

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R115-18; A regulation relating to education; exempting certain applicants for a special license with an endorsement to serve as a school counselor from the requirement to pass certain competency tests; revising the qualifications for an endorsement to serve as a school counselor; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require an applicant for an initial license to teach to pass competency tests in: (1) basic reading, writing and mathematics; and (2) the principles and methods of teaching. (NAC 391.036) **Sections 1 and 2** of this regulation exempt an applicant for a special license with an endorsement to serve as a school counselor from those competency tests so long as the applicant is not also applying for an endorsement for which those competency tests are required.

Existing regulations set forth the requirements to qualify for an endorsement to serve as a school counselor and provide that a person who holds a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors is qualified for such an endorsement. (NAC 391.185) **Section 2** requires a person who holds such a specialty credential to also hold at least a master's degree with a major in counseling.

2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to serve as a school counselor.

3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R115-18

January 8, 2019

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

AUTHORITY: §§1 and 2, NRS 391.019 and 391.021.

A REGULATION relating to education; exempting certain applicants for a special license with an endorsement to serve as a school counselor from the requirement to pass certain competency tests; revising the qualifications for an endorsement to serve as a school counselor; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require an applicant for an initial license to teach to pass competency tests in: (1) basic reading, writing and mathematics; and (2) the principles and methods of teaching. (NAC 391.036) **Sections 1 and 2** of this regulation exempt an applicant for a special license with an endorsement to serve as a school counselor from those competency tests so long as the applicant is not also applying for an endorsement for which those competency tests are required.

Existing regulations set forth the requirements to qualify for an endorsement to serve as a school counselor and provide that a person who holds a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors, Inc., is qualified for such an endorsement. (NAC 391.185) **Section 2** requires a person who holds such a specialty credential to also hold at least a master’s degree with a major in counseling.

Existing regulations also provide that a person is qualified for such an endorsement if he or she: (1) holds a master’s degree or more advanced degree; (2) has at least 2 years of teaching or school counseling experience; and (3) has completed certain course work. (NAC 391.185) **Section 2** removes the requirement that such a person have teaching or school counseling experience.

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

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, NAC 391.0545, subsection 2 of NAC 391.0585, *subsection 3 of NAC 391.185*, 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, a license to teach special 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]~~ *Knowledge, Interactive Practice* Test,” both prepared and administered by the Educational Testing Service.

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]~~ *Composite* 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 391.185 is hereby amended to read as follows:

391.185 1. To qualify for an endorsement to serve as a school counselor, a person ~~["]~~ *must hold:*

(a) ~~["Must hold a"]~~ *A* master’s degree or a more advanced degree in school counseling;

(b) ~~["Must hold a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors;"]~~

~~["(c) Must hold a"]~~ *A* master’s degree or a more advanced degree with a major in counseling conferred by a regionally accredited college or university and ~~["meet the requirements of subsection 2;"]~~ :

(1) A specialty credential as a national certified school counselor issued by the National Board for Certified Counselors, Inc., or its successor organization; or

(2) *Meet the requirements of subsection 2;* or

~~[(d) Must:~~

~~—(1) Hold a]~~

(c) A master's degree or a more advanced degree conferred by a regionally accredited college or university ~~];~~ *and*

~~[(2) Have at least 2 years of teaching experience or at least 2 years of school counseling experience; and~~

~~—(3) Meet]~~ *meet* the requirements of subsection 2.

2. A person who desires to qualify for an endorsement pursuant to *subparagraph (2) of paragraph (b) or* paragraph (c) ~~for (d)]~~ of subsection 1 must have completed:

(a) At least 600 hours of a practicum, internship or field experience in school counseling at any grade level in kindergarten through grade 12; and

(b) At least 36 semester hours of graduate credits in school guidance and counseling in each of the following areas of study:

- (1) The process of individual counseling;
- (2) The process of group counseling;
- (3) Testing and educational assessments;
- (4) Legal and ethical issues in counseling;
- (5) Career counseling;
- (6) Organization and administration of school counseling programs;
- (7) Multicultural counseling;
- (8) Child and family counseling; and

(9) Two of the following:

(I) The use of technology in education.

(II) Exceptional children.

(III) Human growth and development.

(IV) Substance abuse counseling.

3. An applicant for a special license with an endorsement to serve as a school counselor is exempt from the requirements of paragraphs (a) and (b) of subsection 1 of NAC 391.036 if the applicant is not also applying for another endorsement for which those requirements must be met.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 27, 2018

Re: **NAC 391.185** **Qualifications for endorsement as school counselor.** ([NRS 385.080, 391.019](#)).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.185 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,



STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction