BRIAN SANDOVAL
Governor

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Interim Superintendent of Public Instruction

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Statement of Emergency
Regulations Allowing the Superintendent of Public Instruction to Issue Provisional Teaching Licenses

Nevada public school systems are currently facing historic teacher shortages, with over 900 total vacancies as of October 2015. Nevada's largest school district had 698 of those vacancies, with 84 percent being at Title I schools. The Office of the Nevada Attorney General issued an opinion on May 13, 2014, based on then-existing federal law that the issuance of provisional teaching licenses by the Superintendent of Public Instruction may jeopardize Nevada's receipt of federal funding. Nevada ensured compliance with federal law by enacting regulations prohibiting the Superintendent from issuing provisional licenses.

On December 10, 2015, the President of the United States signed the Every Student Succeeds Act ("ESSA"), S 1177 into law. Title I, Part A, Section 1000(1) of the ESSA repealed 20 USC 6319(a) and Title VII, Part A, Section 8002 of the ESSA repealed 20 USC 7801(23), and removed Nevada's federal funding concerns. Now that federal law has been revised, Nevada has an opportunity to address its historic and urgent teacher shortage through the issuance of provisional licenses to otherwise qualified individuals who have not completed all of the requirements for full renewable certification.

Section .013 and Section .056 of Chapter 391 of the Nevada Administrative Code currently contain provisions consistent with the prior understanding of federal law. The proposed changes to these regulatory provisions would allow the Superintendent to grant one-year provisional licenses to individuals who have yet to meet one or more of the specific academic licensure requirements of NAC 391.056. This would allow many out-of-state and other individuals to begin teaching in Nevada and help attack the teacher shortage while they acquired the final Nevada licensure requirements such as: satisfy up-to a 6 credit deficiency in semester hours, complete student teaching, obtain passing scores on competency tests, take classes in the Nevada Constitution, Nevada school law, parental involvement and family engagement, or education of students with disabilities. The regulatory changes would not obligate the Superintendent to issue a license prior to the receipt of a report of criminal history from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History.

Section .0613 of Chapter 233B of the Nevada Revised Statutes allows an agency to propose regulations to be immediately adopted and effective upon it being filed in the Office of the Secretary of the State if the agency determines that an emergency exists and receives an endorsement by the Governor. Due to the volume of teacher vacancies and the need to place the most qualified teachers in front of students as quickly as possible, the agency has determined that an emergency exists to adopt regulations that would allow for the issuance of provisional licenses to teachers who can be hired and begin teaching immediately.

The Superintendent will also commence the process of enacting permanent regulations to allow the issuance of provisional licenses after the expiration of this emergency regulation.

Therefore, for the above reasons, I respectfully request the Governor of the State of Nevada endorse this Statement of Emergency allowing the Superintendent of Public Instruction to issue provisional teaching licenses.

Requested:

Steve Canavero
Interim Superintendent of Public Instruction

Endorsed:

Brian Sandoval
Governor

~~**NAC 391.013 Determination of "full state certification" for purposes of federal No Child Left Behind Act.** (NRS 391.019) The Commission determines that a person has obtained "full state certification" for purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), if the person satisfies all the requirements for the issuance of a renewable license to teach in this State, regardless of whether the person has:~~

~~1. Submitted his or her fingerprints pursuant to subsection 3 of NRS 391.033; or~~

~~2. Complied with the requirements prescribed by NRS 391.090.~~

~~(Added to NAC by Comm'n on Prof. Standards in Education by R099-03, 9-24-2003)~~

NAC 391.056 Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements; inapplicability to certain persons. (NRS 391.019, 391.032)

1. ~~Except as otherwise provided in subsection 4, t~~ *T*he Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but fails to meet one or more of the licensure requirements as described in subparagraphs (a) through (e):

(a) Has 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;

(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;

(c) Lacks confirmation from a college that the applicant has student teaching experience if he or she is applying for a teaching license, or that the applicant has completed a school counseling practicum or internship if he or she is applying for a school counseling endorsement, but:

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

(2) 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

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

(d) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(e) Has not completed the course required by paragraph (b) or (c) of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section becomes invalid ~~3~~ *1* year~~s~~ after the date on which the license is 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.

~~4. The Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c) or (d) of subsection 1 on or after July 1, 2010, to a person who is applying for:~~

~~(a) An elementary license pursuant to NAC 391.095;~~

~~(b) A special teaching license in music or art;~~

~~(c) A license to teach special education; or~~

~~(d) A secondary license with an endorsement in one or more of the following major or minor fields:~~

~~(1) Art.~~

~~(2) Biological science.~~

~~(3) Chemistry.~~

~~(4) English.~~
~~(5) French.~~
~~(6) General science.~~
~~(7) History.~~
~~(8) Mathematics.~~
~~(9) Music.~~
~~(10) Physical science.~~
~~(11) Reading.~~
~~(12) Social studies.~~
~~(13) Spanish.~~
~~(14) Speech and drama~~.

(Added to NAC by Comm'n on Prof. Standards in Education by R087-97, eff. 1-14-98; A by R087-97, 1-14-98, eff. 10-17-98; R210-01, 3-27-2002; R099-03, 9-24-2003; R057-03, 10-21-2003; R015-04, 5-7-2004; R003-05 & R006-05, 10-31-2005; R187-07, 4-17-2008; R086-09, 5-5-2011; R028-11, 10-26-2011; R127-11, 9-14-2012)