

Steve Sisolak
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STATE OF NEVADA COMMISSION ON PROFESSIONAL STANDARDS

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Notice of Workshop to Solicit Comments on Proposed Regulation

The **Commission on Professional Standards** is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, January 19, 2022**, 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:

9:10 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – tests of competency required for initial license, exemptions, and failure to comply; NAC Chapter 391.170 – license or endorsement as professional administrator of school and endorsement as professional administrator of program; NAC Chapter 391.420 – business and industry endorsement, program areas for which endorsement may be issued; and NAC Chapter 391.425 – business and industry endorsement, qualifications for receipt and first renewal.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page, by contacting Dylan Fuson, Board Secretary, Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-687-9224, or in person at the Nevada Department of Education, 700 E. Fifth Street, Carson City, Nevada, 89701. Persons wishing to comment upon the proposed action of the Commission on Professional Standards may provide in-person testimony, submit written comment to the Commission on Professional Standards via email at NVBoardED@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards, Nevada Department of Education, 700 E. Fifth Street, Carson City, Nevada, 89701. 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, January 18, 2022.

This notice 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>, 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: January 19, 2022

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – tests of competency required for initial license, exemptions, and failure to comply; NAC Chapter 391.170 – license or endorsement as professional administrator of school and endorsement as professional administrator of program; NAC Chapter 391.420 – business and industry endorsement, program areas for which endorsement may be issued; and NAC Chapter 391.425 – business and industry endorsement, qualifications for receipt and first renewal.

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 regarding licensure competency examinations is not likely to 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. Comment has 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,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

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

LCB File No. R114-20

July 9, 2021

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

AUTHORITY: §§ 1 and 2, NRS 391.019 and 391.021; §§ 3 and 4, NRS 391.019.

A REGULATION relating to education; revising provisions relating to requirements to obtain a license; revising provisions relating to requirements to obtain certain endorsements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations that prescribe the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also requires the Commission to adopt regulations that govern examinations for the initial licensing of teachers and other educational personnel. (NRS 391.021)

Existing regulations require an applicant for a license to pass a competency test in basic reading, writing and mathematics but exempt an applicant from passing such a competency test in certain circumstances. Existing regulations also exempt an applicant from passing a competency test in the area for which the applicant is seeking an endorsement in certain circumstances. (NAC 391.036) **Section 1** of this regulation exempts an applicant from passing a competency test in basic reading, writing and mathematics if the applicant provides to the Department evidence that, within the 5 years immediately preceding the date on which his or her application was submitted, the applicant completed the ACT or SAT college admissions examination with a certain passing score. **Section 1** also exempts an applicant from passing a competency test in the area for which the applicant is seeking an endorsement if the applicant is applying for an endorsement in an area which aligns with certain programs of career and technical education and submits to the Department of Education a Workforce Competency Credential issued by the National Occupational Competency Testing Institute, or its successor organization, in that area.

Existing regulations specify requirements to receive a license or endorsement as a professional administrator of a school. (NAC 391.170) **Section 2** of this regulation requires an applicant for such a license or endorsement to submit to the Department evidence of: (1) five years of teaching experience as a licensed teacher in a program of early childhood education, kindergarten or grades 1 through 12; (2) five years of administrative experience as a licensed administrator in a program of early childhood education, kindergarten or grades 1 through 12; or

(3) a combination of 5 years of experience as a licensed teacher and licensed administrator in a program of early childhood education, kindergarten or grades 1 through 12.

Existing regulations require the Superintendent of Public Instruction to issue a business and industry endorsement in certain specific program areas. (NAC 391.420) **Section 3** of this regulation authorizes the Superintendent of Public Instruction to issue to an applicant who holds a license with only one or more business and industry endorsements an endorsement: (1) to teach advanced computer science; (2) in cultural competency or as a specialist in cultural competency; or (3) as a specialist or as a professional specialist in social, emotional and academic development.

Existing regulations outline requirements to receive a business and industry endorsement. (NAC 391.425) **Section 4** of this regulation authorizes a person who holds a business and industry endorsement or career and technical education endorsement to receive an additional business and industry endorsement if the applicant: (1) provides to the Department proof that the person has taught for at least 2 years in a career and technical education program; and (2) holds a recognized certification from the industry or field for which the applicant is applying for the endorsement. **Section 4** also exempts a person who is applying for such an additional endorsement from requirements to have a certain amount of credit or professional development hours to renew a business and industry endorsement.

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 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~~ 4 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~~ ; *or*

(c) Official documentation which indicates that the applicant completed, within the 5 years immediately preceding the date on which his or her application was submitted:

(1) The ACT, administered by the ACT, 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.

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; ~~for~~

(d) *Is applying for an endorsement to teach in an area which aligns with a program of career and technical education specified in NAC 389.803 or 391.420 and submits to the Department a Workforce Competency Credential issued by the National Occupational*

Competency Testing Institute, or its successor organization, in the area of endorsement for which he or she is applying; or

(e) 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. 2. NAC 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in NAC 391.171, to receive a license or endorsement as a professional administrator of a school, an applicant:

(a) Must:

(1) Hold a master’s degree or higher in educational administration from a regionally accredited college or university; and

(2) Submit to the Department evidence of ~~5~~:

(I) Five years of teaching experience as a licensed teacher in a program of early childhood education, kindergarten or grades 1 through 12;

(II) Five years of administrative experience as a licensed administrator in a program of early childhood education, kindergarten or grades 1 through 12; or

(III) A combination of 5 years of experience as a licensed teacher and licensed administrator in a program of early childhood education, kindergarten or grades 1 through 12; or

(b) Must:

- (1) Hold a master's degree or higher from a regionally accredited college or university;
- (2) Submit to the Department evidence of 5 years of teaching experience as a licensed teacher in a program of early childhood education, kindergarten or grades 1 through 12; and
- (3) Have completed at least 36 semester hours of graduate courses in the administration of a school, which must include course work in:

- (I) Administration and organization of a school;
- (II) Supervision and evaluation of instruction;
- (III) Development of personnel;
- (IV) Finances of a school;
- (V) The laws that apply to schools;
- (VI) Curriculum;
- (VII) Research; and
- (VIII) Internship or field experience.

2. To receive an endorsement as a professional administrator of a program, an applicant must:

- (a) Hold a master's degree or higher from a regionally accredited college or university;
- (b) Hold a valid special license in the program for which an endorsement is requested;
- (c) Have and submit to the Department evidence of 5 years of experience as a licensed employee in a program of early childhood education, kindergarten or grades 1 through 12; and
- (d) Have completed at least 27 semester hours in courses of study in administration, which must include course work in:

- (1) Administration and organization of a school or the role of an administrator of a program in the applicant's area of endorsement;

(2) General principles of supervision of personnel or supervision of personnel for a program in the applicant's area of endorsement;

(3) Finances of a school or finances of a program in the applicant's area of endorsement;

(4) The laws that apply to schools; and

(5) The evaluation and development of personnel for a school or the evaluation and development of personnel for a program in the applicant's area of endorsement.

Sec. 3. NAC 391.420 is hereby amended to read as follows:

391.420 **1.** The Superintendent of Public Instruction shall issue to a qualified applicant a business and industry endorsement for a specific program area in:

~~1.~~ **(a)** Any program of career and technical education set forth in NAC 389.803.

~~2.~~ **(b)** Any of the following performing arts:

~~(a)~~ **(1)** Ethnic music;

~~(b)~~ **(2)** Ethnic dance; or

~~(c)~~ **(3)** Dance performance.

~~3.~~ **(c)** Military science.

2. *The Superintendent of Public Instruction may issue to a qualified applicant who holds a license with only one or more business and industry endorsements an endorsement:*

(a) To teach advanced computer science pursuant to NAC 391.196;

(b) In cultural competency or as a specialist in cultural competency pursuant to NAC 391.229; or

(c) As a specialist or as a professional specialist in social, emotional and academic development pursuant to NAC 391.323.

Sec. 4. NAC 391.425 is hereby amended to read as follows:

391.425 1. To receive a business and industry endorsement, the applicant must:

(a) Have earned a high school diploma or its equivalent;

(b) Provide to the Department proof acceptable to the Department that the applicant has been employed:

(1) Full time for at least 2 years after 18 years of age in a position which relates to the program for which he or she is applying for endorsement; or

(2) For an aggregate total of 4,000 hours after 18 years of age in a position which relates to the program for which he or she is applying for endorsement; and

(c) Hold the appropriate professional license if one is required by law for employment in an occupation which the person desires to teach.

2. *A person who holds a license with a business and industry endorsement or career and technical education endorsement may receive an additional business and industry endorsement if he or she:*

(a) Provides to the Department proof acceptable to the Department that the applicant has taught for at least 2 full academic years in a program of career and technical education; and

(b) Holds a recognized certification from the industry or field for which he or she is applying to add an additional business and industry endorsement.

3. To fulfill the requirement of work experience required by paragraph (b) of subsection 1, a person who wishes to receive a business and industry endorsement must, if the endorsement is for:

(a) Agricultural and natural resources science, have industry experience in at least three of the following areas:

(1) Agricultural business and marketing;

- (2) Animal science or veterinary medicine;
 - (3) Forestry;
 - (4) Horticulture;
 - (5) Floriculture;
 - (6) Landscaping;
 - (7) Agricultural research; or
 - (8) Food science, food manufacturing or a combination thereof.
- (b) Construction technology, have at least:
- (1) One year of industry experience in carpentry; and
 - (2) At least 1 year or 2,000 total hours of industry experience in fields relating to construction, other than carpentry.

~~3.1~~ 4. In addition to the requirements set forth in subsection 1, a person who wishes to receive or renew a business and industry endorsement must:

(a) If the endorsement is for automotive service technology, be certified by the National Institute for Automotive Service Excellence as:

- (1) A master automobile technician; or
- (2) An automobile technician in the following areas:
 - (I) Brakes;
 - (II) Electrical and electronic systems;
 - (III) Auto maintenance and light repair; and
 - (IV) Suspension and steering.

(b) If the endorsement is for military science, be certified by the secretary of the military branch in which the applicant serves or from which the applicant has retired to teach pupils in the

Junior Reserve Officers' Training Corps program developed pursuant to 10 U.S.C. § 2031. A person who meets the requirements of this paragraph and who teaches pupils in the Junior Reserve Officers' Training Corps program is exempt from the:

- (1) Provisions of subsection ~~[4:]~~ 5; and
- (2) Provisions of NAC 391.036.

~~[4:]~~ 5. Except as otherwise provided in paragraph (b) of subsection ~~[3]~~ 4 and subsections ~~[5:]~~ 6 ~~[and 7:]~~ to 9, *inclusive*, a person who desires to renew for the first time an endorsement issued pursuant to this section must provide proof that he or she has received, from a regionally accredited postsecondary institution or an approved program in professional development for educators, credit for 12 semester hours or the equivalent number of hours of professional development as follows:

- (a) Three semester hours or the equivalent number of hours of professional development in curriculum and instruction for career and technical education or secondary education;
- (b) Three semester hours or the equivalent number of hours of professional development in a course involving teaching methodology for career and technical education or secondary education;
- (c) Three semester hours or the equivalent number of hours of professional development in a course on career development and work-based learning; and
- (d) Three semester hours or the equivalent number of hours of professional development in a course on career and technical student organization and management.

~~[5:]~~ 6. A person who holds a master's degree or higher degree from a regionally accredited college or university in his or her area of endorsement is exempt from the requirements of paragraphs (c) and (d) of subsection ~~[4:]~~

~~6.] 5.~~

7. A person who adds an additional business and industry endorsement to an existing license pursuant to subsection 2 is exempt from the requirements of subsection 5 for the additional endorsement.

8. A person who desires to renew for the first time a business and industry endorsement for ethnic music issued pursuant to this section is exempt from the requirements of subsection ~~4] 5~~ if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or music methodology, or both; and

(b) Nine semester hours in the subject area of music.

~~7.] 9.~~ A person who desires to renew for the first time a business and industry endorsement for ethnic dance issued pursuant to this section is exempt from the requirements of subsection ~~4] 5~~ if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or dance methodology, or both; and

(b) Nine semester hours in the subject area of dance.