

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, April 17, 2024**, via [Livestream Link](#) 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 Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:04 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC 391.036 – Tests of competency required for initial license; exemptions; failure to comply.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Tuesday, April 16, 2024**.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education 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>, and physically 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.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: March 29, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC 391.036 – Tests of competency required for initial license; exemptions; failure to comply.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

The intent of this revision is to comply with Assembly Bill 428 Section 3.4(3) (2023) allowing an applicant to complete approved course work with a grade “B” or better in lieu of a basic reading, writing, or math test after first attempting and not passing the test. Note: R166-22 adopted by Legislative Commission on 6/2/2023 is not yet codified in NAC 391.036.

AB428 Section 3.4(3): The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing, and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competency specified by the Commission, the applicant 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 that the applicant did not pass at the level of competence specified by the Commission.

NAC 391.036 Tests of competency required for initial license; exemptions; failure to comply. ([NRS 391.019](#), [391.021](#), [391.031](#), [391.032](#))

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](#), paragraph (b) of subsection 3 of [NAC 391.233](#), subsection 3 of [NAC 391.276](#), 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; *or*

(c) Evidence that the applicant:

(1) Did not pass, at the level of competency set by the Commission; the “Praxis Core Academic Skills for Educators” test in basic reading, writing or mathematics;

(2) After not passing a test described in subparagraph (1), the applicant completed approved coursework with a 3.0 “grade B” or better, in the subject area for the competency test in basic reading, writing, or mathematics that the applicant did not pass; and

(3) Submits to the Department official transcripts with approved course work in lieu of the test described in subparagraph (1) that the applicant did not pass.

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.

(Added to NAC by Comm’n on Prof. Standards in Education, eff. 9-11-89; A 11-22-91; 10-23-92; 12-15-94; 1-11-96; 12-13-96; R092-97, 1-14-98; R089-99, 10-25-99; R120-99, 3-13-2000; R210-01, 3-27-2002; R058-03, 8-29-2003; R005-05 & R038-05, 10-31-2005; R183-05, 12-29-2005; R223-05, 2-23-2006; R069-06, 6-1-2006; R026-07, 10-31-2007; R037-08, 6-17-2008; R046-10, 10-15-2010; R028-11, 10-26-2011; R020-11, 5-30-2012; R047-17, R048-17, R053-17, R102-17, R009-18 & R010-18, 6-26-2018; R004-18, R107-18, R114-18 & R118-18, 6-26-2019)