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STATE OF NEVADA COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

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September 21, 2022

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 #R121-22

The Commission on Professional Standards in Education will hold a public hearing at **9:10 A.M.** on **Wednesday, September 21, 2022** 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 391.036, 391.065, 391.223, 391.305, and 391.320 of the Nevada Administrative Code (NAC), pursuant to Nevada Revised Statute (NRS) 391.019 regarding endorsements to provide audiological services, to serve as a school nurse, or to serve as social worker.

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.*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation exempts a person who holds only a special license with an endorsement to provide audiological services, to serve as a school nurse or to serve as a social worker from certain requirements relating to competency testing and continuing education or professional development.

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) 668-4317 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, September 20, 2022. 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.

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

LCB File No. R121-22

July 21, 2022

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

AUTHORITY: §§ 1-5, NRS 391.019.

A REGULATION relating to educational personnel; exempting a person who holds only a special license with an endorsement to provide audiological services from certain provisions; exempting a person who holds only a special license with an endorsement to serve as a school nurse from certain provisions; exempting a person who holds only a special license with an endorsement to serve as a social worker from certain provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations relating to the licensure of teachers and other educational personnel. (NRS 391.019) Existing regulations authorize a person to receive an endorsement to provide audiological services, to serve as a school nurse or to serve as a social worker if he or she meets certain requirements. (NAC 391.223, 391.305, 391.320) This regulation exempts a person who holds only a special license with an endorsement to provide audiological services, to serve as a school nurse or to serve as a social worker from certain requirements relating to competency testing and continuing education or professional development.

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, paragraph (a) of subsection 8 of NAC 391.0896, subsection 7 of NAC 391.0897, *subsection 3 of NAC 391.223*, paragraph (b) of subsection 3 of NAC 391.233, subsection 3 of NAC 391.276, *subsection 4 of NAC 391.305, subsection 4 of NAC 391.320*, paragraph (b) of subsection 3 of NAC 391.425 and subsection 6 of NAC 391.436, 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 5 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; or

(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 5 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.

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 5 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. 2. NAC 391.065 is hereby amended to read as follows:

391.065 1. Except as otherwise provided in subsection 5, subsection 7 of NAC 391.0897 and subsection 3 of NAC 391.276, 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, if applicable. Except as otherwise provided in subsections 4 and 5, 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 and subsection 3 of NAC 391.276, 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 ~~as~~ :

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

(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. 3. NAC 391.223 is hereby amended to read as follows:

391.223 1. To receive an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age, a person must hold a:

(a) Certificate of Clinical Competence as an audiologist issued by the American Speech-Language-Hearing Association;

(b) Master's degree in audiology from an institution accredited by a regional accrediting association; or

(c) Master's degree in any subject from an institution accredited by a regional accrediting association and have:

(1) Successfully completed at least 300 hours of supervised clinical experience in audiology or speech-language pathology, or both; and

(2) Earned at least 60 credits in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech-language pathology. At least 24 credits, not including credits earned for a thesis or dissertation, must have been earned in courses directly relating to audiology or speech-language pathology.

2. A person is not required to have an endorsement issued pursuant to subsection 1 to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age.

3. A person who holds only a special license with an endorsement to provide audiological services is exempt from the requirements of NAC 391.036 and 391.065.

Sec. 4. NAC 391.305 is hereby amended to read as follows:

391.305 1. Except as otherwise provided in NAC 391.307 and this section, to receive an endorsement to serve as a school nurse, a person must hold a valid license issued by the State Board of Nursing to practice as a registered nurse and must:

(a) Submit evidence of having received a baccalaureate degree and having completed an educational program that:

- (1) Grants postgraduate certificates in school nursing; and
- (2) Is under a regionally accredited institution of higher learning;

(b) Hold a degree in nursing earned under a college or university baccalaureate program in nursing accredited by the National League for Nursing or the Commission on Collegiate Nursing Education;

(c) Submit evidence of having received:

- (1) A baccalaureate degree; and
- (2) Certification as a school nurse from the National Board for Certification of School

Nurses; or

(d) Hold a baccalaureate degree and certification as a:

- (1) Family nursing practitioner;
- (2) Pediatric nursing practitioner;
- (3) School nursing practitioner; or
- (4) School nursing generalist,

↳ from the American Nurses Association or from the State Board of Nursing.

2. The Superintendent of Public Instruction may grant an endorsement to a person who is a registered nurse and holds a baccalaureate degree from a program in nursing that is not accredited by the National League for Nursing or the Commission on Collegiate Nursing

Education if, in his or her discretion, the courses offered and requirements for a diploma from the unaccredited program are comparable with an accredited program.

3. To renew an endorsement to serve as a school nurse, the holder must continue to hold a valid license issued by the State Board of Nursing.

4. A person who holds only a special license with an endorsement as a school nurse is exempt from the provisions of NAC 391.036 ~~H~~ and 391.065.

Sec. 5. NAC 391.320 is hereby amended to read as follows:

391.320 1. To receive an endorsement to serve as a social worker, a person must:

(a) Hold a current license issued by the Board of Examiners for Social Workers or hold a current equivalent license issued by a similar agency in another state and agree to obtain a license issued by the Board of Examiners for Social Workers within 1 year after the date on which the person applied for an endorsement; and

(b) Have completed an educational program for social workers in schools which includes a practicum in schools or the equivalent professional or practicum experience providing services directly to children of school age, both individually and in groups, and to their families.

2. In addition to the requirements listed in subsection 1, a person who wishes to receive such an endorsement must:

(a) Have completed a program to serve as a social worker in schools that is approved by the Board;

(b) Hold the credential issued by the National Association of Social Workers certifying that the holder is a specialist in social work in schools; or

(c) Hold a master's degree in social work from a college or university that has been accredited by the Council on Social Work Education.

3. An endorsement to serve as a social worker held by a person who is not licensed in this State expires 1 year after the date on which the holder applied for the endorsement if the holder has not obtained a license issued by the Board of Examiners for Social Workers by that date.

4. *A person who holds only a special license with an endorsement to serve as a social worker is exempt from the requirements of NAC 391.036 and 391.065.*

5. To renew the endorsement, the holder must:

(a) Continue to hold a valid license issued by the Board of Examiners for Social Workers;
and

(b) Each time that the license is renewed by the Board of Examiners for Social Workers, deliver a copy of the license to the Office of Educator *Development, Licensure and Family Engagement* within the Department.