

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 8:00 AM on **May 18, 2016 to be video-conferenced in the following locations:**

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

and

Department of Education
700 East Fifth Street
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:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R025-16; NAC Chapter 391 relating to education; repealing the provision for determining whether a persona has obtained “full state certification” for purposes of the No Child Left Behind Act; 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 Chapter 391 are based on recommendations from the Nevada Department of Education. In 2015, Congress passed the Every Student Succeeds Act of 2015, Public Law 114-95, which reauthorized the Elementary and Second Education Act of 1965, Public Law 89-10, and replaced the previous version of the law, the No Child Left Behind Act. The Every Student Succeeds Act of 2015 replaced the requirement for “full state certification” with other requirements concerning certification. Public Law 114-95. On February 5, 2016, the Governor approved an emergency regulation, LCB File No E001-16, which repeals the regulation that provided the manner of determining whether a person had obtained “full state certification” because changes in federal law made the provision unnecessary. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently repeal the definition of “full state certification”.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain full state certification.

3. There is no economic effect of the regulation on the business and industry 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 May 4, 2016**. 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 and on the Internet at <http://www.leg.state.nv.us>. 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. R025-16

April 8, 2016

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; repealing the provision for determining whether a person has obtained “full state certification” for purposes of the No Child Left Behind Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commission on Professional Standards in Education to adopt any regulations it deems necessary for its own government or to carry out its duties. (NRS 391.019) Pursuant to this authority, the Commission adopted a regulation prescribing the qualifications required for a person to obtain “full state certification” for the purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23). (NAC 391.013) In 2015, Congress passed the Every Student Succeeds Act of 2015, Public Law 114-95, which reauthorized the Elementary and Secondary Education Act of 1965, Public Law 89-10, and replaced the previous version of the law, the No Child Left Behind Act. The Every Student Succeeds Act of 2015 replaced the requirement for “full state certification” with other requirements concerning certification. Public Law 114-95. On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which repeals the regulation that provided the manner of determining whether a person had obtained “full state certification” because changes in federal law made the provision unnecessary. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently repeal the definition of “full state certification.”

Section 1. NAC 391.013 is hereby repealed.

TEXT OF REPEALED SECTION

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

1. Submitted his or her fingerprints pursuant to subsection 3 of NRS 391.033; or
2. Complied with the requirements prescribed by NRS 391.090.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 • Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

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

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

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising **NAC 391.013 Determination of “full state certification” for purposes of federal No Child Left Behind Act.** ([NRS 391.019](#))

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

1. The proposed changes to the regulation NAC 391.013 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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 that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim 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 8:00 AM on **May 18, 2016 to be video-conferenced in the following locations:**

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

and

Department of Education
700 East Fifth Street
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:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R026-16; NAC Chapter 391 relating to educational personnel; revising provisions governing the issuance of a provisional nonrenewable license; 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 Chapter 391 are based on recommendations from the Nevada Department of Education. In December of 2015, the Every Student Succeeds Act was enacted, which authorizes the Elementary and Secondary Education Act, Public Law 114-95, and replaces the No Child Left Behind Act of 2001. Among other things, the Every Student Succeeds Act repeals the provisions that required a teacher who teaches core academic subjects to satisfy all the requirements for the issuance of a renewable license. On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which: (1) authorizes the Superintendent of Public Instruction to issue a provisional nonrenewable license to a person who applies for a license to teach in a core academic subject but does not meet the requirements for the issuance of a renewable license; and (2) provides that a provisional nonrenewable license becomes invalid after 1 year unless the licensee meets certain requirements. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently adopt the provisions of the emergency regulation.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain provisional certification for licensure.

3. There is no economic effect of the regulation on the business and industry 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 May 4, 2016**. 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 and on the Internet at <http://www.leg.state.nv.us>. 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. R026-16

April 8, 2016

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

AUTHORITY: §1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; revising provisions governing the issuance of a provisional nonrenewable license; 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 law also authorizes the Commission to adopt regulations that provide for the issuance of conditional licenses to teachers and other educational personnel before they have completed all courses of study or other requirements to obtain a license in this State. (NRS 391.032)

The No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., required all teachers in core academic subjects to be "highly qualified." Federal law and corresponding regulations provide that a teacher is highly qualified only if the teacher satisfies all of the requirements to obtain a renewable license. (20 U.S.C. § 6301 et seq.) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants if the applicant: (1) has a deficiency in credits; (2) has not completed certain courses or passed certain examinations; or (3) lacks confirmation from a college that the applicant has teaching or school counseling experience. To carry out the requirements of the No Child Left Behind Act of 2001, existing regulations prohibit the Superintendent from issuing a provisional nonrenewable license to a person who applies for a license to teach a core academic subject. (NAC 391.056) In December of 2015, the Every Student Succeeds Act was enacted, which reauthorizes the Elementary and Secondary Education Act, Public Law 114-95, and replaces the No Child Left Behind Act of 2001. Among other things, the Every Student Succeeds Act repeals the provisions that required a teacher who teaches core academic subjects to satisfy all the requirements for the issuance of a renewable license.

On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which: (1) authorizes the Superintendent of Public Instruction to issue a provisional nonrenewable license to a person who applies for a license to teach in a core academic subject but does not meet the requirements for the issuance of a renewable license; and (2) provides that a provisional nonrenewable license becomes invalid after 1 year unless the licensee meets certain requirements. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently adopt the provisions of the emergency regulation.

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

391.056 1. ~~[Except as otherwise provided in subsection 4, the]~~ *The* Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

- (a) Has a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher;
- (b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;
- (c) Lacks confirmation from a college that the applicant has student teaching experience if he or she is applying for a teaching license, or that the applicant has completed a school counseling practicum or internship if he or she is applying for a school counseling endorsement, but:
 - (1) Has completed all necessary course-work requirements for the school counseling endorsement;

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

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

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

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

2. ~~{A}~~ *Except as otherwise provided in this subsection, a* license issued pursuant to this section becomes invalid ~~{3 years}~~ *1 year* after the date on which the license is issued. *A licensed issued to an applicant described in paragraph (b) of subsection 1 becomes invalid 3 years after the date on which the license is issued.*

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

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

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

- ~~—(b) A special teaching license in music or art;~~
- ~~—(c) A license to teach special education; or~~
- ~~—(d) A secondary license with an endorsement in one or more of the following major or minor fields:~~

- ~~—(1) Art.~~
- ~~—(2) Biological science.~~
- ~~—(3) Chemistry.~~
- ~~—(4) English.~~
- ~~—(5) French.~~
- ~~—(6) General science.~~
- ~~—(7) History.~~
- ~~—(8) Mathematics.~~
- ~~—(9) Music.~~
- ~~—(10) Physical science.~~
- ~~—(11) Reading.~~
- ~~—(12) Social studies.~~
- ~~—(13) Spanish.~~
- ~~—(14) Speech and drama.]~~

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 • Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

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

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

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising **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, Ph.D., being duly appointed Interim Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to the 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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 that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim 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 8:00 AM on **May 18, 2016 to be video-conferenced in the following locations:**

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

and

Department of Education
700 East Fifth Street
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:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R043-16; NAC Chapter 391 relating to education; increasing the fee for an application for a license made by the holder of a provisional nonrenewable license; 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 Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to increasing the fee for an application for a license made by the holder of a provisional nonrenewable license. This regulation increases the fee from \$131 to \$150 before the expiration of the provisional nonrenewable license.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the certification for the purposes of renewal licensure.
3. There is no economic effect of the regulation on the business and industry 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 establish a new/increased fee. The proposed regulation does increase the existing renewal 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 May 4, 2016**. 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 and on the Internet at <http://www.leg.state.nv.us>. 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. R043-16

March 29, 2016

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

AUTHORITY: §1, NRS 391.019, 391.032 and 391.040.

A REGULATION relating to education; increasing the fee for an application for a license made by the holder of a provisional nonrenewable license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to fix fees for the initial issuance of a license as a teacher or other educational employee and the renewal of such a license. (NRS 391.040) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license as a teacher or other educational employee to an applicant who otherwise meets the requirements for a license but has not completed certain course work or tests or cannot provide confirmation of certain practical experience. (NAC 391.056) This regulation increases the fee from \$131 to \$150 for an application for a license made by the holder of a provisional nonrenewable license before the expiration of the provisional nonrenewable license.

Section 1. 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 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,]~~ **\$150**, 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.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 • Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

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

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

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising **NAC 391.0565** **Provisional nonrenewable licensure: Removal of provisions.** ([NRS 391.019](#), [391.032](#), [391.040](#))

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

1. The proposed changes to the regulation NAC 391.0565 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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 that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim 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 8:00 AM on **May 18, 2016 to be video-conferenced in the following locations:**

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

and

Department of Education
700 East Fifth Street
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:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R044-16; NAC Chapter 391 relating to education; revising the requirements for the renewal of a license; 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 Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments to this regulation increases that fee to \$150. This regulation provides that, if the Superintendent grants such an extension, the holder must instead submit a fee in the amount equal to the fee prescribed for the initial issuance of a license.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the certification for the purposes of renewal licensure.
3. There is no economic effect of the regulation on the business and industry 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 establish a new/increased fee. The proposed regulation does increase the existing renewal 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 May 4, 2016**. 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 and on the Internet at <http://www.leg.state.nv.us>. 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. R044-16

March 29, 2016

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

AUTHORITY: §1, NRS 391.019, 391.033 and 391.040.

A REGULATION relating to education; revising the requirements for the renewal of a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to fix fees for the initial issuance of a license as a teacher or other educational employee and the renewal of such a license. (NRS 391.040) Existing regulations require a holder of a license who wishes to renew the license to submit a fee of \$131. (NAC 391.070) This regulation increases that fee to \$150. Existing regulations also authorize the Superintendent of Public Instruction to extend the time prescribed for renewal of a license under certain conditions. (NAC 391.077) This regulation provides that, if the Superintendent grants such an extension, the holder must instead submit a fee in an amount equal to the fee prescribed for the initial issuance of a license.

Section 1. NAC 391.070 is hereby amended to read as follows:

391.070 1. To renew a license, the holder must submit before it expires:

(a) ~~[A request]~~ *An application* for renewal in the form prescribed by the Department;

(b) Current official transcripts or verification of credits for in-service or continuing education courses; and

(c) ~~[A]~~ *Except as otherwise provided in this paragraph, a* renewal fee of ~~[\$131, which]~~
\$150. If the holder has been granted an extension of time pursuant to NAC 391.077, the

applicant must instead submit a fee in an amount equal to the fee prescribed by NAC 391.045 for the initial issuance of a license. Any fee submitted pursuant to this paragraph includes the fees for processing the fingerprints of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. Renewal may not be requested earlier than 9 months before the expiration date of a license.

3. The Superintendent of Public Instruction may delay the expiration date of a license:

(a) For not more than 30 days if the licensee has completed the educational prerequisites prescribed in NAC 391.065 and the general prerequisites prescribed in subsection 1 in a timely manner, except:

(1) Submission of the request for renewal or the renewal fee, or both; or

(2) Submission of the current official transcript or verification of credits.

(b) For not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 • Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

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

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

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising **NAC 391.070** **Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction.** ([NRS 385.080](#), [391.019](#), [391.033](#), [391.040](#))

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

1. The proposed changes to the regulation NAC 391.070 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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 that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim 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 8:00 AM on **May 18, 2016 to be video-conferenced in the following locations:**

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

and

Department of Education
700 East Fifth Street
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:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R045-16; NAC Chapter 391 relating to educational personnel; revising the fee for the renewal of the license of a retired person; 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 Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments to this regulation increases that fee from \$131 to \$150. This regulation sets forth the fee for the renewal of a license of a person who is retired when such an extension is granted.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the certification for the purposes of renewal licensure.
3. There is no economic effect of the regulation on the business and industry 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 establish a new/increased fee. The proposed regulation does increase the existing renewal 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 May 4, 2016**. 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 and on the Internet at <http://www.leg.state.nv.us>. 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. R045-16

April 6, 2016

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

AUTHORITY: §1, NRS 391.019, 391.033 and 391.040.

A REGULATION relating to educational personnel; revising the fee for the renewal of the license of a retired person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commission on Professional Standards in Education to establish fees for the initial issuance and renewal of a license as a teacher or other educational personnel. (NRS 391.040) Under existing regulations, a person who is retired and who holds a valid license must pay a renewal fee of \$131. (NAC 391.073) This regulation increases that fee to \$150.

Under existing regulations, the Superintendent of Public Instruction may extend the period of time for renewal of a license. (NAC 391.077) This regulation sets forth the fee for the renewal of a license of a person who is retired when such an extension is granted.

Section 1. NAC 391.073 is hereby amended to read as follows:

391.073 1. A person who is retired and who holds a valid license issued by the Superintendent of Public Instruction may submit an application on a form prescribed by the Department for renewal of the license. The application must include:

(a) Proof that the applicant is retired under the Public Employees' Retirement System;

(b) Proof that the applicant has at least 15 years of verified employment experience in this State in a position that requires licensure by the Superintendent of Public Instruction pursuant to chapter 391 of NRS; and

(c) ~~[A]~~ *Except as otherwise provided in this paragraph, a renewal fee of ~~[\$131, which]~~ \$150. If the applicant has been granted an extension of time pursuant to NAC 391.077, the applicant must instead submit a fee in an amount equal to the fee prescribed by NAC 391.045 for the initial issuance of a license. Any fee submitted pursuant to this paragraph* 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.

⇒ Except as otherwise provided in subsection 4, the requirements for renewal set forth in NAC 391.065 do not apply.

2. An application for renewal pursuant to this section may not be submitted earlier than 9 months before the expiration date of the license.

3. Notwithstanding the provisions of NAC 391.060 to the contrary, the renewal of a license pursuant to this section is valid for 10 years. The Superintendent of Public Instruction may delay the expiration of a license for not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. A person may renew the license pursuant to this section if he or she satisfies the requirements of subsection 1.

4. If a person who holds a license that is renewed pursuant to this section accepts employment with a public employer, the person shall comply with the applicable provisions of

chapter 286 of NRS and any other statutes and regulations applicable to retired public employees.

5. An applicant for renewal pursuant to this section who seeks to renew an endorsement in a field of specialization shall comply with the applicable requirements for the renewal of the endorsement.

6. As used in this section, “public employer” has the meaning ascribed to it in NRS 286.070.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 • Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

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

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

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising NAC 391.073 **Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ([NRS 391.019](#), [391.033](#), [391.040](#))

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

1. The proposed changes to the regulation NAC 391.073 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 and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

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 that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction