

Amendment No. 287

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| Senate Amendment to Senate Bill No. 296 | (BDR 34-607) |
| Proposed by: Senate Committee on Education | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | | | Initial and Date | SENATE ACTION | | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SENATE BILL NO. 296—SENATOR HAMMOND

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Provides for the issuance of a license by endorsement to certain teachers who have a license or equivalent issued in another country. (BDR 34-607)

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

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

AN ACT relating to education; providing for the issuance of a license by endorsement to teach to certain applicants who have an equivalent license or authorization issued in another country; authorizing the Superintendent of Public Instruction to enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers; 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 and other educational personnel. (NRS 391.019) **Section 1** of this bill requires the Commission to adopt regulations that authorize the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed for an applicant for a state license. ~~{Section 3 of this bill requires the fee for the issuance of such a license by endorsement to be in an amount that is less than the fee for the initial issuance of a license.}~~ **Section 2** of this bill authorizes the Superintendent to enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

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

Section 1. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

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

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

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

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

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

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

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the 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, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

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

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

(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, including, without limitation, an endorsement to teach English as a second language.

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

(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.

(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:

(1) Provide instruction or other educational services; and

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

(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:

(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

(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 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.

(h) Requiring an applicant for a special qualifications license to:

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

(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.

(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.

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

(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;

(2) Is not licensed to teach public school in another state;

(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

(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 paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(l) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(m) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization

1 *issued by a governmental entity in another country if the Superintendent*
2 *determines that the qualifications for the equivalent license or authorization are*
3 *substantially similar to those prescribed pursuant to paragraph (a).*

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

7 3. Any regulation which increases the amount of education, training or
8 experience required for licensing:

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

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

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

16 4. A person who is licensed pursuant to paragraph (g) , ~~(h)~~ (j) *or (m)* of
17 subsection 1:

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

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

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

26 **Sec. 2.** NRS 391.033 is hereby amended to read as follows:

27 391.033 1. All licenses for teachers and other educational personnel are
28 granted by the Superintendent of Public Instruction pursuant to regulations adopted
29 by the Commission and as otherwise provided by law.

30 2. An application for the issuance of a license must include the social security
31 number of the applicant.

32 3. Every applicant for a license must submit with his or her application:

33 (a) A complete set of his or her fingerprints and written permission authorizing
34 the Superintendent to forward the fingerprints to the Central Repository for Nevada
35 Records of Criminal History for its initial report on the criminal history of the
36 applicant and for reports thereafter upon renewal of the license pursuant to
37 subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of
38 Investigation for its report on the criminal history of the applicant; and

39 (b) Written authorization for the Superintendent to obtain any information
40 concerning the applicant that may be available from the Statewide Central Registry
41 and any equivalent registry maintained by a governmental entity in a jurisdiction in
42 which the applicant has resided within the immediately preceding 5 years.

43 4. In conducting an investigation into the background of an applicant for a
44 license, the Superintendent may cooperate with any appropriate law enforcement
45 agency to obtain information relating to the criminal history of the applicant,
46 including, without limitation, any record of warrants for the arrest of or applications
47 for protective orders against the applicant.

48 5. The Superintendent may issue a provisional license pending receipt of the
49 reports of the Federal Bureau of Investigation and the Central Repository for
50 Nevada Records of Criminal History if the Superintendent determines that the
51 applicant is otherwise qualified.

52 6. Except as otherwise provided in subsection 7, a license must be issued to,
53 or renewed for, as applicable, an applicant if:

1 (a) The Superintendent determines that the applicant is qualified;
2 (b) The information obtained by the Superintendent pursuant to subsections 3
3 and 4:

4 (1) Does not indicate that the applicant has been convicted of a felony or
5 any offense involving moral turpitude; or

6 (2) Indicates that the applicant has been convicted of a felony or an offense
7 involving moral turpitude but the Superintendent determines that the conviction is
8 unrelated to the position within the county school district or charter school for
9 which the applicant applied or for which he or she is currently employed, as
10 applicable; and

11 (c) For initial licensure, the applicant submits the statement required pursuant
12 to NRS 391.034.

13 7. The Superintendent may deny an application for a license pursuant to this
14 section if a report on the criminal history of the applicant from the Federal Bureau
15 of Investigation or the Central Repository for Nevada Records of Criminal History
16 indicates that the applicant has been arrested for or charged with a sexual offense
17 involving a minor or pupil, including, without limitation, any attempt, solicitation
18 or conspiracy to commit such an offense.

19 8. The Superintendent or his or her designee may deny the application for a
20 license after providing written notice of his or her intent to deny the application to
21 the applicant and providing an opportunity for the applicant to have a hearing.

22 9. To request a hearing pursuant to subsection 8, an applicant must submit a
23 written request to the Superintendent within 15 days after receipt of the notice by
24 the applicant. Such a hearing must be conducted in accordance with regulations
25 adopted by the State Board. If no request for a hearing is filed within that time, the
26 Superintendent may deny the license.

27 10. If the Superintendent denies an application for a license pursuant to this
28 section, the Superintendent must, within 15 days after the date on which the
29 application is denied, provide notice of the denial to the school district or charter
30 school that employs the applicant if the applicant is employed by a school district or
31 charter school. Such a notice must not state the reasons for denial.

32 11. The Department shall:

33 (a) Maintain a list of the names of persons whose applications for a license are
34 denied due to conviction of a sexual offense involving a minor;

35 (b) Update the list maintained pursuant to paragraph (a) monthly; and

36 (c) Provide this list to the board of trustees of a school district or the governing
37 body of a charter school upon request.

38 12. The Superintendent shall forward all information obtained from an
39 investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees
40 of a school district, the governing body of a charter school or university school for
41 profoundly gifted pupils or the administrator of a private school where the applicant
42 is employed or seeking employment. The board of trustees, governing body or
43 administrator, as applicable, may use a substantiated report of the abuse or neglect
44 of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560,
45 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent
46 registry maintained by a governmental agency in another jurisdiction:

47 (a) In making determinations concerning assignments, requiring retraining,
48 imposing discipline, hiring or termination; and

49 (b) In any proceedings to which the report is relevant, including, without
50 limitation, an action for trespass or a restraining order.

51 13. The Superintendent, the board of trustees of a school district, the
52 governing body of a charter school or university school for profoundly gifted pupils
53 or the administrator of a private school may not be held liable for damages resulting

1 from any action of the Superintendent, board of trustees, governing body or
2 administrator, as applicable, authorized by subsection 4 or 12.

3 14. *The Superintendent may enter into reciprocal agreements with*
4 *appropriate officials of other countries concerning the licensing of teachers.*

5 15. As used in this section, "sexual offense" has the meaning ascribed to it in
6 NRS 179D.097.

7 **Sec. 3.** ~~NRS 391.040 is hereby amended to read as follows:~~

8 ~~391.040 1. The Commission shall fix fees of not less than \$100 for the:~~

9 ~~(a) Initial issuance of a license, which must include the fees for processing the~~
10 ~~fingerprints of the applicant by the Central Repository for Nevada Records of~~
11 ~~Criminal History and the Federal Bureau of Investigation; and~~

12 ~~(b) Renewal of a license, which must include the fees for processing the~~
13 ~~fingerprints of the applicant for renewal by the Central Repository for Nevada~~
14 ~~Records of Criminal History and the Federal Bureau of Investigation;~~

15 ~~2. The fee for issuing a duplicate license is the same as for issuing the~~
16 ~~original.~~

17 ~~3. The portion of each fee which represents the amount charged by the~~
18 ~~Federal Bureau of Investigation for processing the fingerprints of the applicant~~
19 ~~must be deposited with the State Treasurer for credit to the appropriate account of~~
20 ~~the Department of Public Safety. The remaining portion of the money received~~
21 ~~from the fees must be deposited with the State Treasurer for credit to the~~
22 ~~appropriate account of the Department of Education.~~

23 ~~4. The Department of Education may waive any fee for the initial issuance of~~
24 ~~a license, the renewal of a license or the issuance of a duplicate license for an~~
25 ~~applicant or licensee who is a veteran of the Armed Forces of the United States, an~~
26 ~~applicant or licensee who is a member of the Armed Forces of the United States~~
27 ~~who is on active duty or an applicant or licensee who is the spouse of such a~~
28 ~~veteran or member of the Armed Forces of the United States.~~

29 ~~5. The fee for the issuance of a license by endorsement pursuant to~~
30 ~~paragraph (m) of subsection 1 of NRS 391.019 must be in an amount which is~~
31 ~~less than the fee for the initial issuance of a license prescribed pursuant to~~
32 ~~paragraph (a) of subsection 1.] (Deleted by amendment.)~~

33 **Sec. 4.** This act becomes effective on July 1, 2019.