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February 21, 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 #R064-23

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, February 21, 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 Chapters 391.627 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019, 391.021, and 391.031.

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.*

NRS 391.031, The Commission on Professional Standards in Education shall adopt regulations:

- *Providing for the issuance of special licenses to teachers and other educational personnel in this State.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; providing for the issuance of a special license to teach to an applicant who is the holder of certain visas; and providing other matters properly relating thereto. This regulation will create a Visiting International Teaching License.

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) 668-4308 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, 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, November 15, 2023. 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. R064-23

November 9, 2023

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

AUTHORITY: § 1, NRS 391.019 and 391.031; § 2, NRS 391.019 and 391.021; § 3, NRS 391.019.

A REGULATION relating to educational personnel; providing for the issuance of a special license to teach to an applicant who is the holder of certain visas; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal regulations authorize the United States Department of State to designate sponsors of visitor exchange programs in the United States, who select eligible foreign nationals to participate in such programs. (22 C.F.R. §§ 62.4, 62.6) Existing federal regulations designate the categories of visitor exchange programs which a sponsor may conduct, including a category for exchange visitors who teach full-time in accredited public and private primary and secondary schools in the United States. (22 C.F.R. § 62.24) Existing state law authorizes the board of trustees of a school district or the governing body of a charter school to employ teachers or instructors who are authorized to teach in the United States under a teacher exchange program authorized by laws of the Congress of the United States. (NRS 391.070) Existing state law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance of such licenses. (NRS 391.019)

Section 1 of this regulation: (1) provides for the issuance of a nonrenewable special license with an endorsement as a visiting international teacher; and (2) prescribes the requirements for the issuance of such a special license. **Section 1** additionally provides that such a special license: (1) is valid for 5 years; (2) does not prohibit the issuance of certain other licenses to the holder; (3) exempts the holder from undergoing certain competency exams; and (4) may not have any additional endorsements attached to it. **Section 2** of this regulation makes a conforming change to indicate the exemption from certain competency exams provided in **section 1**. **Section 3** of this regulation makes a conforming change to reflect that the license expires 5 years after the date on which it is issued.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall issue a special license with an endorsement as a visiting international teacher to a participant in a visiting international teacher program or a J-2 visa holder who:

(a) Meets the requirements for a license pursuant to NRS 391.033 and NAC 391.045, including, without limitation, the submission of the fee required pursuant to paragraph (c) of subsection 1 of NAC 391.045;

(b) Is employed by a school district participating in a visiting international teacher program;

(c) Holds, in his or her country of origin, a valid license or certificate to teach that is issued based on the holding of, at a minimum, a degree equivalent to a bachelor's degree from an institution accredited by a regional accrediting agency that is recognized by the United States Department of Education; and

(d) Demonstrates proficiency in the English language and competency in the subject matter of the area in which the applicant will teach, as verified by the school district in which he or she is employed and, unless the applicant is a J-2 visa holder, the sponsor of the visiting international teacher program.

2. A school district that employs a person who is licensed pursuant to this section must provide him or her with appropriate supervision and ongoing support, which may include, without limitation, assigning a mentor.

3. A special license issued pursuant to this section expires 5 years after the date on which the license is issued and is nonrenewable.

4. The issuance of a special license pursuant to this section does not prohibit the issuance of any additional provisional licenses, standard licenses or professional licenses.

5. An applicant for a special license issued pursuant to this section is not required to comply with the provisions of NAC 391.036.

6. Except as otherwise provided in subsection 1, a special license issued pursuant to this section may not have an additional endorsement attached.

7. As used in this section:

(a) “J-2 visa” means the visa issued to the spouse or dependent of the recipient of a J-1 visa pursuant to 8 U.S.C. § 1101(a)(15)(J).

(b) “Visiting international teacher program” means an exchange visitor program conducted by an exchange visitor program sponsor that has been designated by the United States Department of State pursuant to 22 C.F.R. § 62.6.

Sec. 2. 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, section 2 of LCB File No. R128-22 *and subsection 5 of section 1 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. 3. NAC 391.060 is hereby amended to read as follows:

391.060 1. Upon application, the Department shall issue a license for the specified number of years to a person with:

- (a) A bachelor's degree or less, for 5 years.
- (b) A master's degree and 3 years of verified teaching experience, for 6 years.
- (c) A specialist's degree and 3 years of verified teaching experience, for 8 years.
- (d) A doctoral degree and 3 years of verified teaching experience, for 10 years.
- (e) A National Board Certification issued by the National Board for Professional Teaching Standards, for the period of the certificate.

↪ A license specified in this subsection is renewable.

2. Except as otherwise provided in this section, NAC 391.056 and 391.057, *and section 1 of this regulation*, a license expires on the holder's date of birth in the year of expiration.

3. A provisional license that is renewable becomes invalid on the date of expiration of the provision. If the holder of such a license provides evidence to the Department of his or her completion of the course work required to satisfy the provision, the Department will remove the provision and the license remains valid until the date of expiration of the license.

4. An endorsement becomes invalid on the date that the license to which it is attached expires.