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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 #R124-22

The Commission on Professional Standards in Education will hold a public hearing at **9:02 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.XXX; 391.036; 391.045; 391.065; 391.067; and 391.319 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 and 391.040.

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 391.040 notes that the Commission shall adopt regulations:

- *Prescribing the fees for issuance and renewal of licenses; fee for duplicate license; waiver of fees for certain persons affiliated with Armed Forces.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; establishing qualifications to receive an endorsement to provide services as a school psychologist assistant; revising the qualifications to receive a provisional endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will create a school psychology assistant license and change requirements for a provisional license for school psychologists.

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.

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

LCB File No. R124-22

September 14, 2023

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

AUTHORITY: §§ 1, 3, 5 and 7, NRS 391.019 and 391.040; §§ 2, 4 and 6, NRS 391.019.

A REGULATION relating to educational personnel; establishing qualifications to receive an endorsement to provide services as a school psychologist assistant; revising the qualifications to receive a provisional endorsement to serve as a school psychologist; 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; (2) identifying fields of specialization in teaching which require specialized training; and (3) setting forth the requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) Existing regulations prescribe the required qualifications to receive an endorsement or provisional endorsement to serve as a school psychologist. (NAC 391.319)

Section 1 of this regulation requires a person who wishes to receive an endorsement to provide services as a school psychologist assistant to: (1) have a high school diploma or equivalent; and (2) either have 3 or more years of experience in the administration and scoring of tests used in the assessment of learning abilities of children or adults, or have 12 or more semester hours of credit from an accredited college or university in mental health, special education, psychology, sociology or counseling. **Section 1** also prohibits any teaching endorsement from being issued on a special license with an endorsement to provide services as a school psychologist assistant. **Section 1** exempts a person who holds only a special license with an endorsement to provide services as a school psychologist assistant from existing regulations which require a test of competency, certain educational requirements for an initial license and certain requirements for renewing the license. (NAC 391.036, 391.045, 391.065, 391.067)

Sections 2-5 of this regulation make conforming changes relating to such exemptions.

Existing regulations: (1) require the completion of an internship in psychology to receive an endorsement as a school psychologist; (2) establish the requirements for such an internship; and (3) require the issuance of a provisional endorsement to serve as a school psychologist to an intern in certain circumstances. (NAC 391.319) **Section 6** of this regulation revises the requirements for a provisional endorsement to serve as a school psychologist by: (1) removing the requirement that a student intern complete one full-time regular semester or 500 hours of

supervised, practical experience if at least half the experience has been in the school system and the intern has fulfilled all the other requirements for a regular endorsement; (2) requiring the Department of Education to issue a provisional endorsement to a student who is in a school psychology program and has completed all the requisite coursework except an internship in school psychology; and (3) extending the period that such an endorsement is valid from 2 years to 3 years. **Section 6** also requires a person who holds a provisional endorsement and is completing a portion of an internship in psychology at a public agency which is approved by the Superintendent of Public Instruction to be supervised by the public agency according to the requirements of the National Association of School Psychologists.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. To receive an endorsement to provide services as a school psychologist assistant, a person must:

(a) Have a high school diploma or equivalent; and

(b) Either:

(1) Have 3 or more years of experience in the administration and scoring of tests used in the assessment of learning abilities of children or adults; or

(2) Have 12 or more semester hours of credit from an accredited college or university in mental health, special education, psychology, sociology or counseling.

2. A person who holds only a special license with an endorsement to provide services as a school psychologist assistant is exempt from the requirements of NAC 391.036, paragraphs (b) and (c) of subsection 1 of NAC 391.045, NAC 391.065 and NAC 391.067.

3. The Department shall not issue any other endorsements on a special license with an endorsement to provide services as a school psychologist assistant.

Sec. 2. 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, paragraph (a) of subsection 9 of NAC 391.0896, subsection 7 of

NAC 391.0897, subsection 3 of NAC 391.180, paragraph (b) of subsection 3 of NAC 391.231, subsection 3 of NAC 391.223, paragraph (b) of subsection 3 of NAC 391.233, subsection 3 of NAC 391.276, subsection 2 of NAC 391.277, subsection 2 of NAC 391.279, subsection 4 of NAC 391.305, subsection 4 of NAC 391.312, subsection 2 of NAC 391.315, subsection 4 of NAC 391.320, subsection 3 of NAC 391.370, paragraph (b) of subsection 4 of NAC 391.425 , subsection 6 of NAC 391.436, subsection 2 of section 2 of LCB File No. R123-22, subsection 2 of section 3 of LCB File No. R123-22 , ~~and~~ section 2 of LCB File No. R128-22 ~~and~~ *subsection 2 of section 1 of this regulation*, an applicant who applies for:

(a) A license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (1) Basic reading, writing and mathematics;
- (2) The principles and methods of teaching; and
- (3) The subject matter of the area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

(b) An additional endorsement on a license held by the applicant must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in the subject matter of the area of endorsement for which the applicant is applying.

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, a license to teach pupils in a program of early childhood education or a license to teach middle school or junior high school education, which:

(I) Has expired within the year 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 a 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 the license for which he or she is applying; and

(4) Otherwise satisfies the requirements for the issuance of a 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, as determined by the Department; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is acceptable to the Department for purposes of reciprocity.

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, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission:

(1) The “Praxis Core Academic Skills for Educators” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) A test of basic skills that is determined by the Department to be equivalent to the test prescribed by subparagraph 1;

(b) Evidence that the applicant has:

(1) Received a master’s or more advanced degree from a regionally accredited college or university; and

(2) Completed, within the 10 years immediately preceding the date on which his or her application was submitted, the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent, and received a score which was at or above the midpoint of the score range in effect at the time the examination was administered; or

(c) Official documentation which indicates that the applicant completed, within the 10 years immediately preceding the date on which his or her application was submitted:

(1) The ACT, administered by ACT, Inc., with a combined score of at least 21; or

(2) The SAT, administered by the Educational Testing Service, with a combined score of at least 1100.

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 “Principles of Learning and Teaching Test” prepared and administered by the Educational Testing Service; or

(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.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of the area of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for a license or 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 “Family and Consumer Sciences Composite Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

6. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

Sec. 3. NAC 391.045 is hereby amended to read as follows:

391.045 1. Except as otherwise provided in section 2 of LCB File No. R128-22 ~~§~~ *and section 1 of this regulation*, 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) Professional development or a 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) At least 45 contact hours of professional development or continuing education 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 \$180, 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.

5. The Department shall take any necessary steps to expedite the processing of an application for a license or endorsement submitted by a person who 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.

FIRST
PARALLEL
SECTION

Sec. 4. NAC 391.065 is hereby amended to read as follows:

391.065 1. Except as otherwise provided in subsection 5, subsection 9 of NAC 391.0896, subsection 7 of NAC 391.0897, subsection 3 of NAC 391.276, subsection 2 of NAC 391.277, subsection 2 of NAC 391.279, subsection 4 of NAC 391.312, subsection 3 of NAC 391.370, subsection 2 of section 2 of LCB File No. R123-22 and subsection 2 of section 3 of LCB File No. R123-22, a license issued before June 26, 2019, that is renewable may be renewed only one time after June 26, 2019, if its holder earns 6 semester hours of credit or the equivalent during the term of the license, in addition to those prescribed by NRS 391.0347, subsection 4 of NAC 391.180 and subsection 3 of NAC 391.315, if applicable. Except as otherwise provided in

subsections 4 and 5, subsection 4 of NAC 391.180 and subsection 3 of NAC 391.315, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.

2. Except as otherwise provided in subsections 1, 4 and 5, subsection 3 of NAC 391.276 , ~~and~~ subsection 3 of NAC 391.370 ~~and~~ *and subsection 2 of section 1 of this regulation*, a license issued or renewed on or after June 26, 2019, that is renewable may be renewed if the licensee submits to the Department with the request for renewal, in addition to proof of completion prescribed by NRS 391.0347, if applicable, made pursuant to NAC 391.070 either:

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, designed or provided, in accordance with subsection 3, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

3. The professional development, in-service training or course work completed, designed or provided to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection 2 must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

4. If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection 2 during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, or the designee thereof approves in writing

another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

5. The provisions of this section do not apply to the renewal of a:

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement:

(1) As a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.0897;

(2) To provide audiological services issued pursuant to NAC 391.223;

(3) As a school nurse issued pursuant to NAC 391.305; or

(4) To serve as a social worker issued pursuant to NAC 391.320.

6. The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

Sec. 5. NAC 391.067 is hereby amended to read as follows:

391.067 1. ~~The~~ *Except as otherwise provided in section 1 of this regulation, the* course in multicultural education required by NRS 391.0347 must:

(a) Be completed by a licensee for whom the course is required after the date on which his or her initial license was issued;

(b) Be offered by:

(1) An accredited college or university and consist of at least 3 semester hours of credit; or

(2) A school district in this State, the State Public Charter School Authority or a regional training program and consist of at least 45 hours of in-service training;

(c) Increase awareness and understanding of race and ethnicity and the interconnectedness of race and ethnicity with other aspects of diversity, including, without limitation, geographic

origin, residency status, language, socioeconomic status, sex, gender identity or expression, sexual orientation, religion, spirituality, age, physical appearance and disability;

(d) Assess the capacity of the licensee for cultural competency, facilitate the development of knowledge and skills for cultural competency and build the capacity of the licensee for cultural competency;

(e) Include:

(1) A review of best practices in pedagogy and selection and use of instructional materials, curriculum and assessments to ensure that all pupils are treated equitably;

(2) Instruction in skills for communicating and developing relationships with pupils, families, colleagues and members of the community; and

(3) A field-based experience demonstrating the application of all course materials and topics in an educational setting;

(f) Be aligned with the standards and indicators for instructional leadership practices and professional responsibilities prescribed by NAC 391.572, 391.573, 391.575 and 391.576, as applicable;

(g) Use resources that are based on current scientific research and national best practices in the field of multicultural education; and

(h) Address the roles and responsibilities of the licensees for whom the course is designed.

2. A course in multicultural education completed to satisfy the requirements of NRS 391.0347 may also be used to satisfy the requirements of subparagraph 5 of paragraph (b) of subsection 1 of NAC 391.111 if it also meets the requirements of subparagraph 5 of paragraph (b) of subsection 1 of NAC 391.111.

3. As used in this section, “regional training program” has the meaning ascribed to it in NRS 391A.105.

Sec. 6. NAC 391.319 is hereby amended to read as follows:

391.319 1. The internship in psychology which is prerequisite to an endorsement as a school psychologist must meet the criteria set forth in this section.

2. The intern’s period of service must be started concurrently with or after the last required training in the program of school psychology provided by the educational institution. The period must consist of two full-time regular consecutive semesters or 1,000 hours of supervised and practical experience. The period must be completed within 3 years after it is started.

3. At least half of the period of internship must be served in an accredited school system or a school system which is approved by the Superintendent of Public Instruction. The remaining part may be served in some other public agency which is approved by the Superintendent.

4. The internship must be supervised jointly by:

(a) A representative of the graduate program of the educational institution where the intern earned his or her degree; and

(b) A person who holds an endorsement as a school psychologist and who is employed in that capacity by a school district, or by a person of equivalent education and training if the internship is in some other public agency. *If the intern holds a provisional endorsement pursuant to subsection 6, the public agency must supervise the intern according to the requirements of the National Association of School Psychologists or its successor organization.*

5. In lieu of an internship consisting of two full-time regular semesters or 1,000 hours, the Superintendent of Public Instruction may accept a partial internship and 3 years of experience as

a school psychologist in another jurisdiction if the experience is verified as having been successful.

6. The Department will issue a provisional endorsement to serve as a school psychologist , *which is effective for 3 years and may not be renewed*, to ~~an intern who has completed one full-time regular semester or 500 hours of supervised, practical experience in an accredited school system or an approved public agency if at least half the experience has been in the school system and the intern has fulfilled all the other requirements for a regular endorsement. A provisional endorsement to serve as a school psychologist is effective for 2 years but may not be renewed.~~ *a student who:*

(a) Is in a school psychology training program and needs to complete an internship in school psychology; and

(b) Has completed all of the requisite coursework except an internship in school psychology. Such coursework must include at least two full-time regular semesters of practica.

Sec. 7. Notwithstanding the amendatory provisions of this regulation, a person who is employed as a school psychologist assistant on or before the date on which this regulation is filed with the Secretary of State:

1. May continue in his or her current employment without obtaining a special license with an endorsement to provide services as a school psychologist assistant pursuant to section 1 of this regulation; and

2. So long as the person remains continuously employed as a school psychologist assistant, shall be deemed to hold a special license with an endorsement to provide services as a school psychologist assistant issued pursuant to section 1 of this regulation.