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November 15, 2023

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R118-22

The Commission on Professional Standards in Education will hold a public hearing at **9:00 A.M.** on **Wednesday, November 15, 2023** via [livestream](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapters 391.057; 391A.050; 391.0573; 391.0575; and 391.0577 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 and 391.032.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. The need and the purpose of the proposed regulations and/or amendments: In accordance with NRS 391.019, the Commission on Professional Standards in Education is instructed to adopt regulations:

- *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

NRS 391.032 notes that the Commission shall adopt regulations:

- *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation relating to educational personnel; revising requirements for obtaining certain provisional licenses to teach; renaming certain provisional licenses to teach as alternative provisional licenses; repealing certain provisions relating to provisional licensure; and providing other matters properly relating thereto. This regulation will clarify that a provisional license issued in NAC 391.057 is an ARL license. This regulation will define time frames and the number of times a person can change program providers and areas of endorsement. This regulation will move the competency requirement currently required at the beginning of this license to the end of this license to be in line with the traditional pathway to licensure.

The revised text of the proposed regulation is attached to this notice.

3. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
4. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
5. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
6. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4308 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in-person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before Tuesday, November 15, 2023. A record of all submitted comments will be retained, and the Commission on Professional Standards will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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.

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

LCB File No. R118-22

September 14, 2023

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

AUTHORITY: §§ 1-3, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; revising requirements for obtaining certain provisional licenses to teach; renaming certain provisional licenses to teach as alternative provisional licenses; repealing certain provisions relating to provisional licensure; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) prescribing the qualifications for licensing teachers and other educational personnel; and (2) providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.019, 391.032) Existing regulations outline various requirements for obtaining a provisional license to teach. (NAC 391.057-391.0577) **Section 1** of this regulation renames this license as an alternative provisional license and authorizes the holder of such a license to teach students enrolled in: (1) a program of early childhood education; (2) kindergarten and grades 1 to 12, inclusive; or (3) special education. **Section 3** of this regulation repeals certain provisions relating to provisional licensure.

Existing regulations require an applicant for a provisional license to pass a competency test in reading, writing and mathematics, unless exempt. (NAC 391.057) **Section 1** removes this requirement for an alternative provisional license to teach.

Existing regulations authorize a holder of a provisional license to convert the provisional license to an initial license if certain conditions are met. (NAC 391.057) **Section 1** instead authorizes a holder of an alternative provisional license to convert the alternative provisional license to an initial license if certain conditions are met. **Section 1** adds a requirement that a holder of an alternative provisional license seeking to convert the alternative provisional license to an initial license submit proof satisfactory to the Superintendent of Public Instruction that the licensee has met certain prescribed qualifications. **Section 2** of this regulation makes conforming changes.

Existing regulations provide for the immediate invalidation of the provisional license of a holder who withdraws from a program for an alternative route to licensure. Existing regulations

additionally authorize such a holder to apply to the Office of Educator Licensure of the Department of Education for the reinstatement of the license, provided that certain conditions are met. (NAC 391.057) **Section 1** instead provides that the holder of an alternative provisional license that has been invalidated due to withdrawal from a program for an alternative route to licensure may apply only once to have such a license reinstated, so long as such an application is submitted within 1 year of the issuance of the initial license. **Section 1** additionally provides that the holder of an alternative provisional license may only apply for reinstatement if: (1) the holder is accepted by the same program provider in another area; or (2) the holder is accepted by another program provider for an alternative route to licensure offered by a qualified provider and pays a certain fee.

Section 1. NAC 391.057 is hereby amended to read as follows:

391.057 1. The Superintendent of Public Instruction shall issue ~~fa provisional license to teach elementary education, a provisional license to teach pupils in a program of early childhood education, a provisional license to teach secondary education, a~~ *an alternative* provisional license to teach pupils enrolled in a program of early childhood education , ~~for~~ in kindergarten and grades 1 to 12, inclusive, ~~fin a specific area described in subsection 1 of NAC 391.0573 or a provisional license to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a category described in subsection 2 of NAC 391.0573~~ *or in special education* to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

- (a) Holds a bachelor’s degree from a postsecondary institution that is regionally accredited;
- (b) ~~Passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test;~~
- ~~—(e)~~ Has been accepted by a qualified provider for enrollment in a program for an alternative route to licensure; and
- ~~+(d)~~ (c) Complies with the instructional and training policies and procedures of the qualified provider.

2. ~~{In addition to the requirements of subsection 1, an applicant for a provisional license to teach secondary education or to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area described in subsection 1 of NAC 391.0573, other than an applicant to teach pupils special education in a category described in subsection 2 of NAC 391.0573, must:~~

~~—(a) Hold a major or minor in the applicant’s desired area of licensure; or~~

~~—(b) Pass a competency test required by the Commission in the subject matter of the area for which the applicant is seeking a provisional license or provide to the Department proof that he or she is eligible for an exemption from that test.~~

~~—3. **A** *An alternative* provisional license issued pursuant to this section:~~

(a) Authorizes the holder of the license to teach or to serve as a substitute teacher in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Becomes valid on the date on which the holder of the license satisfies all the requirements of subsection 1 ; ~~{and, if applicable, the requirements of subsection 2;}~~

(c) Except as otherwise provided in subsection ~~{4,}~~ **3**, is valid for not more than 3 years;

(d) Is not renewable; and

(e) May be converted to an initial license after the completion of at least 2 full school years if the licensee has:

(1) Received at least one evaluation rating designating ~~{his or her}~~ *the* overall performance *of the licensee* as highly effective or effective during each such school year; ~~{and}~~

(2) Completed all academic requirements prescribed by this chapter for the issuance of an initial license ~~{}~~ ;

(3) Submitted proof satisfactory to the Superintendent of Public Instruction that the

licensee passed the competency testing required by subparagraphs (1) and (2) of paragraph (a) of subsection 1 of NAC 391.036; and

(4) Submitted proof satisfactory to the Superintendent of Public Instruction that the licensee:

(I) Passed the competency testing required by subparagraph (3) of paragraph (a) of subsection 1 of NAC 391.036; or

(II) If the licensee holds a secondary alternative provisional license, holds a bachelor's degree or more advanced degree with a major in the area of endorsement on the license.

~~4.~~ 3. If the holder of ~~a~~ *an alternative* provisional license issued pursuant to this section withdraws from or is no longer enrolled in a program for an alternative route to licensure, the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Office of Educator Licensure of the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled in the program and the reason that the holder withdrew or ceased to be enrolled. The *alternative* provisional license of the holder automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator Licensure.

~~5.~~ 4. The holder of ~~a~~ *an alternative* provisional license that has become invalid pursuant to subsection ~~4~~ 3 may apply to the Office of Educator Licensure of the Department for the reinstatement of ~~this or her~~ *the* license ~~before the expiration date of the license~~ *within 1 year of the issuance of the initial license* if ~~he or she~~ *the holder*:

(a) ~~{Has not previously applied for the reinstatement of the license after the date on which the license became invalid;}~~ *Is accepted by the same program provider in another area; or*

(b) Is accepted by another program *provider* for an alternative route to licensure offered by a qualified provider ~~{}~~ and

~~{(e) Pays}~~ *pays* the fee required by NAC 391.045.

↪ An alternative provisional license may be reinstated pursuant to this subsection only once.

Sec. 2. NAC 391A.050 is hereby amended to read as follows:

391A.050 1. A teacher program provider annually may apply for a grant from the Account on a form prescribed by the Department. If a teacher program provider is awarded a grant of money from the Account, the teacher program provider shall use the money to award Teach Nevada Scholarships to students on a per semester basis.

2. Each Teach Nevada Scholarship must be awarded in an amount equal to the cost of tuition, books and fees, not to exceed the amount specified in subsection 2 of NRS 391A.585. If insufficient money is available to award to a student a Teach Nevada Scholarship in such an amount, a teacher program provider shall not award a Teach Nevada Scholarship to that student. The money received for a Teach Nevada Scholarship may be used only to pay the costs of tuition, books and fees, and must be awarded pursuant to subsection 3 of NRS 391A.585.

3. Each semester, each teacher program provider that is awarded a grant of money pursuant to NRS 391A.580 shall:

(a) On or before a date determined by the Department, submit to the Department, on a form prescribed by the Department, a list of current scholarship recipients. Such a list must include, without limitation, the following information for each scholarship recipient:

(1) The first and last name of the scholarship recipient;

- (2) Whether the scholarship recipient seeks to obtain a license to teach:
- (I) Elementary education;
 - (II) Secondary education;
 - (III) Pupils in a program of early childhood education; or
 - (IV) Special education to pupils in prekindergarten through grade 12;
- (3) If the scholarship recipient seeks to obtain a license to teach secondary education, the subject area in which he or she intends to teach;
- (4) The anticipated date on which the scholarship recipient will meet the requirements for the issuance of ~~fa conditional~~ *an alternative provisional* license pursuant to NAC 391.057;
- (5) The anticipated date on which the scholarship recipient will complete the program for which he or she was awarded the scholarship and will meet the requirements for the issuance of an initial license to teach pursuant to *paragraph (e) of subsection 2 of* NAC ~~391.0575 or 391.0577;~~ *391.057*; and
- (6) The amount of the scholarship awarded for the semester for which the list is issued and the total amount of scholarship money received by the scholarship recipient to date.
- (b) Notify the Department of any money that was received as a grant from the Account and was not used to award Teach Nevada Scholarships.
- (c) On or before a date determined by the Department, transfer to the State Board any money that was not used to award Teach Nevada Scholarships.

Sec. 3. NAC 391.0573, 391.0575 and 391.0577 are hereby repealed.

TEXT OF REPEALED SECTIONS

391.0573 Provisional licensure: Areas of instruction to teach certain pupils; categories of instruction to teach special education to certain pupils.

1. The specific areas for which the Superintendent of Public Instruction may issue a provisional license to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, pursuant to NAC 391.057 include, without limitation:

- (a) Music;
- (b) Art;
- (c) Physical education; and
- (d) Any other specific area approved by the Superintendent of Public Instruction.

2. The categories for which the Superintendent of Public Instruction may issue a provisional license to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, pursuant to NAC 391.057 are:

- (a) Hearing impairments;
- (b) Special education generalist;
- (c) Intellectual disabilities and moderate to intense needs for assistance and intervention;
- (d) Pupils who have disabilities and who are enrolled in a program of early childhood education;

- (e) Adapted physical education to pupils who have disabilities;
- (f) Speech and language impairments;
- (g) Autism; and
- (h) Visual impairments.

391.0575 Provisional licensure: Requirements to apply for initial license to teach secondary education or to teach pupils enrolled in early childhood education or kindergarten and grades 1 through 12 in specific area.

1. A person who is issued a provisional license pursuant to NAC 391.057 may apply for an initial license to teach secondary education or to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area listed in subsection 1 of NAC 391.0573, as applicable, if the applicant:

(a) Successfully completes at least 14 semester credits of course work in pedagogy provided by a qualified provider for a program for an alternative route to licensure, consisting of:

(1) Three semester credits in the methods and materials:

(I) For teaching in the applicant's desired area of licensure at the secondary grade level;

or

(II) For teaching pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area listed in subsection 1 of NAC 391.0573; and

(2) Any other courses in education approved by the Commission at the grade level for which the applicant is seeking licensure;

(b) Submits proof satisfactory to the Superintendent of Public Instruction that the applicant passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test; and

(c) Pays the required fee pursuant to NAC 391.045.

2. A person who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed an approved alternative route to licensure program of this State if he or she is:

(a) A member of the Armed Forces of the United States;

(b) The spouse of a member of the Armed Forces of the United States; or

(c) A veteran of the Armed Forces of the United States.

391.0577 Provisional licensure: Requirements to apply for initial license to teach elementary education, to teach pupils in program of early childhood education or to teach special education to pupils in program of early childhood education or in kindergarten and grades 1 through 12 in certain categories.

1. A person who is issued a provisional license pursuant to NAC 391.057 may apply for an initial license to teach elementary education, to teach pupils in a program of early childhood education or to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a category listed in subsection 2 of NAC 391.0573, as applicable, if the applicant:

(a) Successfully completes the education and training required by the qualified provider for the program for an alternative route to licensure, including, without limitation, the supervised, school-based experience provided by the qualified provider;

(b) Submits proof satisfactory to the Superintendent of Public Instruction that the applicant passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test; and

(c) Pays the fee required pursuant to NAC 391.045.

2. A person who has completed an alternative route to licensure program in another state may obtain a license as if such person has completed an approved alternative route to licensure program of this State if he or she is:

(a) A member of the Armed Forces of the United States;

(b) A spouse of a member of the Armed Forces of the United States;

(c) A veteran of the Armed Forces of the United States; or

(d) A spouse of a veteran of the Armed Forces of the United States.