

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

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 #R123-22

The Commission on Professional Standards in Education will hold a public hearing at **9:15 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.XXX, 391.XXX, 391.036, 391.065, 391.277, and 391.279 of the Nevada Administrative Code (NAC), pursuant to Nevada Revised Statute (NRS) 391.019 regarding endorsements to: provide services to pupils as an occupational therapy assistant, provide services to pupils as a physical therapist assistant, provide services to pupils as an occupational therapist, and provide services to pupils as a physical therapist.

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 establishes qualifications to receive an endorsement to provide services to pupils as an occupational therapy assistant; establishes qualifications to receive an endorsement to provide services to pupils as a physical therapy assistant; revises the qualifications to receive an endorsement to provide services to pupils as an occupational therapist; revises the qualifications to receive an endorsement to provide services to pupils as a physical therapist; 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 regulation introduces a reduced \$100.00 educator licensure fee for an Occupational Therapist Assistant and Physical Therapist Assistant, however an educational license is not a requirement for employment in Nevada schools.

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. R123-22

July 21, 2022

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

AUTHORITY: §§ 1-7, NRS 391.019.

A REGULATION relating to educational personnel; establishing qualifications to receive an endorsement to provide services to pupils as an occupational therapy assistant; establishing qualifications to receive an endorsement to provide services to pupils as a physical therapist assistant; revising the qualifications to receive an endorsement to provide services to pupils as an occupational therapist; revising the qualifications to receive an endorsement to provide services to pupils as a physical therapist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations including, without limitation, 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 person 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 to teach pupils in a program of occupational therapy. (NAC 391.277) **Section 2** of this regulation requires a person to hold a license as an occupational therapy assistant issued by the Board of Occupational Therapy in order to receive an endorsement to provide services to pupils as an occupational therapy assistant. **Section 2** also provides that such an endorsement is not required to provide services to pupils as an occupational therapy assistant in a program of occupational therapy.

Section 6 of this regulation removes all but one of the required qualifications to receive an endorsement to provide services to pupils as an occupational therapist. The remaining qualification is that a person must hold a license as an occupational therapist issued by the Board of Occupational Therapy.

Sections 2 and 6 exempt a person who holds only a special license with an endorsement to provide services as an occupational therapy assistant or an occupational therapist from existing regulations which require competency testing for an initial license and certain other requirements for renewing a license. (NAC 391.036, 391.065)

Existing regulations prescribe the qualifications to receive an endorsement to teach pupils in a program of physical therapy. (NAC 391.279) **Section 3** of this regulation requires a person

to hold a license as a physical therapist assistant issued by the Nevada Physical Therapy Board in order to receive an endorsement to provide services to pupils as a physical therapist assistant. **Section 3** also provides that such an endorsement is not required to provide services to pupils as a physical therapist assistant in a program of physical therapy.

Section 7 of this regulation removes all but one of the required qualifications to receive an endorsement to provide services to pupils as an physical therapist. The remaining qualification is that a person must hold a license as a physical therapist issued by the Nevada Physical Therapy Board.

Sections 3 and 7 exempt a person who holds only a special license with an endorsement to provide services as a physical therapist assistant or a physical therapist from existing regulations which require competency testing for an initial license and certain other requirements for renewing a license. (NAC 391.036, 391.065) **Sections 4 and 5** of this regulation make conforming changes to add the exemptions contained in **sections 2, 3, 6 and 7**.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *To receive an endorsement to provide services to pupils as an occupational therapy assistant in a program of occupational therapy, a person must hold a license as an occupational therapy assistant issued by the Board of Occupational Therapy in this State.*

2. A person who holds only a special license with an endorsement to provide services as an occupational therapy assistant is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is not required to provide services to pupils as an occupational therapy assistant in a program of occupational therapy.

Sec. 3. 1. *To receive an endorsement to provide services to pupils as a physical therapist assistant in a program of physical therapy, a person must hold a license as a physical therapist assistant issued by the Nevada Physical Therapy Board.*

2. A person who holds only a special license with an endorsement to provide services as a physical therapist assistant is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is not required to provide services to pupils as a physical therapist assistant in a program of physical therapy.

Sec. 4. 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, 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*, paragraph (b) of subsection 3 of NAC 391.425 and subsection 6 of NAC 391.436, *and subsection 2 of section 2 of this regulation and subsection 2 of section 3 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 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. 5. 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, *subsection 2 of NAC 391.277, subsection 2 of NAC 391.279 and subsection 2 of section 2 of this regulation and subsection 2 of section 3 of this regulation*, 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 a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.0897.

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

Sec. 6. NAC 391.277 is hereby amended to read as follows:

- 391.277 1. To receive an endorsement to ~~{teach}~~ *provide services to* pupils *as an occupational therapist* in a program of occupational therapy, a person must ~~{~~
- ~~—(a) Hold a:~~
 - ~~—(1) Bachelor’s degree in occupational therapy;~~
 - ~~—(2) Master’s degree in occupational therapy; or~~
 - ~~—(3) Bachelor’s or master’s degree in any other field of study and have successfully completed an educational program for occupational therapists which is accredited by the American Medical Association or its successor organization in collaboration with the American Occupational Therapy Association or its successor organization;~~
- ~~—(b) Hold} hold~~ a license as an occupational therapist issued by the Board of Occupational Therapy in this State . ~~{; and~~
- ~~—(c) Hold a specialty certification in school systems issued by the American Occupational Therapy Association or its successor organization.}]~~
2. *A person who holds only a special license with an endorsement to provide services as an occupational therapist is exempt from the requirements of NAC 391.036 and 391.065.*
3. Such an endorsement is not required to ~~{teach}~~ *provide services to* pupils *as an occupational therapist* in a program of occupational therapy.

Sec. 7. NAC 391.279 is hereby amended to read as follows:

- 391.279 1. To receive an endorsement to ~~{teach}~~ *provide services to pupils as a physical therapist* in a program of physical therapy, a person must ~~{~~:
- ~~—(a) Hold a:~~
 - ~~—(1) Bachelor’s degree in physical therapy;~~
 - ~~—(2) Master’s degree in physical therapy; or~~
 - ~~—(3) Bachelor’s or master’s degree in any other field of study and have successfully completed an educational program for physical therapists which is accredited by the American Physical Therapy Association; and~~
 - ~~—(b) Hold}~~ *hold* a license as a physical therapist issued by the Nevada Physical Therapy Board.
2. *A person who holds only a special license with an endorsement to provide services as a physical therapist is exempt from the requirements of NAC 391.036 and 391.065.*
3. Such an endorsement is not required to ~~{teach}~~ *provide services to pupils as a physical therapist* in a program of physical therapy.