg. § 391.030 subsec. 1, eff. 10-23-81; A 3-26-82]—(NAC A 10-15-82; 11-19-85; A by Comm'n on Prof. Standards in Education, 9-11-89, 10-18-89, eff. 1-21-90; 4-18-90, eff. 9-4-90; R087-97 & R092-97, 1-14-98; R087-97, 1-14-98, eff. 10-17-98; R094-99, 11-2-99; R059-03, 8-29-2003, eff. 10-1-2003; R015-04, 5-7-2004; R068-06, 6-1-2006; R127-11, 9-14-2012)

**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. T005-15

Amendments to NAC 391.013 – Determination of “full state certification” for purposes of federal No Child Left Behind Act.; NAC 391.030 – Qualification to become licensed employee of school district: Courses or examination in certain subjects required; exemption. NAC 391.045 – Application for license or endorsement: Required documentation; fee; applicability of academic credits.

INFORMATIONAL STATEMENT

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

1. A clear and concise explanation of the need for the adopted regulation.

The Office of Educator Licensure found it difficult to issue initial licenses with the Parent Involvement and Family Engagement requirement already met because many states do not have this particular requirement. The amendment will allow the Department to issue licenses with the Parent Involvement and Family Engagement requirement as a provision which retains the educator’s full state certification.

2. Description of how public comment was solicited, a summary of public response, and an 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 February 25, 2015. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.013 – Determination of “full state certification” for purposes of federal No Child Left Behind Act.; NAC 391.030 – Qualification to become licensed employee of school district: Courses or examination in certain subjects required; exemption. NAC 391.045 – Application for license or endorsement: Required documentation; fee; applicability of academic credits was sent to approximately 100 individuals and educational organizations. A public hearing was conducted on April 8, 2015 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 April 8, 2015.

Workshop comments:

There were no workshop comments.

Public Hearing comments:

April 8, 2015

Public Comments for NAC 391.030 Jason Dietrich shared the Parent Involvement and Family Engagement (PIFE) coursework requirement that ~~was~~ were previously placed into statute and regulation. The Department came to the Commission stating that it would be difficult to issue an initial license with this requirement as was written into regulation. It was proposed to issue this course requirement provisionally as the Department does with Nevada School Law, United States Constitution, and Nevada Constitution. That was passed unanimously in workshop on February 25, 2015.

Deputy Attorney General Greg Ott noted there were three regulations for proposed changes. The amendment in NAC 391.013 allows educators who have not yet completed the (PIFE) classwork to retain “full state certification”, while still being considered highly qualified at the same time obtaining the required class. Andre Yates expressed he felt the Department was missing the boat on this. He stated he had a phone call the day prior with an educator from Massachusetts who held a one-year provisional license from that state. She inquired of Mr. Yates of Nevada’s provisional license to which he answered we did not issue provisional licenses. She mentioned she only needed to pass the Praxis to add her history endorsement. She expressed finances were an issue and that she was planning using her money to move to Nevada instead of taking the test. He asked that the Commission revisit provisional license subject.

President Burnham pointed out the removal of the issuance of provisional licenses was done in the last legislative session. Deputy Attorney General Greg Ott stated an Attorney General’s opinion was issued stating the issuance of any conditional and provisional licenses would not render a teacher highly qualified and could jeopardize funding for No Child Left Behind (NCLB).

Commissioner Carvalho inquired if passing the proposed language changes for NAC 391.013 would hurt any prospective provisional licenses. Greg Ott responded the non-issuance of a provisional license comes from federal law, NCLB. It requires a teacher be highly qualified to be in a classroom. A teacher cannot have a teaching requirement waived on an emergency, provisional, or conditional basis. The PIFE class is a state law requirement that would be treated like fingerprinting, Nevada History and Nevada State Constitution. The proposed amendment would not create or expand a program of provisional licensure. The desire that Mr. Yates expressed today was that he would like to see a provisional licensure program but that is not what was before the Commission in the proposed language.

Deputy Attorney General Greg Ott shared this change allows the PIFE requirement to be added to the same statute as the Nevada State Constitution, Nevada School Law, and the

United State Constitution requirement. It is placed as the same requirements as the others and the final change would be deleted from the existing placement.

Public Comments for NAC 391.030 Jason Dietrich clarified for President Burnham the Department is not proposing any language for professional development classes to replace the required 3-credit course PIFE course.

Public Comments for NAC 391.045 Jason Dietrich asked for clarification from Greg Ott about the temporary regulations adopted today being enforceable immediately. Jason asked if the Department would bring this back to the Commission in July to be adopted as permanent regulation. Greg responded that Jason's statement was correct.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Becky-Joe Puente, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-486-6486, or by writing to the Nevada Department of Education at 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

3. The Number of Persons Who:

- a) Attended Each Hearing: Workshop: 26; Hearing: 5;
- b) Testified at Each Workshop: 0; Hearing: 5
- c) Submitted Written Statements: Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

Workshop comments:

There were no workshop comments.

Public Hearing comments:

April 8, 2015

Jason Dietrich, Office of Educator Licensure, Licensure Program Officer

Greg Ott, Deputy Attorney General

Andre Yates, Clark County School District, Human Resources

Melissa Burnham, Commission on Professional Standards in Education, President

Jennifer Carvalho, Commission on Professional Standards in Education, Member

5. A description of how comment was solicited from affected business, a summary of their response and an explanation of how other interested person may obtain a copy of the summary.

Comments were solicited through the workshop notice of February 9, 2015 and public hearing notice of March 4, 2015. At the workshop on February 25, 2015 there were no

public comments to the proposed regulation language. At the April 8, 2015 public hearing there were public comments to the proposed regulation language.

Please refer to the comments listed under Item #2.

6. 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 on April 8, 2015 as presented. There were no further amendments that needed to be made proposed regulation.

7. 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 will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public.

8. 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.

9. A description of any regulations of other state or governmental agencies which the 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.

10. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are none.

11. 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.