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STATE OF NEVADA COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

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October 19, 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 #R122-22

The Commission on Professional Standards in Education will hold a public hearing at **9:05 A.M.** on **Wednesday, October 19, 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 391.461 and 391.557 of the Nevada Administrative Code (NAC), pursuant to Nevada Revised Statutes (NRS) 391.019, 391.037, and 391.038 regarding English Language acquisition and development.

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 391.037 state that the Commission shall:

- *Prescribe by regulation the standards for approval of a course of study or training offered by and educational institution to qualify a person to be a teacher or administrator to perform other educational functions...*

NRS 391.038 states that the Commission:

- *In consultation with the educational institutions in the State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:*
 - *The licensure of teachers or other educational personnel;*
 - *The renewal of licenses of teachers or other educational personnel; or*
 - *And endorsement in a field of specialization.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation requires an institution offering a course of study and training for the education of teachers and other educational personnel or a qualified provider of a program for an alternative route to licensure to include

course work in English language acquisition and development; and providing other matters properly relating thereto.

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, October 18, 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. R122-22

August 10, 2022

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

AUTHORITY: § 1, NRS 391.019; §§ 2-4, NRS 391.019, 391.037 and 391.038.

A REGULATION relating to educational personnel; requiring an institution offering a course of study and training for the education of teachers and other educational personnel or a qualified provider of a program for an alternative route to licensure to include course work in English language acquisition and development; 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 a person seeking to obtain an English language acquisition and development endorsement to complete certain course work requirements, including, but not limited to: (1) language acquisition theory and English language development practices; (2) methods and curriculum for teaching English learners; (3) assessment and evaluation of English learners; (4) policies, critical issues and best practices for English learners in prekindergarten and elementary school or secondary school; and (5) practical experience working in the classroom. (NAC 391.237)

Existing law additionally requires the Commission to adopt regulations establishing the requirements for approval as a qualified provider of a program for an alternative route to licensure of teachers and administrators and for approval of a course of study and training for the education of teachers or other educational personnel. (NRS 391.019, 391.037)

Section 1 of this regulation requires a provider of a program for an alternative route for the licensure of teachers and administrators to require a person enrolled in the program to successfully complete course work in: (1) language acquisition theory and English language development practices; (2) methods and curriculum for teaching English learners; (3) assessment and evaluation of English learners; (4) policies, critical issues and best practices for English learners in prekindergarten and elementary school or secondary school; and (5) practical experience working in the classroom. **Section 2** of this regulation requires an institution which offers a course of study and training for the education of teachers or other educational personnel to require a person enrolled in a course of study and training designed for teachers to complete similar course work.

Section 3 of this regulation provides that the course work requirements of NAC 391.461 and 391.557, as amended by **sections 1 and 2**, respectively, only apply to a person who enrolls in a course or program, as applicable, on or after July 1, 2023.

Section 1. NAC 391.461 is hereby amended to read as follows:

391.461 1. An institution of higher education or any other provider that operates independently of an institution of higher education which wishes to offer a program for an alternative route for the licensure of teachers and administrators in this State must apply to the Commission on a form prescribed by the Department for approval to become a qualified provider of such a program. The application must include, without limitation:

- (a) The name and location of the applicant;
- (b) The name of the program;
- (c) If the applicant is accredited, the name of the regional accrediting body and the accreditation status of the applicant;
- (d) If the applicant is a private postsecondary educational institution, as defined in NRS 394.099, evidence that the applicant is licensed to operate by the Commission pursuant to chapter 394 of NRS;
- (e) A description of the budget of the program;
- (f) The areas of licensure for which the applicant will offer the program;
- (g) A description of the program, which must include, without limitation:
 - (1) The way in which the elements of the program will comply with the requirements of this chapter and chapter 391 of NRS;
 - (2) The application and review process for persons to enroll in the program, including, without limitation, a copy of all forms that will be used in the process; ~~and~~

(3) The supervised, school-based experiences the applicant will provide as required by NRS 391.019, including, without limitation:

(I) The name of each school and school district that will participate in the supervised, school-based experience;

(II) The length of time for which a student will be required to participate in the supervised, school-based experience, including, without limitation, any orientation that the student must complete;

(III) The manner by which students will be mentored by a postprobationary teacher and evaluated during the supervised, school-based experience;

(IV) How the supervised, school-based experience will promote the effectiveness of teachers; and

(V) A copy of all forms that will be used for the supervised, school-based experience process; *and*

(4) The successful completion of the course work identified in paragraphs (b), (c) and (d) of subsection 1 of NAC 391.237 by each person who completes the program;

(h) A list of all staff members for the program, the roles and responsibilities of each person and his or her credentials;

(i) A statement of the estimated time it will take a student enrolled in the program to complete the program, which must allow for completion of the program within 2 years but not more than 3 years;

(j) A description of the manner by which the applicant will evaluate the success or failure of each student enrolled in the program and track the progress of each such student, including a copy of all forms that will be used for the evaluation and tracking;

(k) A description of how the applicant will evaluate the success of the program, which must include the information required for the evaluation pursuant to NRS 391.039; and

(l) Any other information required by the Department or the Commission.

2. Upon receipt of an application for approval as a qualified provider pursuant to subsection 1, the Commission will appoint a review team to review the application consisting of:

(a) Two members of the Commission selected by the Commission;

(b) The Secretary to the Commission; and

(c) Two employees of the Department selected by the Secretary to the Commission.

3. The review team shall:

(a) Examine the application;

(b) Determine whether to recommend that the Commission grant its approval of the application; and

(c) Submit its recommendation to the Commission.

4. The Commission will review the recommendation of the review team submitted pursuant to subsection 3 and provide to the applicant written notice of its approval or denial. The Commission may grant provisional approval to an applicant pursuant to subsection 5. If the Commission denies an application, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Commission.

5. If the Commission grants an applicant provisional approval, the applicant may offer the program for an alternative route to licensure described in the application for the period prescribed by the Commission. The applicant must remove all the provisions under which the approval was issued before the expiration of the provisional approval. If the applicant removes the provisions within the prescribed time, the Commission will grant nonprovisional approval to

the applicant as a qualified provider. Provisional approval is valid for 2 years after the date on which the Commission granted provisional approval. If an applicant does not remove all the provisions within the prescribed time, the provisional approval is automatically revoked.

6. Except as otherwise provided in subsection 5, if an applicant is approved as a qualified provider pursuant to this section, the approval is valid for 2 years after the date of approval. To continue the approval, the qualified provider must submit an application for renewal before the expiration of the approval to the Commission on a form prescribed by the Department. If the application for renewal is approved by the Commission, the renewal is valid for 2 years after the date of the approval.

7. If a qualified provider intends to offer a program for an alternative route to licensure for an area of licensure that is different from the area of licensure for which the qualified provider has been approved, the qualified provider must submit a new application pursuant to subsection 1 to offer a program for an alternative route to licensure for that area of licensure.

8. Each qualified provider must be evaluated on an annual basis pursuant to NRS 391.039. The Department shall:

- (a) Present the results of the evaluation to the Commission; and
- (b) After the results have been presented to the Commission, post the evaluation on the Department's Internet website.

9. Each qualified provider shall cooperate with the Commission and the Department in the evaluation of the effectiveness of this section and NAC 391.057.

Sec. 2. NAC 391.557 is hereby amended to read as follows:

391.557 1. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education

required for the issuance of an elementary, secondary or special license, a license to teach special education or a license to teach pupils in a program of early childhood education, renewal of such a license or an endorsement in a field of specialization must file with the Superintendent of Public Instruction, at least 180 calendar days before the first date of instruction, an application for approval of the course of study and training. The application must include:

- (a) The name and location of the institution;
- (b) A copy of the articles of incorporation or charter for the institution;
- (c) Proof of the financial solvency of the institution, including financial resources available to the institution in this State;
- (d) If the institution is accredited, as that term is defined in NRS 394.006, information concerning the accreditation;
- (e) The proposed operating budget for the course of study and training;
- (f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;
- (g) A description of the course of study and training, including:
 - (1) If the course is designed for teachers:
 - (I) A description of the course's compliance with the standards for new teachers developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556; and
 - (II) Documentation which verifies that the course uses a performance-based assessment of its candidates;

(2) If the course is designed for educational personnel other than teachers, a description of the course's compliance with the standards established by a nationally recognized association for the professional specialization for which the applicant seeks the approval of the Board; and

(3) If applicable, a description of the course's compliance with subsection 9 of NAC 391.558;

(h) The qualifications a person must hold to provide instruction for the course of study and training;

(i) The proposed course work for the course of study and training ~~is~~, *which must include, without limitation, the successful completion of the course work identified in paragraphs (b), (c) and (d) of subsection 1 of NAC 391.237 by each person who completes a course of study and training designed for teachers;*

(j) A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(k) Except as otherwise provided in this paragraph, a written assessment plan that describes the:

(1) Conceptual framework for the course of study and training;

(2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;

(3) Manner by which the course of study and training will be assessed and evaluated;

(4) Field experience and clinical practice offered by the course of study and training;

(5) Diversity of the population of students who participate in the course of study and training; and

(6) Performance and development of the faculty who provide instruction for the course of study and training.

↪ If an institution is accredited by the National Council for Accreditation of Teacher Education, the institution may submit written proof of such accreditation in lieu of the written assessment plan required by this paragraph.

2. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of an elementary, secondary or special license, a license to teach special education or a license to teach pupils in a program of *early* childhood education, renewal of such a license or an endorsement in a field of specialization, the Superintendent of Public Instruction shall notify the Board that an application has been received.

3. The Department shall develop a manual that:

(a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;

(b) Describes the process for approval of a course of study and training; and

(c) Includes:

(1) The procedures acceptable to the Department to assess the results of students in a course of study and training based upon the standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556;

(2) The standards of nationally recognized professional associations of educational personnel other than teachers, as applicable; and

(3) The program standards adopted by the National Council for Accreditation of Teacher Education.

↪ The Department shall maintain a copy of the manual and, upon the request of an institution, the Department shall provide a copy of the manual to the institution.

Sec. 3. The amendatory provisions of sections 1 and 2 of this regulation, respectively, apply only to a person who enrolls in a program for an alternative route to licensure of teachers and administrators or a course of study and training for the education of teachers or other educational personnel on or after July 1, 2023.

Sec. 4. This regulation becomes effective on July 1, 2023.