

SECRETARY OF STATE  
FILING DATA

FILED.NV.SOS  
2020 JUN 18 AM 11:32

**Form For Filing  
Administrative Regulations**

**Agency**

Department of Education

FOR EMERGENCY  
REGULATIONS ONLY

Effective Date: 06-22-2020

Expiration Date: 10-20-2020

**Classification:**       Proposed       Adopted By Agency       Emergency

**Brief description of action** The Nevada Department of Education is submitting the proposed emergency regulation changes to NAC 391.056, NAC 391.057, NAC 391.0575, and NAC 391.077 to allow the Superintendent of Public Instruction to issue testing provisions on alternative licenses and to extend license expiration dates for up to twelve months due to the COVID-19 Pandemic.

**Authority citation other than 233B** NRS 391

**Notice Date** N/A

**Date of Adoption by Agency**

**Hearing Date** N/A

N/A

Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



Southern Nevada Office  
2080 East Flamingo Rd,  
Suite 210  
Las Vegas, Nevada 89119-0811  
Phone: (702) 486-6458  
Fax: (702) 486-6450

**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
700 E. Fifth Street | Carson City, Nevada 89701-5096  
Phone: (775) 687-9200 | [www.doe.nv.gov](http://www.doe.nv.gov) | Fax: (775) 687-9101

June 16, 2020

**Statement of Emergency**

**Regulations Allowing the Superintendent of Public Instruction  
to Issue Testing Provisions on Alternative Licenses and to Extend License Expiration Dates for Up  
to Twelve Months**

Nevada has, for the last several years, experienced a chronic shortage of educators, which traditionally has been felt most severely at the beginning of each school year. On March 12, 2020, the Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic. The COVID-19 pandemic has closed schools, businesses and places of public gathering across the country. Included among the numerous national and statewide closures were testing centers that allowed prospective Nevada educators to demonstrate proficiency and meet regulatory prerequisites to licensure. Nevada's Praxis testing vendor for educators, ETS, closed all Nevada testing centers in March. ETS initiated at-home administration of several examinations on May 15, however, many exams are not being administered under this model making it impossible for prospective educators to meet existing licensing requirements. COVID-19 has also created a number of other logistical issues for educators trying to meet the requirements for renewal of their educator licenses or for removal of provisions on existing licenses. These include difficulties or delays in completing coursework required for renewal or for removal of license provisions, and delays in processing background checks required for licensure. These disruptions will adversely impact both Nevada school districts and individual licensed educators in ways which will likely result in further shortages of available licensed educators at the start of the upcoming 2020-2021 school year if not addressed.

The Department has identified two areas in which immediate regulation changes will have the greatest positive impact on this situation.

NAC 391.077 currently allows for the extension of an educator's license for up to six months from the date of expiration under certain circumstances. While Emergency Directive 9, subsection 3 also extended educator licenses for up to ninety days from the end of the emergency, many educators have been prevented from meeting certain coursework or other requirements, which require a longer extension. The Department proposes to change this to allow for an extension of up to 12 months and to allow multiple extensions if necessary. With over 4700 educators' licenses due to expire during the upcoming 4 months, this will eliminate concerns that school districts may not be able to hire a significant number of teachers who have been unable to renew their licenses because of the impact of COVID-19.

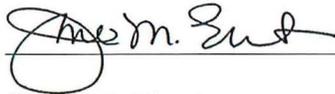
NAC 391.057 currently does not permit the Superintendent of Public Instruction to issue a Conditional License to an otherwise qualified candidate who has not successfully passed competency tests administered by ETS. The limited availability of Praxis testing as described above could result in approximately 500 candidates who are enrolled in Alternative Route to Licensure programs being unable to obtain a license prior to the start of the school year. This loss of new educators who, but for the COVID-19 pandemic, would have been in a position to

qualify for a Conditional License prior to the 2020-2021 school year will further adversely affect the pool of available qualified educators. The Department proposes to amend this regulation to allow for issuance of Conditional Licenses with a provision for competency testing pursuant to NAC 391.056, so that districts would be able to hire, and students would be able to be served by, these otherwise qualified individuals in a timely manner.

Due to the urgency of Nevada's educator shortage and the need to place qualified teachers in front of as many students as possible at the start of the upcoming school year, an emergency exists to promulgate emergency regulations that will mitigate the adverse impact of the factors described above. This will allow the Superintendent of Public Instruction to take the necessary steps to most effectively serve Nevada's students at the start of the 2020-2021 school year.

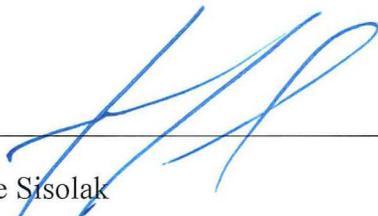
Therefore, for the above reasons, I respectfully request that the Governor of the State of Nevada endorse this Statement of Emergency allowing the Superintendent of Public Instruction to extend expiring licenses, and to issue Alternative Route licenses provisionally.

Requested:



Jhone M. Ebert  
Superintendent of Public Instruction

Endorsed:

  
\_\_\_\_\_  
Steve Sisolak  
Governor

**NAC 391.056 Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements.** ([NRS 391.019](#), [391.032](#))

1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to [NAC 391.045](#) or a *provisional nonrenewable conditional license to an applicant applying for a license pursuant to NAC 391.057*. Except as otherwise provided in subsection 2, ~~such~~ license is valid for:

(a) One year, if the applicant otherwise meets the requirements for a license pursuant to [NAC 391.045](#), but:

(1) Except as otherwise provided in paragraph (c) a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher; or

(2) If the applicant is applying for a school counseling endorsement pursuant to NAC 391.185 lacks confirmation from a college that the applicant has completed a school counseling practicum or internship, but:

(I) Has completed all necessary course-work requirements for the school counseling endorsement;

(II) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his or her application for licensure; and

(III) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

(b) Two years, *if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045 or 391.057 and* ~~if~~ the applicant has not passed the tests required by [NAC 391.036](#) and is not exempt from taking such tests; or

(c) Three years, *if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, and* ~~if~~ the applicant has not completed the course required by paragraph (b) of subsection 1 of [NAC 391.045](#).

2. If each provision is removed on or before the date on which a license issued pursuant to this section is set to expire pursuant to subsection 1, the license expires 3 years after the date on which the license was issued.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

**NAC 391.057 Conditional licensure: Qualifications; authorized employment; term of validity; automatic revocation.** ([NRS 391.019](#), [391.021](#), [391.032](#))

1. The Superintendent of Public Instruction shall issue a conditional license to teach elementary education, a conditional license to teach pupils in a program of early childhood education, a conditional license to teach secondary education, a conditional license to teach pupils in prekindergarten through grade 12 in a specific area described in subsection 1 of [NAC 391.0573](#) or a conditional license to teach special education to pupils in prekindergarten through grade 12 in a category described in subsection 2 of [NAC 391.0573](#) to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

(a) Holds a bachelor's degree from a postsecondary institution that is regionally accredited;

(b) Passed the competency test in basic reading, writing and mathematics that is required by [NAC 391.036](#) or is eligible for an exemption from that test;

(c) Has been accepted by a qualified provider for enrollment in a program for an alternative route to licensure; and

(d) Complies with the instructional and training policies and procedures of the qualified provider.

2. In addition to the requirements of subsection 1, an applicant for a conditional license to teach secondary education or to teach pupils in prekindergarten through grade 12 in a specific area described in subsection 1 of [NAC 391.0573](#), other than an applicant to teach pupils special education in a category described in subsection 2 of [NAC 391.0573](#), must:

(a) Hold a major or minor in the applicant's desired area of licensure; or

(b) Pass a competency test required by the Commission in the subject matter of the area for which the applicant is seeking a conditional license or provide to the Department proof that he or she is eligible for an exemption from that test.

3. A conditional license issued pursuant to this section:

(a) Authorizes the holder of the license to teach in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Becomes valid on the date on which the holder of the license satisfies all the requirements of subsection 1 and, if applicable, the requirements of subsection 2;

(c) Except as otherwise provided in subsection 4, is valid for not more than 3 years; and

(d) Is not renewable; and

(e) May be converted to an initial license after the completion of at least 2 full school years if the licensee has:

(1) Received at least one evaluation rating designating his or her overall performance as highly effective or effective during each such school year; and

(2) Completed all academic requirements prescribed by this chapter for the issuance of an initial license.

4. ***A conditional license may be issued provisionally pursuant to the provisions of NAC 391.056 prior to the completion of the competency testing required by paragraphs 1(b) and 2(b).***

5. If the holder of a conditional license issued pursuant to this section withdraws from or is no longer enrolled in a program for an alternative route to licensure, the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Teacher Licensure Office of the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled in the program and the reason that the holder withdrew or ceased to be enrolled. The conditional license of the holder automatically becomes invalid immediately upon the receipt of such notification by the Teacher Licensure Office.

6. The holder of a conditional license that has become invalid pursuant to subsection 4 may apply to the Teacher Licensure Office of the Department for the reinstatement of his or her license before the expiration date of the license if he or she:

(a) Has not previously applied for the reinstatement of the license after the date on which the license became invalid;

(b) Is accepted by another program for an alternative route to licensure offered by a qualified provider; and

(c) Pays the fee required by NAC 391.045.

**NAC 391.0575 Conditional licensure: Requirements to apply for initial license to teach secondary education or to teach pupils in prekindergarten through grade 12 in specific area.** ([NRS 391.019](#), [391.021](#), [391.032](#)) A person who is issued a conditional license pursuant to [NAC 391.057](#) may apply for an initial license to teach secondary education or to teach pupils in prekindergarten through grade 12 in a specific area listed in subsection 1 of [NAC 391.0573](#), as applicable, if the applicant:

1. Successfully completes at least 18 semester credits of course work in pedagogy provided by a qualified provider for a program for an alternative route to licensure, consisting of at least:
  - (a) Three semester credits in a course of study regarding classroom management, which may include, without limitation, instruction concerning adolescent growth and development;
  - (b) Three semester credits in a course of study regarding English as a second language, which may include, without limitation, instruction concerning methods and materials for teaching English as a second language, theories for the acquisition of a second language, testing and evaluation of pupils studying English as a second language and developing a curriculum for pupils studying English as a second language;
  - (c) Three semester credits in a course of study regarding curriculum and instruction, which may include, without limitation, multicultural education and instruction concerning the use of technology in education, methods for teaching the integration of technology in secondary education, pedagogy and the teaching of literacy and language arts;
  - (d) Three semester credits in a course of study regarding assessment, which may include, without limitation, instruction concerning educational psychology and tests and measurement;
  - (e) Three semester credits in a course of study regarding education or curricular adaptation for pupils with disabilities; and
  - (f) Three semester credits in the methods and materials:
    - (1) For teaching in the applicant's desired area of licensure at the secondary grade level; or
    - (2) For teaching pupils in prekindergarten through grade 12 in a specific area listed in subsection 1 of [NAC 391.0573](#);
2. Submits proof satisfactory to the Superintendent of Public Instruction that the applicant ~~passed~~ **has:**
  - (a) Passed** the competency test in basic reading, writing and mathematics that is required by [NAC 391.036](#) or is eligible for an exemption from that test; and
  - (b) Passed the competency test in the subject matter of the area for which the applicant is seeking an initial license pursuant to NAC 391.057 or is eligible for an exemption from that test; and**
3. Pays the required fee pursuant to [NAC 391.045](#).

**NAC 391.077 Extension of time prescribed for renewal of license or for validity of provisional license; time for filing request for extension; period of validity.** ([NRS 391.019](#), [391.023](#), [391.032](#))

1. The Superintendent of Public Instruction may extend the time prescribed for renewal of a license or for the validity of a provisional license if:
  - (a) The licensee provides proof that a course or test required for renewal of his or her license or removal of the provision under which his or her provisional license was issued was not available during the time his or her license was valid.
  - (b) The licensee provides proof that:
    - (1) The licensee was issued the provisional license while residing outside of this State; and
    - (2) The test required for removal of the provision under which his or her provisional license was issued was not available to the licensee during the time his or her license was valid because the licensee was residing outside of this State on the date when the test was offered.

(c) The Department's file relating to the licensee contains adequate documentation that the licensee was misinformed about the requirements necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(d) The licensee took the wrong test or course necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(e) The licensee provides written proof from a representative of a religious denomination, sect or organization that a course or test necessary to renew his or her license or remove a provision under which his or her provisional license was issued was offered only during a time which conflicted with the religious beliefs of the licensee.

(f) The unemployment of the licensee or personal medical expenses incurred by the licensee which were not covered under a plan of health insurance caused financial debts in excess of the personal income of the licensee and prevented the licensee from complying with the financial requirements for renewal of the license or removal of the provision under which his or her provisional license was issued.

(g) The licensee suffered a medical condition which prevented the licensee from satisfying the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the licensee provides written proof:

(1) From a licensed physician that the licensee suffered from such a medical condition, including the duration of the medical condition; and

(2) Of the number of days the licensee worked during the time that his or her license was valid.

(h) The licensee suffered mental anxiety caused by a physical or mental condition which prevented the licensee from passing the test or course required for renewal of his or her license or removal of the provision under which his or her provisional license was issued. The licensee must provide written proof from a licensed physician that the licensee suffered such mental anxiety.

(i) A medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the Superintendent of Public Instruction determines that the medical condition or administrative problem is adequate to justify the extension. Such an administrative problem may include, without limitation, the inability by the Central Repository for Nevada Records of Criminal History to process the fingerprints of the licensee.

(j) The provisional license of the licensee expires during a school year and the removal of the licensee from his or her position of employment would have a detrimental effect on the pupils who are taught by the licensee, as determined by the Superintendent of Public Instruction. If an extension is granted pursuant to this paragraph, the extension expires on the last school day of the academic term for which the extension was granted or the time period prescribed in subsection 3, whichever occurs first.

2. A request for an extension pursuant to subsection 1 must be received by the Superintendent of Public Instruction at least 30 calendar days before the expiration of the license or provisional license. If such a request is received less than 30 calendar days before the expiration of the license or provisional license, the licensee is not guaranteed a decision on the request before the license becomes invalid or expires. A request for an extension which is postmarked or received after the date of expiration of the license or provisional license will not be considered by the Superintendent of Public Instruction.

3. The Superintendent of Public Instruction may grant an extension pursuant to subsection 1 for a period of not more than ~~{6}~~ 12 months after the date on which a license or provisional license is set to expire. ~~[In no case may the Superintendent of Public Instruction grant more than one extension during the same period of licensure.]~~

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS  
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

June 16, 2020

The following statement is submitted for adopted amendments to Chapters 391 of the Nevada Administrative Code (NAC):

**1. A clear and concise explanation of the need for the adopted regulation**

On March 12, 2020, the Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

The COVID-19 pandemic has closed schools, businesses and places of public gathering across the country. Included among the numerous national and statewide closures were testing centers that allowed prospective Nevada educators to demonstrate proficiency and meet regulatory prerequisites to licensure. Nevada's Praxis testing vendor for educators, ETS, closed all Nevada testing centers in March.

ETS initiated at-home administration of several examinations on May 15, however, many exams are not being administered under this model making it impossible for prospective educators to meet existing licensing requirements. COVID-19 has also created a number of other logistical issues for educators trying to meet the requirements for renewal of their educator licenses or for removal of provisions on existing licenses.

These include difficulties or delays in completing coursework required for renewal or for removal of license provisions, and delays in processing background checks required for licensure. These disruptions will adversely impact both Nevada school districts and individual licensed educators in ways which will likely result in further shortages of available licensed educators at the start of the upcoming 2020-2021 school year if not addressed.

**2. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**Business:**

**a. Both adverse and beneficial effects; and**

Adverse: The Department does not foresee any adverse economic impact on businesses.

Beneficial: The Department does not foresee any economic benefit to businesses.

**b. Both immediate and long-term effects.**

Same as above.

**Public:**

**a. Both adverse and beneficial effects; and**

Adverse: The Department does not foresee any adverse economic impact on the public.

Beneficial: The Department does not foresee any economic benefit to the public.

**b. Both immediate and long-term effects.**

Same as above.

**3. The estimated cost to the agency for enforcement of the proposed regulation.**

There is no additional cost to the Department of Education for the enforcement of the proposed regulation.

**4. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal government agency regulations which are duplicated or overlapped by the proposed regulations.

**5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are provisions within this regulation change which are more stringent than the federal regulations.

**6. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The various proposed regulation changes do not provide new or increase any existing fees.