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November 20, 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 #T002-24

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M. on Wednesday, November 20, 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 391.059 and 391.242 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 and 391.032.

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

- *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. Description of the proposed regulation, or the subjects and issues involved: The proposed temporary regulation is relating to educational personnel; NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report and NAC 391.242 – Endorsements to teach program of bilingual education; provisional endorsement. This regulation will update the Bilingual Endorsement by moving the exam requirement from the employer to the Department and ensuring the endorsement is issued to a person who holds a valid teaching license.

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 [Commission on Professional Standards in 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 **Friday, November 15, 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 the Commission on Professional Standards in Education, posted on the [Commission on Professional Standards in Education](#) webpage, [Nevada's Public Notice](#) webpage, the [Nevada State Legislature's Administrative Regulations notices](#) webpage, 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. 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.

**TEMPORARY REGULATION OF THE
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**

LCB FILE NO. T002-24P

**The following document is a temporary regulation submitted
by the agency on 10/01/2024**

The intent of this regulation is to combine the two Bilingual regulations into one by removing the exam requirement from the employer and adding it to the Department as it is in other content area endorsements and as required per NAC 391.036. The Bilingual major requirement was removed because such a major does not exist. A valid base teaching license will be required to hold this endorsement.

~~**NAC 391.059 Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report. (NRS 391.019)**~~

~~—1. A school district which has a program of bilingual education shall select or develop, and administer, an appropriate test or other means of assessment to ascertain that the language proficiency of each teacher assigned to teach pupils enrolled in a program of bilingual education in the school district is sufficient to provide instruction to those pupils in a language other than English.~~

~~—2. Passage of a test or other means of assessment administered by a school district pursuant to this section does not exempt a teacher from any other requirement of title 34 of NRS and any regulations adopted pursuant thereto relating to licensure, endorsements or other required qualifications.~~

~~—3. A school district that has a program of bilingual education shall:~~

~~—(a) Maintain records of the testing or assessment conducted pursuant to this section of teachers assigned to teach pupils enrolled in a program of bilingual education in the school district; and~~

~~—(b) Annually report to the Department the results of that testing or assessment conducted during the previous year.~~

~~—(Added to NAC by Comm'n on Prof. Standards in Education by R101-00, 1-22-2001)~~

NAC 391.242 Endorsements to teach program of bilingual education; provisional endorsement. (NRS 391.019, 391.032)

1. To teach pupils enrolled in a program of bilingual education, a person must:

~~—(a) Hold an endorsement issued pursuant to this section; and~~

~~(b) Within 2 years after the issuance of an endorsement, pass an examination approved by the Commission which demonstrates the person's oral and written proficiency in the native language, if such an examination is available.~~

2. To receive an endorsement to teach pupils in a program of bilingual education, a person must hold a **valid bachelor's degree with a major in bilingual education, an early childhood**, elementary, secondary or special **teaching** license, a license to teach special education, or a license to teach middle school or junior high school education, and must have completed:

(a) A bilingual program of preparation for teaching pupils who are identified as having limited proficiency in English which has been approved by the **Board Department** for this purpose; or

(b) At least 12 semester hours of credit in a course of study which includes theories for the acquisition of a second language and at least three of the following other areas of study:

- (1) Methods of teaching language arts or reading in the native language;
- (2) Methods of teaching math, science and social studies in the native language;
- (3) Testing and evaluating pupils of a second language in English and the native language;
- (4) Development of curriculum, materials and teaching methods for bilingual education;
- (5) Native language and culture; or
- (6) Bilingual education, history, philosophy and theory; and

(c) Pass an examination approved by the Commission which demonstrates the person's oral and written proficiency in the native language.

3. The endorsement cannot be issued provisionally for the exam requirement.

~~—3.— The Superintendent of Public Instruction may issue a provisional 3-1-year endorsement to teach a program of bilingual education to a person who has a deficiency in credits of more than 6 semester hours if the school district, charter school or private school that will employ the person provides a written assurance to the Superintendent of Public Instruction that the person will complete the courses of study necessary to ensure that he or she has a deficiency in credits of 6 semester hours or less by the end of the 1-year period for which the endorsement is valid. The written assurance must also identify the courses of study that will be completed.~~

~~—4.— Upon expiration of an endorsement issued pursuant to subsection 3, a person may apply for another provisional endorsement pursuant to NAC 391.055 if he or she satisfies the requirements of that section.~~

(Added to NAC by Comm'n on Prof. Standards in Education, eff. 3-18-94; A 1-10-96; 9-6-96; R021-01, 10-22-2001, eff. 7-1-2002; R056-03, 10-21-2003; R005-05, 10-31-2005; R070-06, 9-18-2006; R028-11, 10-26-2011)