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**STATE OF NEVADA**  
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**August 18, 2024**

**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 #R067-24

The Commission on Professional Standards in Education will hold a public hearing at **9:04 A.M.** on **Wednesday, September 18, 2024** 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 Chapter 391.036 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 and 391.021.

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

NRS 391.021, the Commission on Professional Standards in Education shall adopt regulations:

- *Governing examinations for the initial licensure; exemption for teacher and educational personnel who obtain reciprocal license.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to education; exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow applicants for licensure to take a course with a grade "B" or better in lieu of a basic competency test after first attempting and not passing the test.
- 3. The revised text of the proposed regulation is attached to this notice.**
- 4. 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.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
7. **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.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **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.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

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](mailto: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](mailto: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 17, 2024**. 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. R067-24**

June 13, 2024

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

AUTHORITY: § 1, NRS 391.019 and 391.021, as amended by section 3.4 of Assembly Bill No. 428, chapter 491, Statutes of Nevada 2023, at page 3015.

A REGULATION relating to education; exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also requires the Commission to adopt regulations governing examinations for the initial licensing of teachers and other education personnel. (NRS 391.021) Assembly Bill No. 428 (A.B. 428) of the 2023 Legislative Session requires that these regulations exempt an applicant from any requirement to pass a competency test in basic reading, writing and mathematics, at the level of competence specified by the Commission, if, after not passing such a test, the applicant completes a course of study approved by the Department of Education, with a grade of B or better, in each subject area of the competency test that the applicant did not pass. (NRS 391.021, as amended by section 3.4 of Assembly Bill No. 428, chapter 491, Statutes of Nevada 2023, at page 3015) This regulation creates such an exemption and requires the submission of official transcripts indicating completion of the required course of study to establish eligibility for the exemption.

**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 9 of NAC 391.0896, subsection 7 of NAC 391.0897, subsection 3 of NAC 391.180, subsection 3 of NAC 391.223, paragraph (b) of subsection 3 of NAC 391.231, 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, 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; ~~10+~~

(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 ~~1+~~; *or*

*(d) Evidence that the applicant:*

*(1) Did not pass, at the level of competence specified by the Commission, the "Praxis Core Academic Skills for Educators" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and*

*(2) After not passing the competency test described in subparagraph (1), began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test described in subparagraph (1) that the applicant did not pass. Evidence of the completion of a course of study pursuant to this subparagraph must*

*consist of official transcripts indicating completion of the course of study as required by this subparagraph.*

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.