

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

**LCB File No. R028-21**

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

AUTHORITY: §1, NRS 391.019.

A REGULATION relating to professional standards in education; requiring certain schools to provide training to an emergency substitute teacher; exempting an emergency substitute teacher from certain restrictions related to licensing and employment; 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. (Chapter 391 of NRS) Existing regulations provide that a person who holds or has held a special license as an emergency substitute teacher may apply for such a license not more than two times after the expiration of the original license as an emergency substitute teacher, and that the Superintendent of Public Instruction of the Department of Education may authorize a person to apply for such a license more than two times after the expiration of that person’s original special license if the school district or charter school that employs the applicant makes a request in writing. Existing regulations provide that, except in an emergency, a school district or charter school cannot allow a person solely holding a special license as an emergency substitute teacher to serve as a teacher. Existing regulations also provide that a person may not serve as a teacher in one classroom for more than five days in any 20-day period if he or she is employed as an emergency substitute teacher at (1) a school district whose enrollment is less than 9,000 pupils or a charter school located within the geographic boundaries of such a school district; (2) a school located in a rural area of a school district whose enrollment is 9,000 pupils or more; or (3) a charter school located in a rural area of a school district whose enrollment is 9,000 pupils or more. (NAC 391.0896)

This regulation provides that, during a state of emergency proclaimed by the Governor or by resolution of the Legislature, a school district whose enrollment is 9,000 pupils or more or a charter school located within the geographic boundaries of such a school district may hire an emergency substitute teacher, and the Superintendent of Public Instruction may, without the written request of the school district or charter school that employs the applicant, grant an application for a special license as an emergency substitute teacher to an individual who has applied for such a license more than two times after the expiration of his or her original special license. This regulation provides that an emergency substitute teacher hired during a state of emergency may remain employed as such a teacher through the end of the school year that is in session at the time the state of emergency is terminated. This regulation also provides that a

school district or charter school employing an emergency substitute teacher must, before that person serves as a teacher in a classroom, provide that person with certain training.

**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~~ 9 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.

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. 2.** NAC 391.0896 is hereby amended to read as follows:

391.0896 1. To receive a special license as an emergency substitute teacher, a person must earn a high school diploma or its equivalent.

2. A special license as an emergency substitute teacher is valid for 1 year after the date of issuance.

3. Except as otherwise provided in this subsection ~~H~~ *and subsection 11*, a person who holds or has held a special license as an emergency substitute teacher may apply for such a special license not more than two times after the expiration of his or her original special license as an emergency substitute teacher. The Superintendent of Public Instruction may authorize such

a person to apply for a special license as an emergency substitute teacher more than two times after the expiration of his or her original special license as an emergency substitute teacher at the written request of the school district or charter school that employs the applicant.

4. A school district whose enrollment is less than 9,000 pupils or a charter school located within the geographic boundaries of such a school district may, in an emergency, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed.

5. Upon the written request of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the school district to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in a school that is located in a rural area of the school district.

6. Upon the written request of a charter school located in a rural area within the geographic boundaries of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the charter school to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in the charter school.

7. *A school district or charter school employing a person pursuant to subsection 4, 5 or 6 must, before that person serves as a teacher in a classroom, provide that person with training including, without limitation, not less than one hour of training in classroom management and behavior management.*

8. *Except as otherwise provided in subsection 12, a ~~HA~~ person employed pursuant to subsection 4, 5 or 6 may not serve as a teacher in one classroom for more than 5 days in any 20-day period. Except in an emergency, a school district or charter school shall not allow a person solely holding a special license as an emergency substitute teacher to serve as a teacher.*

~~18.1~~ **9.** An applicant for a special license as an emergency substitute teacher is exempt from the provisions of:

- (a) NAC 391.036; and
- (b) NAC 391.065.

~~19.1~~ **10.** As used in this section, “in an emergency” means the occurrence of an unforeseen circumstance which requires immediate action, including any period during which a licensed teacher or substitute teacher, other than an emergency substitute teacher, is not immediately available.

*11. During a state of emergency declared pursuant to NRS 414.070:*

*(a) The provisions of subsections 5 and 6 notwithstanding, a school district whose enrollment is 9,000 pupils or more or a charter school located within the geographic boundaries of such a school district may hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12; and*

*(b) The Superintendent of Public Instruction may grant an application for a special license as an emergency substitute teacher to an individual who would normally be ineligible for such a license pursuant to subsection 3.*

*12. An emergency substitute teacher hired pursuant to subsection 11 may remain employed as an emergency substitute teacher through the end of the school year in session at the time the state of emergency is terminated.*