

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R110-18; A regulation relating to education; revising the educational requirements for renewing the licenses of teachers and other educational personnel; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other personnel. (NRS 391.019) Existing regulations require, as educational prerequisites for the renewal of a license that: (1) a licensee earn 6 semester hours of credit or the equivalent during the term of the license; (2) certain licensees earn at least 3 semester hours or the equivalent pertaining to teaching English as a second language or English language acquisition and development; and (3) certain licensees show evidence of professional growth in the area of endorsement. (NAC 391.065) **Section 1** of this regulation removes those requirements for all licenses issued on or after the effective date of this regulation, and **section 2** of this regulation removes corresponding language. **Section 1** instead requires a licensee to: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master's degree or more advanced degree, teach a course at a regionally accredited college or university; or (3) complete the requirements for accreditation by the National Board for Professional Teaching Standards or its successor organization. **Section 1** also authorizes a licensee who is unable to complete the required annual professional development, in-service training or course work to complete those requirements during the immediately following calendar year under certain circumstances. Finally, **section 1** provides that a licensee who holds a special license that is only endorsed for substitute teaching in kindergarten through grade 12 is exempt from the educational prerequisites for renewal of the license. **Section 3** of this regulation repeals a provision prescribing certain ways in which a

licensee may earn credits for renewal.

2. The Subjects and Issues involved in the regulation are those who would be seeking renewal of their educator's license.
3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R110-18

January 8, 2019

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

AUTHORITY: §§1-4, NRS 391.019.

A REGULATION relating to education; revising the educational requirements for renewing the licenses of teachers and other educational personnel; authorizing the Department of Education to request certain records; 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 personnel. (NRS 391.019) Existing regulations require, as educational prerequisites for the renewal of a license that: (1) a licensee earn 6 semester hours of credit or the equivalent during the term of the license; (2) certain licensees earn at least 3 semester hours or the equivalent pertaining to teaching English as a second language or English language acquisition and development; and (3) certain licensees show evidence of professional growth in the area of endorsement. (NAC 391.065) **Section 1** of this regulation removes those requirements for all licenses issued on or after the effective date of this regulation, and **section 2** of this regulation removes corresponding language. **Section 1** instead requires a licensee to: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master's degree or more advanced degree, teach a course at a regionally accredited college or university; or (3) complete the requirements for accreditation by the National Board for Professional Teaching Standards or its successor organization. **Section 1** also authorizes a licensee who is unable to complete the required annual professional development, in-service training or course work to complete those requirements during the immediately following calendar year under certain circumstances. Additionally, **section 1** provides that a licensee who holds a special license that is only endorsed for substitute teaching in kindergarten through grade 12 is exempt from the educational prerequisites for renewal of the license. Finally, **section 1** authorizes the Department of Education to request any records necessary to confirm that a licensee has completed the

required professional development. **Section 3** of this regulation repeals a provision prescribing certain ways in which a licensee may earn credits for renewal.

NEW FIRST
PARALLEL
SECTION

Section 1. NAC 391.065 is hereby amended to read as follows:

391.065 1. Except as otherwise provided in subsection ~~[2, the educational prerequisites for renewal of a license are as follows:~~

~~—(a) Except as otherwise provided in paragraph (b),]~~ *5, a license issued before the effective date of this regulation that is renewable may be renewed only one time after the effective date of this regulation if its holder earns 6 semester hours of credit or the equivalent during the term of the license. [For a license that is not a professional license pursuant to NAC 391.100 and is renewed on or after October 1, 2018, unless the holder has an endorsement to teach English as a second language or in English language acquisition and development issued by the Superintendent of Public Instruction, at least 3 semester hours of credit or the equivalent must pertain to teaching English as a second language or English language acquisition and development.*

~~—(b) The holder of a license issued on a specialist's or doctor's degree or a National Board Certification must show evidence of professional growth in the area of endorsement during the term of the license.]~~ *Except as otherwise provided in subsections 4 and 5, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.*

2. *Except as otherwise provided in subsections 1, 4 and 5, a license issued or renewed on or after the effective date of this regulation that is renewable may be renewed if the licensee submits to the Department with the request for renewal made pursuant to NAC 391.070 either:*

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, in accordance with subsection 3, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

3. The professional development, in-service training or course work completed to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection 2 must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

4. If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection 2 during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

5. The provisions of this section do not apply to the renewal of a ~~license~~ :

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.332.

6. The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

Sec. 2. NAC 391.065 is hereby amended to read as follows:

391.065 1. ~~{Except as otherwise provided in subsection 5, a license issued before the effective date of this regulation that is renewable may be renewed only one time after the effective date of this regulation if its holder earns 6 semester hours of credit or the equivalent during the term of the license. Except as otherwise provided in subsections 4 and 5, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.~~

~~—2.}~~ Except as otherwise provided in subsections ~~{1, 4}~~ 3 and ~~{5,}~~ 4, a license issued or renewed on or after the effective date of this regulation that is renewable may be renewed if the licensee submits to the Department with the request for renewal made pursuant to NAC 391.070 either:

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, in accordance with subsection ~~{3,}~~ 2, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

~~13.1~~ **2.** The professional development, in-service training or course work completed to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection ~~21~~ **1** must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

~~{4.}~~ **3.** If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection ~~{2}~~ **1** during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

~~{5.}~~ **4.** The provisions of this section do not apply to the renewal of a:

- (a) License pursuant to NAC 391.073.
- (b) Special license, if the only endorsement of the special license is an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.332.

~~{6.}~~ **5.** The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

Sec. 3. NAC 391.075 is hereby repealed.

Sec. 4. 1. This section and sections 1 and 3 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Section 2 of this regulation becomes effective 10 years after the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

TEXT OF REPEALED SECTION

391.075 Renewal of license: Credits and courses. (NRS 385.080, 391.019)

1. Credits for renewal may be earned by:

(a) Attending a course at, or taking a correspondence course given by, an accredited college or university, attending any state or national conference which has been approved by the Department to offer credit for continuing education or taking an in-service course offered by the Department or a continuing education course offered by a provider who is approved by the Commission if the course or conference:

(1) Is directly related to the person's current license or will enhance the effectiveness of the person's teaching;

(2) Is in a subject for which shortages of personnel, as determined by the Board, exist; or

(3) Is part of an approved program leading to an advanced degree;

(b) Engaging in foreign or domestic travel which is directly related to the area of licensure of the person and is approved not less than 30 days before departure by the Department; or

(c) Completing courses provided by or under the jurisdiction of a state or national professional organization or association which is specific to the person's area of discipline and which is on a list maintained by the Department.

2. One credit will be given for the completion of 15 hours of:
 - (a) Course work at a college or university accredited by a regional accrediting association;
 - (b) In-service courses offered by the Department; or
 - (c) Classroom instruction in continuing education or attendance at a conference for which continuing education credits may be earned, if the state or national professional organization or association and the course or conference have been approved by the Department at least 15 days before the course or conference commences. Two credits will be given for 6 weeks of travel, 1 credit for 1 month. No credit will be allowed for travel of less than 1 month.
3. A person holding a master's degree or a more advanced degree may receive not more than 2 credits by conducting a seminar or workshop or by teaching at the college or university level, if the seminar, workshop or course being taught is in the area of licensure of the person.
4. A holder of a special license to teach career and technical education may earn a maximum of 2 credits for 160 or more hours of full-time continuous employment in the career and technical education field in which he or she teaches and is licensed. The credit for employment must be approved by the Department or a university or college.
5. A person is entitled to receive 6 credits for the completion of the requirements for the National Board Certification upon the submission of a copy of the official assessment scores issued to that person by the National Board for Professional Teaching Standards. A person is not required to be a holder of a National Board Certification to receive such credits.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.065 Renewal of license: Educational and professional requirements; exception.** ([NRS 385.080](#), [391.019](#)).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.065 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.075** **Renewal of license: Credits and courses.** ([NRS 385.080](#), [391.019](#)).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.075 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero", with a stylized, flowing script.

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R112-18; A regulation relating to education; removing authorization for the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants; revising the length of the period for which a provisional nonrenewable license is valid; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license who does not meet certain requirements, including an applicant who lacks confirmation that he or she has student teaching experience and meets certain other requirements. (NAC 391.056) **Section 1** of this regulation removes authorization for the Superintendent to issue a provisional nonrenewable license to such an applicant.

Existing regulations provide that a provisional nonrenewable license is valid for 3 years, if the licensee has not completed courses concerning title 34 of NRS and the Nevada and United States Constitutions or passed an examination on those subjects. In all other cases, a provisional nonrenewable license is valid for 1 year. (NAC 391.056) **Section 1** instead provides that, unless all provisions are removed, a provisional nonrenewable license lasts for: (1) one year if the applicant has a deficiency in credits of 6 semester hours or less in all areas of licensure or endorsement or lacks certain requirements for a school counseling endorsement; (2) two years, if the applicant has not passed certain required tests; or (3) three years, if the applicant has not completed certain training concerning education or curricular

adaptation for pupils with disabilities. **Section 1** also provides that a provisional nonrenewable license is valid for 3 years if each provision is removed on or before the date on which the license is scheduled to expire. **Sections 2 and 3** of this regulation make conforming changes.

2. The Subjects and Issues involved in the regulation are those who would be seeking their provisional nonrenewable educator's license.
3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public

Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

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

LCB File No. R112-18

December 7, 2018

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

AUTHORITY: §§1-3, NRS 391.019.

A REGULATION relating to education; removing authorization for the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants; revising the length of the period for which a provisional nonrenewable license is valid; 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) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license who does not meet certain requirements, including an applicant who lacks confirmation that he or she has student teaching experience and meets certain other requirements. (NAC 391.056) **Section 1** of this regulation removes authorization for the Superintendent to issue a provisional nonrenewable license to such an applicant.

Existing regulations provide that a provisional nonrenewable license is valid for 3 years, if the licensee has not completed courses concerning title 34 of NRS and the Nevada and United States Constitutions or passed an examination on those subjects. In all other cases, a provisional nonrenewable license is valid for 1 year. (NAC 391.056) **Section 1** instead provides that, unless all provisions are removed, a provisional nonrenewable license lasts for: (1) one year if the applicant has a deficiency in credits of 6 semester hours or less in all areas of licensure or endorsement or lacks certain requirements for a school counseling endorsement; (2) two years, if the applicant has not passed certain required tests; or (3) three years, if the applicant has not completed certain training concerning education or curricular adaptation for pupils with disabilities. **Section 1** also provides that a provisional nonrenewable license is valid for 3 years if each provision is removed on or before the date on which the license is scheduled to expire. **Sections 2 and 3** of this regulation make conforming changes.

Section 1. NAC 391.056 is hereby amended to read as follows:

391.056 1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 . *Except as otherwise provided in subsection 2, a provisional nonrenewable license is valid for:*

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

~~[(a) Has]~~

(1) *Except as otherwise provided in paragraph (c), 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]~~ ; *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 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)]~~ (I) Has completed all necessary course-work requirements for the school counseling endorsement;

~~[(2)]~~ *(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

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

~~[(d) Has]~~

(b) Two years, if the applicant has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

~~[(e) Has]~~

(c) Three years, if the applicant has not completed the course required by paragraph (b) of subsection 1 of NAC 391.045.

2. ~~[(Except as otherwise provided in this subsection, a)]~~ *If each provision is removed on or before the date on which a* license issued pursuant to this section ~~[(becomes invalid 1 year after the date on which the license is issued. A license issued to an applicant described in paragraph (b) of]~~ *is set to expire pursuant to* subsection 1 ~~[(becomes invalid)]~~, *the license expires* 3 years after the date on which the license ~~[(is)]~~ *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.

Sec. 2. NAC 391.0565 is hereby amended to read as follows:

391.0565 1. The holder of a provisional nonrenewable license issued pursuant to NAC 391.056 must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued pursuant to NAC 391.045 may be made at any time after the removal of all of the provisions under which the provisional nonrenewable license was issued.

2. The holder of a provisional nonrenewable license for which ~~all of the provisions have~~ *a provision has* not been removed on the date on which the license expires may apply as a new applicant for a license pursuant to NAC 391.045 as soon as the provisions under which the expired provisional nonrenewable license was issued have been removed.

3. If an application is made for a license pursuant to NAC 391.045 by the holder of a provisional nonrenewable license before the provisional nonrenewable license expires, the applicant must pay an application fee of \$131, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

Sec. 3. NAC 391.332 is hereby amended to read as follows:

391.332 1. Except as otherwise provided in NAC 391.330 and 391.436, to serve as a substitute teacher in kindergarten through grade 12, a person must hold a valid:

(a) Elementary or secondary license, a license to teach special education, or a license to teach middle school or junior high school education; or

(b) Special license or provisional special license with an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to subsection 2.

2. To receive an endorsement as a substitute teacher in kindergarten through grade 12 on a special license or a provisional special license, a person must:

(a) Have completed at least 60 semester hours of credit from an accredited college or university; or

(b) Possess an associate's degree or higher degree from an accredited college or university.

3. A school district may hire a person to serve as a substitute teacher in kindergarten through grade 12 for:

(a) Unlimited days of service if filling the position of a licensed teacher who is under contract.

(b) Except as otherwise provided in subsection 4, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.

4. The Department may grant a school district one extension for 30 days with regard to a person who is hired pursuant to paragraph (b) of subsection 3 in an exceptional case upon request from the superintendent of schools of the county school district or from the administrator of a state-approved private school. Upon the expiration of such an extension, a school district may apply for an additional extension pursuant to NAC 391.398 if the school district is unable to hire a licensed special education teacher.

5. A person who holds a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12 must remove all provisions under which the license was issued ~~[within 3 years,]~~ *before the date on which the license expires pursuant to subsection 1 of NAC 391.065.* If a person does not remove all provisions under which the license was issued ~~[within 3 years,]~~ *before that date,* the endorsement as a substitute teacher in

kindergarten through grade 12 expires on ~~the~~ *that* date . ~~the provisional special license expires.]~~

6. The Department shall not issue any other endorsements on a special license or a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12.

7. To renew an endorsement as a substitute teacher in kindergarten through grade 12, the holder must:

- (a) Hold a valid nonprovisional special license; and
- (b) Complete six credits, or the equivalent, within 5 years after the initial issuance of the endorsement by:
 - (1) Attending a course at, or taking a correspondence course given by, an accredited college or university;
 - (2) Attending any state or national conference which has been approved by the Department to offer credit for continuing education;
 - (3) Attending an in-service course offered by the Department or a continuing education course offered by a provider who is approved by the Commission;
 - (4) Attending a workshop approved by the Department; or
 - (5) Attending professional development activities approved by the Department.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 27, 2018

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

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.056 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R113-18; A regulation relating to education; requiring the review of the transcripts of an applicant for certain endorsements; revising the qualifications to obtain an endorsement to teach pupils in a program of orientation and mobility; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher is required to satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations provide that the Department of Education will evaluate the transcripts of an applicant for licensure or consider other proof of graduation to determine whether he or she is qualified for licensure. (NAC 391.040) **Section 1** of this regulation provides that the Department will similarly evaluate the transcripts of an applicant for an endorsement to determine whether he or she is qualified for the endorsement.

Existing regulations require an applicant for an endorsement to teach pupils in a program of orientation and mobility to have certain education or hold a certain certificate in orientation and mobility. (NAC 391.391) **Section 2** of this regulation removes the option to meet the requirements for such an endorsement by holding a professional certificate.

2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to teach pupils in a program of orientation and mobility.
3. There is no economic effect of the regulation on the business that it regulates.

There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.

4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R113-18

January 8, 2019

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

AUTHORITY: §§1-3, NRS 391.019.

A REGULATION relating to education; requiring the review of the transcripts of an applicant for certain endorsements; revising the qualifications to obtain an endorsement to teach pupils in a program of orientation and mobility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher is required to satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations provide that the Department of Education will evaluate the transcripts of an applicant for licensure or consider other proof of graduation to determine whether he or she is qualified for licensure. (NAC 391.040) **Section 1** of this regulation provides that the Department will similarly evaluate the transcripts of an applicant for an endorsement to determine whether he or she is qualified for the endorsement.

Existing regulations require an applicant for an endorsement to teach pupils in a program of orientation and mobility to have certain education or hold a certain certificate in orientation and mobility. (NAC 391.391) **Section 2** of this regulation revises the professional certificate that qualifies an applicant for such an endorsement.

Section 1. NAC 391.040 is hereby amended to read as follows:

391.040 The Department will:

1. Develop a test to determine the qualifications of an applicant for a license; and
2. In determining whether an applicant is qualified for ~~[licensure,]~~ :

(a) *Licensure*, evaluate his or her official transcripts from accredited colleges or universities or consider proof that the applicant has earned a degree through a degree program approved by the National Council of Accreditation of Teacher Education.

(b) *An endorsement for which the applicant is required to hold a degree, diploma or other credential or have completed course work, evaluate his or her official transcripts from the college, university or other institution that awarded the degree, diploma or credential or at which the course work was completed, as applicable.*

Sec. 2. NAC 391.391 is hereby amended to read as follows:

391.391 1. To receive an endorsement to teach pupils in a program of orientation and mobility, a person must hold a:

(a) Bachelor's or graduate degree in:

(1) Orientation and mobility; or

(2) Any other field of study and have successfully completed an orientation and mobility program at a university approved by the Association for Education and Rehabilitation of the Blind and Visually Impaired ~~[;]~~ *or its successor organization*; or

(b) ~~[Professional certificate in orientation and mobility issued by the Association for Education and Rehabilitation of the Blind and Visually Impaired.]~~ *Specialty credential as a Certified Orientation and Mobility Specialist from the Academy for Certification of Vision Rehabilitation and Education Professionals or its successor organization.*

2. Such an endorsement is not required to teach pupils in a program of orientation and mobility.

Sec. 3. An endorsement to teach pupils in a program of orientation and mobility that is valid on the effective date of this regulation remains valid until the date on which the license of the holder must be renewed. In order to renew such an endorsement, the holder must submit with his or her application to renew that license proof that he or she possesses the credentials prescribed by NAC 391.391, as amended by section 2 of this regulation.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 27, 2018

Re: **NAC 391.391 Endorsement to teach pupils in program of orientation and mobility.**
(NRS 391.019).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.391 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R114-18; A regulation relating to education; revising requirements for teaching pupils in a program of early childhood education; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) Existing law also establishes the kinds of licenses that the Superintendent of Public Instruction is authorized to issue for teachers and other educational personnel. (NRS 391.031, 391.033) Assembly Bill No. 77 of the 2017 Legislative Session authorized the Superintendent to issue a license to teach pupils in a program of early childhood education. (NRS 391.031, as amended by section 21 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2120, NRS 391.033) Existing regulations require a person to hold a special license or endorsement to teach prekindergarten pupils from birth through second grade. (NAC 391.087, 391.089) **Section 5** of this regulation sets forth the requirements for obtaining a license to teach pupils in a program of early childhood education. Under **section 5**, the requirements for obtaining such a license are the same as the requirements to obtain a special license or endorsement to teach prekindergarten pupils or pupils from birth through second grade under existing regulations, except that **section 5** eliminates the ability of a person to meet the requirements by having a certain type of license to teach pupils. **Sections 1-4, 6 and 7** of this regulation make conforming changes.
2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to teach pupils in a program of early childhood education.

3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R114-18

August 30, 2018

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

AUTHORITY: §§1-8, NRS 391.019 and 391.031.

A REGULATION relating to educational personnel; revising requirements for teaching pupils in a program of early childhood education; 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 educational personnel. (NRS 391.019) Existing law also establishes the kinds of licenses that the Superintendent of Public Instruction is authorized to issue for teachers and other educational personnel. (NRS 391.031, 391.033) Assembly Bill No. 77 of the 2017 Legislative Session authorized the Superintendent to issue a license to teach pupils in a program of early childhood education. (NRS 391.031, as amended by section 21 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2120, NRS 391.033) Existing regulations require a person to hold a special license or endorsement to teach prekindergarten pupils from birth through second grade. (NAC 391.087, 391.089) **Section 5** of this regulation sets forth the requirements for obtaining a license to teach pupils in a program of early childhood education. Under **section 5**, the requirements for obtaining such a license are the same as the requirements to obtain a special license or endorsement to teach prekindergarten pupils or pupils from birth through second grade under existing regulations, except that **section 5** eliminates the ability of a person to meet the requirements by having a certain type of license to teach pupils. **Sections 1-4, 6 and 7** of this regulation make conforming changes.

Section 1. NAC 391.010 is hereby amended to read as follows:

391.010 As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Education.

2. “Commission” means the Commission on Professional Standards in Education.
3. “Department” means the Department of Education.
4. “Endorsement” means a specific area of preparation within a general license that is issued by the Department.
5. “Field experience” means supervised experience working in a placement in which a person:
 - (a) Works with pupils with disabilities; and
 - (b) Demonstrates competency in the assessment of such pupils, educational planning, curriculum, methods of instruction, management of the classroom, working with parents and collaborating with other professionals.
6. “Initial license” means an elementary, secondary, provisional or special license, a license to teach special education, ~~for~~ a license to teach middle school or junior high school education ~~or~~ *or a license to teach pupils in a program of early childhood education* issued to a teacher or other educational personnel:
 - (a) For the first time; or
 - (b) Who held a license that expired or was suspended or revoked by the Board.
7. “Qualified provider” means an institution of higher education or any other institution which operates independently of an institution of higher education which has been approved by the Commission to offer a program for an alternative route to licensure in this State pursuant to NAC 391.461.

Sec. 2. 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, subsection 2 of NAC 391.0585, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection 6 of NAC 391.330, subsection 5 of NAC 391.363, paragraph (b) of subsection 4 of NAC 391.425 and subsection 7 of NAC 391.436, an applicant who applies for an initial license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (a) Basic reading, writing and mathematics;
- (b) The principles and methods of teaching; and
- (c) The subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

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, ~~or~~ a license to teach middle school or junior high school education ~~or~~ *or a license to teach pupils in a program of early childhood education*, which:

- (I) Has expired within the 3 years 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 an initial 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 an initial license; and

(4) Otherwise satisfies the requirements for the issuance of an initial 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; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is not a provisional license, and the Commission determines that the examinations required for licensure in that state are comparable to the competency tests required by subsection 1.

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, at the level of competency specified by the Commission:

(1) The "Pre-Professional Skills Tests" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) The "California Basic Educational Skills Test," prepared and administered by the California Commission on Teacher Credentialing;

(b) Evidence that the applicant has received a master's or more advanced degree from a regionally accredited college or university, the receipt of which required the passage of the

“Graduate Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent;

(c) An official transcript which indicates that the applicant achieved at least a 3.0 grade-point average in his or her undergraduate studies and evidence that he or she has taken the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, and received a score of:

- (1) At least 420 on the verbal portion of the examination;
- (2) At least 460 on the quantitative portion of the examination; and
- (3) At least 430 on the analytical portion of the examination or at least 3.5 on the analytical writing portion of the examination, as applicable; or

(d) Evidence that:

(1) The applicant did not pass, at the level of competency specified by the Commission, the “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the test described in subparagraph (1), the applicant began and completed, with a grade of B or better, a course of study in a subject area approved by the Commission or the Director of Licensure for the Department.

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 “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;

(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; or

(c) Is applying for an elementary endorsement and submits to the Department evidence that the applicant passed, at the level of competency specified by the Commission, the “Elementary Education: Curriculum, Instruction, and Assessment Test” and the “Elementary Education: Content Area Exercises Test,” both prepared and administered by the Educational Testing Service.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant previously passed, at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for an initial license with an 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 “National Family and Consumer Sciences Certification Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

6. If a competency test in a subject matter has been reviewed by the Commission for less than 1 year but is not yet approved, an applicant must take the test, but is not required to pass the test at a level of competence specified by the Commission.

7. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

8. The tests required by subsection 1 will be administered three times each year at locations and times established by the Commission.

Sec. 3. NAC 391.055 is hereby amended to read as follows:

391.055 1. The Superintendent of Public Instruction may issue a provisional 1-year license or endorsement to a person who holds a renewable license issued in this State if the person otherwise meets the requirements for licensure, but:

- (a) Has a deficiency in credits of 6 semester hours or less;
- (b) Is a teacher, licensed and practicing in this State, applying for an additional license, other than for the teaching of pupils with disabilities, outside his or her grade level of experience as a student teacher; or
- (c) Lacks confirmation from a college that the person has completed a school counseling practicum or internship if applying for a school counseling endorsement, but:
 - (1) Has completed all the required course work for the school counseling endorsement;
 - (2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, to include a minimum of 100 hours in a school setting at the time of application for licensure; and

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

2. The board of trustees of the public school or the operator of the private licensed school that is to employ the holder of a provisional 1-year license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, must agree in writing:

(a) To specify the process to be used for evaluating the holder of the provisional license during the 1-year period.

(b) To submit documentation to the Superintendent of Public Instruction indicating whether the holder of the provisional license is eligible for reemployment at the conclusion of the first year of teaching.

3. If the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, is rated as eligible for reemployment by his or her employer, and all other requirements for the additional license or endorsement have been met, the Superintendent of Public Instruction shall mail a letter of notification to the holder of the license indicating that the requirement for student teaching has been fulfilled. Experience as a teacher's aide, teacher's assistant, unlicensed instructor of pupils in a Junior Reserve Officers' Training Corps program or substitute teacher does not meet the requirement for teaching experience or student teaching.

4. Any credits earned by the holder of a provisional license or endorsement to qualify for an elementary, secondary or special license, a license to teach special education, ~~for~~ a license to teach middle school or junior high school education *or a license to teach pupils in a program of*

early childhood education will not be counted as credits required to renew the elementary, secondary or special license, the license to teach special education, or the license to teach middle school or junior high school education.

5. If holding an elementary, secondary or special license, a license to teach special education, ~~for~~ a license to teach middle school or junior high school education *or a license to teach pupils in a program of childhood education* is a prerequisite to qualifying for a particular provisional endorsement, any credits earned by the holder of the applicable license to qualify for that provisional endorsement may be counted toward:

- (a) Removal of the provision under which the provisional endorsement was issued; and
- (b) Renewal of the applicable license.

Sec. 4. NAC 391.087 is hereby amended to read as follows:

391.087 1. Except as otherwise provided in this section, a person must hold a ~~special~~ license ~~for endorsement~~ *to teach pupils in a program of early childhood education* issued pursuant to NAC 391.089 before teaching in a program of instruction for prekindergarten pupils conducted by a public school or a private school licensed pursuant to chapter 394 of NRS.

2. The provisions of this section do not apply to a person who:

- (a) Holds an elementary license pursuant to the provisions of NAC 391.095;
- (b) On July 1, 2002, is employed full-time teaching pupils in such a program; and
- (c) After July 1, 2002, is continuously employed full-time teaching pupils in such a program.

Sec. 5. NAC 391.089 is hereby amended to read as follows:

391.089 To receive a ~~{special}~~ license ~~{or endorsement}~~ to teach pupils ~~{from birth through the second grade,}~~ *in a program of early childhood education,* a person must hold a bachelor's degree or graduate degree from an accredited college or university and must:

1. Have completed a program of preparation to teach such pupils that is approved by the ~~{Board,}~~ *Department;*
2. Hold a license to teach such pupils that was issued by another state and approved by the Commission; *or*
3. Hold an elementary license ~~{a secondary license, or a license to teach middle school or junior high school education, that is endorsed with a major in child care,}~~ and:
 - (a) Have experience teaching pupils under 6 years of age that consists of:
 - (1) Eight semester hours of student teaching;
 - (2) One year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment; or
 - (3) An equivalent field experience or practicum conducted by an accredited college or university;
 - (b) Have completed at least 6 semester hours of courses in early childhood education consisting of courses in any of the following subjects:
 - (1) Early childhood curriculum;
 - (2) Emergent language and literacy; or
 - (3) Play theory and creativity; and

(c) Have completed at least 6 additional semester hours of courses in any of the courses described in paragraph (b) or in any of the following subjects:

- (1) Child development from birth to 8 years of age;
- (2) Diversity in young children;
- (3) Introduction to early childhood education;
- (4) Positive discipline and guidance for young children; or
- (5) Working with families with young children; or

4. Have completed at least 35 semester hours of courses in early childhood education for children who are developing typically and atypically consisting of:

(a) Six semester hours in child development and learning, with the content of the courses covering diversity in culture, language and ability;

(b) Twelve semester hours in early childhood curriculum and program implementation that include at least one course in each of the following subjects:

- (1) Language and literacy;
- (2) Mathematics and science;
- (3) Social studies; and
- (4) Strategies for working with children with disabilities;

(c) Three additional semester hours in early childhood curriculum and program implementation consisting of courses in any of the following subjects:

- (1) Curriculum for infants and toddlers;
- (2) Early childhood classroom management;
- (3) Integrated curriculum;

- (4) Play theory and creativity;
 - (5) Positive discipline and guidance for young children; or
 - (6) Technology;
- (d) Three semester hours in family and community relations, including working with families;
- (e) Three semester hours in assessment and evaluation for early childhood education; and
- (f) Except as otherwise provided in this paragraph, 8 semester hours of student teaching involving pupils in at least two different age groups, one of which must have included pupils in the first or second grade and one of which must have included pupils of any age from birth through kindergarten. At least one of the groups must have included pupils with and without disabilities. In lieu of completing 8 semester hours of student teaching, a person may have 1 year of verifiable experience teaching pupils under 6 years of age in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment.

Sec. 6. NAC 391.171 is hereby amended to read as follows:

391.171 1. The Superintendent of Public Instruction shall issue a conditional endorsement as a professional administrator of a school 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 master's degree from a postsecondary institution that is regionally accredited;
- (b) Holds a valid renewable elementary, secondary or special license, a valid license to teach special education, ~~for~~ a valid license to teach middle school or junior high school education ~~or~~
or a valid license to teach pupils in a program of early childhood education;

(c) Has completed 3 years of teaching experience in kindergarten or grades 1 through 12 in schools approved by the State;

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

(e) Complies with the instructional and training policies and procedures of the qualified provider relating to professional education administration.

2. A conditional endorsement as a professional administrator of a school issued pursuant to this section:

(a) Authorizes the holder of the conditional endorsement to be employed as an administrator in a school district, a charter school or a private school;

(b) Becomes valid on the date on which the holder of the conditional endorsement satisfies all the requirements of subsection 1;

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

(d) Is not renewable.

3. A conditional endorsement as a professional administrator issued pursuant to this section is automatically revoked if the holder of the conditional endorsement withdraws from or is no longer enrolled in a program for an alternative route to licensure.

4. A person who is issued a conditional endorsement as a professional administrator pursuant to this section may apply for an unconditional endorsement as a professional administrator if the applicant:

(a) Successfully completes the education and training required by the qualified provider for the program for an alternative route to licensure, including, without limitation, the supervised, school-based experience provided by the qualified provider; and

(b) Pays the appropriate fee.

Sec. 7. NAC 391.557 is hereby amended to read as follows:

391.557 1. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education required for the issuance of an elementary, secondary or special license, ~~for~~ a license to teach special education ~~or~~ *or a license to teach pupils in a program of early childhood education,* renewal of such a license or an endorsement in a field of specialization must file with the Superintendent of Public Instruction, at least 180 calendar days before the first date of instruction, an application for approval of the course of study and training. The application must include:

- (a) The name and location of the institution;
- (b) A copy of the articles of incorporation or charter for the institution;
- (c) Proof of the financial solvency of the institution, including financial resources available to the institution in this State;
- (d) If the institution is accredited, as that term is defined in NRS 394.006, information concerning the accreditation;
- (e) The proposed operating budget for the course of study and training;

(f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;

(g) A description of the course of study and training, including:

(1) If the course is designed for teachers:

(I) A description of the course's compliance with the standards for new teachers developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556; and

(II) Documentation which verifies that the course uses a performance-based assessment of its candidates;

(2) If the course is designed for educational personnel other than teachers, a description of the course's compliance with the standards established by a nationally recognized association for the professional specialization for which the applicant seeks the approval of the Board; and

(3) If applicable, a description of the course's compliance with subsection 9 of NAC 391.558;

(h) The qualifications a person must hold to provide instruction for the course of study and training;

(i) The proposed course work for the course of study and training;

(j) A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(k) Except as otherwise provided in this paragraph, a written assessment plan that describes the:

- (1) Conceptual framework for the course of study and training;
- (2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;
- (3) Manner by which the course of study and training will be assessed and evaluated;
- (4) Field experience and clinical practice offered by the course of study and training;
- (5) Diversity of the population of students who participate in the course of study and training; and
- (6) Performance and development of the faculty who provide instruction for the course of study and training.

If an institution is accredited by the National Council for Accreditation of Teacher Education, the institution may submit written proof of such accreditation in lieu of the written assessment plan required by this paragraph.

2. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of an elementary, secondary or special license, ~~or~~ a license to teach special education ~~or~~ *or a license to teach pupils in a program of childhood education*, renewal of such a license or an endorsement in a field of specialization, the Superintendent of Public Instruction shall notify the Board that an application has been received.

3. The Department shall develop a manual that:

(a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;

(b) Describes the process for approval of a course of study and training; and

(c) Includes:

(1) The procedures acceptable to the Department to assess the results of students in a course of study and training based upon the standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556;

(2) The standards of nationally recognized professional associations of educational personnel other than teachers, as applicable; and

(3) The program standards adopted by the National Council for Accreditation of Teacher Education.

The Department shall maintain a copy of the manual and, upon the request of an institution, the Department shall provide a copy of the manual to the institution.

Sec. 8. A person who, on the effective date of this regulation, holds a special license or endorsement to teach pupils from birth through the second grade as described in NAC 391.089 shall be deemed to hold a license to teach pupils in a program of early childhood education as described in NAC 391.089, as amended by section 5 of this regulation, on and after the effective date of this regulation.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.089 Qualifications for teaching pupils from birth through second grade.**
([NRS 391.019](#), [391.032](#)).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.089 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero", with a stylized, flowing script.

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R115-18; A regulation relating to education; exempting certain applicants for a special license with an endorsement to serve as a school counselor from the requirement to pass certain competency tests; revising the qualifications for an endorsement to serve as a school counselor; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require an applicant for an initial license to teach to pass competency tests in: (1) basic reading, writing and mathematics; and (2) the principles and methods of teaching. (NAC 391.036) **Sections 1 and 2** of this regulation exempt an applicant for a special license with an endorsement to serve as a school counselor from those competency tests so long as the applicant is not also applying for an endorsement for which those competency tests are required.

Existing regulations set forth the requirements to qualify for an endorsement to serve as a school counselor and provide that a person who holds a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors is qualified for such an endorsement. (NAC 391.185) **Section 2** requires a person who holds such a specialty credential to also hold at least a master's degree with a major in counseling.

2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to serve as a school counselor.

3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R115-18

January 8, 2019

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

AUTHORITY: §§1 and 2, NRS 391.019 and 391.021.

A REGULATION relating to education; exempting certain applicants for a special license with an endorsement to serve as a school counselor from the requirement to pass certain competency tests; revising the qualifications for an endorsement to serve as a school counselor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require an applicant for an initial license to teach to pass competency tests in: (1) basic reading, writing and mathematics; and (2) the principles and methods of teaching. (NAC 391.036) **Sections 1 and 2** of this regulation exempt an applicant for a special license with an endorsement to serve as a school counselor from those competency tests so long as the applicant is not also applying for an endorsement for which those competency tests are required.

Existing regulations set forth the requirements to qualify for an endorsement to serve as a school counselor and provide that a person who holds a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors, Inc., is qualified for such an endorsement. (NAC 391.185) **Section 2** requires a person who holds such a specialty credential to also hold at least a master's degree with a major in counseling.

Existing regulations also provide that a person is qualified for such an endorsement if he or she: (1) holds a master's degree or more advanced degree; (2) has at least 2 years of teaching or school counseling experience; and (3) has completed certain course work. (NAC 391.185) **Section 2** removes the requirement that such a person have teaching or school counseling experience.

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, subsection 2 of NAC 391.0585, *subsection 3 of NAC 391.185*, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection 6 of NAC 391.330, subsection 5 of NAC 391.363, paragraph (b) of subsection 4 of NAC 391.425 and subsection 7 of NAC 391.436, an applicant who applies for an initial license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (a) Basic reading, writing and mathematics;
- (b) The principles and methods of teaching; and
- (c) The subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

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, or a license to teach middle school or junior high school education, which:

- (I) Has expired within the 3 years 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 an initial 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 an initial license; and

(4) Otherwise satisfies the requirements for the issuance of an initial 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; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is not a provisional license, and the Commission determines that the examinations required for licensure in that state are comparable to the competency tests required by subsection 1.

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, at the level of competency specified by the Commission:

(1) The "Pre-Professional Skills Tests" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) The "California Basic Educational Skills Test," prepared and administered by the California Commission on Teacher Credentialing;

(b) Evidence that the applicant has received a master's or more advanced degree from a regionally accredited college or university, the receipt of which required the passage of the "Graduate Record Examinations," prepared and administered by the Educational Testing Service, or its equivalent;

(c) An official transcript which indicates that the applicant achieved at least a 3.0 grade-point average in his or her undergraduate studies and evidence that he or she has taken the "Graduate Record Examinations," prepared and administered by the Educational Testing Service, and received a score of:

- (1) At least 420 on the verbal portion of the examination;
- (2) At least 460 on the quantitative portion of the examination; and
- (3) At least 430 on the analytical portion of the examination or at least 3.5 on the analytical writing portion of the examination, as applicable; or

(d) Evidence that:

(1) The applicant did not pass, at the level of competency specified by the Commission, the "Pre-Professional Skills Tests" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the test described in subparagraph (1), the applicant began and completed, with a grade of B or better, a course of study in a subject area approved by the Commission or the Director of Licensure for the Department.

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 “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;

(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; or

(c) Is applying for an elementary endorsement and submits to the Department evidence that the applicant passed, at the level of competency specified by the Commission, the “Elementary Education: Curriculum, Instruction, and Assessment Test” and the “Elementary Education: Content ~~[Area Exercises]~~ *Knowledge, Interactive Practice* Test,” both prepared and administered by the Educational Testing Service.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant previously passed, at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for an initial license with an 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 ~~["National"]~~ “Family and Consumer Sciences ~~[Certification]~~ *Composite* Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

6. If a competency test in a subject matter has been reviewed by the Commission for less than 1 year but is not yet approved, an applicant must take the test, but is not required to pass the test at a level of competence specified by the Commission.

7. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

8. The tests required by subsection 1 will be administered three times each year at locations and times established by the Commission.

Sec. 2. NAC 391.185 is hereby amended to read as follows:

391.185 1. To qualify for an endorsement to serve as a school counselor, a person ~~[:]~~ *must hold:*

- (a) ~~[Must hold a]~~ *A* master’s degree or a more advanced degree in school counseling;
- (b) ~~[Must hold a specialty credential as a national certified school counselor issued by the National Board for Certified Counselors;~~
- ~~—(c) Must hold a]~~ *A* master’s degree or a more advanced degree with a major in counseling conferred by a regionally accredited college or university and ~~[meet the requirements of subsection 2:]~~ :

(1) A specialty credential as a national certified school counselor issued by the National Board for Certified Counselors, Inc., or its successor organization; or

(2) *Meet the requirements of subsection 2;* or

~~[(d) Must:~~

~~—(1) Hold a]~~

(c) A master's degree or a more advanced degree conferred by a regionally accredited college or university ~~[:]~~ *and*

~~[(2) Have at least 2 years of teaching experience or at least 2 years of school counseling experience; and~~

~~—(3) Meet]~~ *meet* the requirements of subsection 2.

2. A person who desires to qualify for an endorsement pursuant to *subparagraph (2) of paragraph (b) or* paragraph (c) ~~[or (d)]~~ of subsection 1 must have completed:

(a) At least 600 hours of a practicum, internship or field experience in school counseling at any grade level in kindergarten through grade 12; and

(b) At least 36 semester hours of graduate credits in school guidance and counseling in each of the following areas of study:

- (1) The process of individual counseling;
- (2) The process of group counseling;
- (3) Testing and educational assessments;
- (4) Legal and ethical issues in counseling;
- (5) Career counseling;
- (6) Organization and administration of school counseling programs;
- (7) Multicultural counseling;
- (8) Child and family counseling; and

(9) Two of the following:

(I) The use of technology in education.

(II) Exceptional children.

(III) Human growth and development.

(IV) Substance abuse counseling.

3. An applicant for a special license with an endorsement to serve as a school counselor is exempt from the requirements of paragraphs (a) and (b) of subsection 1 of NAC 391.036 if the applicant is not also applying for another endorsement for which those requirements must be met.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 27, 2018

Re: **NAC 391.185 Qualifications for endorsement as school counselor. ([NRS 385.080, 391.019](#)).**

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.185 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero", with a stylized, flowing script.

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R116-18; A regulation relating to education; eliminating the requirement that a person must hold a bachelor's degree to receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require a person who wishes to receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program to: (1) hold a bachelor's degree; and (2) have received, from the secretary of the military branch he or she serves in or has retired from, certification as an instructor in the Program. (NAC 391.252) This regulation eliminates the requirement that such a person hold a bachelor's degree.
2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program.
3. There is no economic effect of the regulation on the business that it regulates. There is no economic effect of the regulation on the public. There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.

5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

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

LCB File No. R116-18

December 7, 2018

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 education; eliminating the requirement that a person must hold a bachelor's degree to receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations require a person who wishes to receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program to: (1) hold a bachelor's degree; and (2) have received, from the secretary of the military branch he or she serves in or has retired from, certification as an instructor in the Program. (NAC 391.252) This regulation eliminates the requirement that such a person hold a bachelor's degree.

Section 1. NAC 391.252 is hereby amended to read as follows:

391.252 1. To receive an endorsement to teach pupils in the Junior Reserve Officers'

Training Corps Program developed pursuant to 10 U.S.C. § 2031, a person must ~~⌋~~:

~~—(a) Hold a bachelor's degree; and~~

~~—(b) Have]~~ *have* received, from the secretary of the military branch he or she serves in or has retired from, certification as an instructor in the Program.

2. The holder of an endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program may teach the course only in grades 7 to 12, inclusive.

3. An endorsement to teach pupils in the Junior Reserve Officers' Training Corps Program is not required to teach the course.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.252 Endorsement to teach Junior Reserve Officers' Training Corps Program. ([NRS 391.019](#)).**

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.252 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R154-18; A regulation relating to education; establishing an endorsement as a specialist in social, emotional and academic development; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations identifying fields of specialization in teaching which require the specialized training of teachers. Existing law also requires the Commission to adopt regulations setting forth the requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) This regulation establishes the requirements a person must satisfy to obtain an endorsement as a specialist or a professional specialist in social, emotional and academic development.
2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement as a specialist or a professional in social, emotional and academic development.
3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.

6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the [Legislative Counsel Bureau](#) pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R154-18

December 13, 2018

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 education; establishing endorsements as a specialist or professional specialist in social, emotional and academic development; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations identifying fields of specialization in teaching which require the specialized training of teachers. Existing law also requires the Commission to adopt regulations setting forth the requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) This regulation establishes the requirements a person must satisfy to obtain an endorsement as a specialist or a professional specialist in social, emotional and academic development.

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

1. To receive an endorsement as a specialist in social, emotional and academic development, a person must:

(a) Hold a valid elementary, secondary or special license to teach, a valid license to teach special education, a valid license to teach pupils in a program of early childhood education or a valid license to teach middle school or junior high school education; and

(b) Have completed at least 3 semester hours of credit in each of the following areas of study:

- (1) Introduction to social, emotional and academic development;*
- (2) Curriculum and methods for modeling, teaching and implementing social, emotional and academic development;*
- (3) Assessment, evaluation, monitoring and plan improvement of social, emotional and academic development; and*
- (4) Best practices which support policies, equity and critical issues for social, emotional and academic improvement.*

2. To receive an endorsement as a professional specialist in social, emotional and academic development, a person must:

- (a) Have completed the requirements for an endorsement as a specialist in social, emotional and academic development pursuant to subsection 1;*
- (b) Have completed at least 3 semester hours of credit in at least one of the following areas of study:*
 - (1) Foundations in cultural and linguistic diversity;*
 - (2) Cultural and linguistic diversity program leadership; or*
 - (3) Equity in education; and*
- (c) Have completed, in a school setting, at least 25 hours of practicum, or work experience determined to be equivalent by the Department, in social, emotional and academic development supports for all pupils and all educational personnel.*

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: August 16, 2018

Re: **Proposed Adoption of Regulations R154-18: NAC 391.XXX: A Regulation establishing an endorsement as a specialist in social, emotional and academic development. ([NRS 391.019](#))**

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.XXX are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction