

SENATE BILL NO. 315—SENATOR KIECKHEFER

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—Authorizes the board of trustees of a school district to allow a person with certain qualifications to teach a particular course for a provisional time without licensure. (BDR 34-819)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to educational personnel; authorizing the board of trustees of a school district to allow certain persons to teach a course within the public schools of the school district for a provisional time without a license to teach issued by the Superintendent of Public Instruction; requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Superintendent of Public Instruction issues licenses to
2 teach to applicants who satisfy the qualifications prescribed by the Commission on
3 Professional Standards in Education and who satisfy certain other qualifications.
4 (NRS 391.019, 391.033) Also under existing law, an applicant for employment
5 with a school district must, as a condition to employment, submit a complete set of
6 his or her fingerprints for purposes of a criminal background investigation of the
7 applicant. (NRS 391.100) **Section 1** of this bill authorizes the board of trustees of a
8 school district to, notwithstanding any other statute or regulation to the contrary,
9 authorize a person to teach a particular course within the public schools of
10 the school district for a provisional time without a license to teach issued by the
11 Superintendent of Public Instruction if the board of trustees determines that the
12 person has the necessary professional qualifications and experience to teach that
13 course. Before such a person begins teaching, he or she must comply with the
14 requirements for a criminal background investigation as required by other
15 employees of the school district.



* S B 3 1 5 *

Existing law requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel in this State. The regulations govern the issuance of a regular license and a special qualifications license. (NRS 391.019) **Section 2** of this bill requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure and sets forth certain requirements that must be specified in those regulations, including: (1) that the required education and training may be provided by any qualified provider which has been approved by the Commission, including institutions of higher education and other providers that operate independently of an institution of higher education; (2) that the education and training required under the alternative route to licensure may be completed in 2 years or less; and (3) that, upon completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, the person must be issued a regular license.

Under existing law, the Commission is required to adopt regulations providing for the reciprocal licensure of educational personnel from other states. (NRS 391.032) **Section 5** of this bill requires the regulations governing reciprocal licensure to include reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

1. Notwithstanding the provisions of this Title or any other provision of statute or regulation to the contrary, the board of trustees of a school district may authorize a person who does not hold a license issued by the Superintendent of Public Instruction pursuant to this chapter to teach a particular course within the public schools of the school district for a provisional time if the board of trustees determines that the person has the necessary professional qualifications and experience to teach that course.

2. Before a person begins teaching a course pursuant to subsection 1:

(a) The person must comply with the requirements of subsection 5 of NRS 391.100; and

(b) The board of trustees of the school district must review the criminal history of the person from the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation and determine that:

(1) The person has not been convicted of a felony or any offense involving moral turpitude; or

(2) In the discretion of the board of trustees, any conviction indicated in the reports on the criminal history of the person is unrelated to the position in which he or she will be employed.



* S B 3 1 5 *

1 3. *If the board of trustees of a school district authorizes a*
2 *person to teach a course pursuant to this section, the board of*
3 *trustees shall fix the compensation and benefits of the person, if*
4 *any, which must be fixed outside the scope of the provisions of*
5 *chapter 288 of NRS.*

6 **Sec. 2.** NRS 391.019 is hereby amended to read as follows:

7 391.019 1. Except as otherwise provided in NRS 391.027,
8 the Commission ~~is~~

9 ~~—(a) Shall~~ *shall* adopt regulations:

10 ~~[(1)]~~ *(a) Prescribing the qualifications for licensing teachers*
11 *and other educational personnel, including, without limitation, the*
12 *qualifications for a license to teach middle school or junior high*
13 *school education, and the procedures for the issuance and renewal of*
14 *those licenses. The regulations ~~must~~:*

15 *(1) Must include, without limitation, the qualifications for*
16 *licensing teachers and administrators pursuant to an alternative*
17 *route to licensure which provides that the required education and*
18 *training may be provided by any qualified provider which has been*
19 *approved by the Commission, including, without limitation,*
20 *institutions of higher education and other providers that operate*
21 *independently of an institution of higher education. The*
22 *regulations adopted pursuant to this subparagraph must:*

23 *(I) Establish the requirements for approval as a*
24 *qualified provider;*

25 *(II) Require a qualified provider to be selective in its*
26 *acceptance of students;*

27 *(III) Require a qualified provider to provide supervised,*
28 *school-based experiences and ongoing support for its students,*
29 *such as mentoring and coaching;*

30 *(IV) Significantly limit the amount of course work*
31 *required or provide for the waiver of required course work for*
32 *students who achieve certain scores on tests;*

33 *(V) Allow for the completion in 2 years or less of the*
34 *education and training required under the alternative route to*
35 *licensure; and*

36 *(VI) Upon the completion by a person of the education*
37 *and training required under the alternative route to licensure and*
38 *the satisfaction of all other requirements for licensure, provide for*
39 *the issuance of a regular license to the person pursuant to the*
40 *provisions of this chapter and the regulations adopted pursuant to*
41 *this chapter.*

42 **(2) Must** not prescribe qualifications which are more
43 stringent than the qualifications set forth in NRS 391.0315 for a
44 licensed teacher who applies for an additional license in accordance
45 with that section.



~~[(2)]~~ (b) Identifying fields of specialization in teaching which require the specialized training of teachers.

~~[(3)]~~ (c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

~~[(4)]~~ (d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

~~[(5)]~~ (e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

~~[(6)]~~ (f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

~~[(f)]~~ (1) Provide instruction or other educational services; and

~~[(H)]~~ (2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

~~[(7)]~~ (g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

~~[(H)]~~ (1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

~~[(H)]~~ (2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➔ An applicant for licensure pursuant to this ~~[subparagraph]~~ **paragraph** who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

~~[(8)]~~ (h) Requiring an applicant for a special qualifications license to:

~~[(H)]~~ (1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or



~~[(H)]~~ (2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

~~[(9)]~~ (i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

~~[(10)]~~ (j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

~~[(A)]~~ (1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

~~[(H)]~~ (2) Is not licensed to teach public school in another state;

~~[(H)]~~ (3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

~~[(IV)]~~ (4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➔ An applicant for licensure pursuant to this ~~[subparagraph]~~ *paragraph* is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

~~[(b) May]~~

2. *Except as otherwise provided in NRS 391.027, the Commission may* adopt such other regulations as it deems necessary for its own government or to carry out its duties.

~~[(2)]~~ 3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.



* S B 3 1 5 *

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

~~[3-]~~ 4. A person who is licensed pursuant to ~~[subparagraph (7) or (10)]~~ paragraph ~~[(a)]~~ (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in ~~[subparagraph (10)]~~ paragraph ~~[(a)]~~ (j) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

➔ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

Sec. 4. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.



3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to ~~subparagraph (7) or (10) of~~ paragraph ~~[(a)] (g) or (j)~~ of subsection 1 of NRS 391.019.

Sec. 5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states ~~[(a)]~~, *including, without limitation, the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure similar to the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.*

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

Sec. 6. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.



(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph ~~[(7) or (10)]~~ (1) of paragraph (a) *or paragraph (g) or (j)* of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 7. The Commission on Professional Standards in Education shall, on or before December 31, 2011, adopt the regulations required by the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019, as amended by section 2 of this act, and the regulations required by the provisions of NRS 391.032, as amended by section 5 of this act.

Sec. 8. This act becomes effective on July 1, 2011.

