

## 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 **March 16, 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 R139-15; NAC Chapter 391 relating to education; revising provisions concerning an endorsement to provide audiological services; 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 education; revising provisions concerning an endorsement to provide audiological services.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the license or endorsement for providing audiological services to pupils who are at least 3 years of age but less than 22 years of age.
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 March 2, 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. R139-15**

February 4, 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; revising provisions concerning an endorsement to provide audiological services; 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 regulations authorize a person who meets certain requirements to receive an endorsement to provide audiological services in kindergarten through grade 12. (NAC 391.223) This regulation instead authorizes a person who meets those requirements to receive an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age.

**Section 1.** NAC 391.223 is hereby amended to read as follows:

391.223 1. To receive an endorsement to provide audiological services ~~[in kindergarten through grade 12,]~~ *to pupils who are at least 3 years of age but less than 22 years of age*, a person must hold a:

(a) Certificate of Clinical Competence as an audiologist issued by the American Speech-Language-Hearing Association;

(b) Master's degree in audiology from an institution accredited by a regional accrediting association; or

(c) Master's degree in any subject from an institution accredited by a regional accrediting association and have:

(1) Successfully completed at least 300 hours of supervised clinical experience in audiology or speech pathology, or both; and

(2) Earned at least 60 credits in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 credits, not including credits earned for a thesis or dissertation, must have been earned in courses directly relating to audiology or speech pathology.

2. ~~[An]~~ *A person is not required to have an endorsement issued pursuant to subsection 1 [is not required] to provide audiological services [in kindergarten through grade 12.] to pupils who are at least 3 years of age but less than 22 years of age.*

BRIAN SANDOVAL  
Governor

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

STATE OF NEVADA



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

Date: 10/29/2015

RE: Proposed Adoption of Regulations Revising [NAC391.223](#) Endorsement to provide audiological services; exception. ([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 391.223 is 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