

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 R143-15; NAC Chapter 391 relating to education; revising certain requirements for the renewal of a license by a person who is retired and holds a valid license issued by the Superintendent of Public Instruction; 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 revising certain requirements for the renewal of a license by a person who is retired and holds a valid license issued by the Superintendent of Public Instruction.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain license by a person who is retired and holds a valid license.
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. R143-15

February 9, 2016

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

AUTHORITY: §1, NRS 391.019 and 391.033.

A REGULATION relating to educational personnel; revising certain requirements for the renewal of a license by a person who is retired and holds a valid license issued by the Superintendent of Public Instruction; 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 prescribe requirements for the renewal of a license issued by the Superintendent of Public Instruction by a person who is retired and holds a valid license. Existing regulations require an application for the renewal of a license by a person who is retired to include proof that the applicant: (1) is retired under the Public Employees' Retirement System; and (2) has at least 15 years of verified employment experience in this State in a position that requires licensure by the Superintendent of Public Instruction. (NAC 391.073) This regulation removes these requirements and instead limits that to proof that the applicant has at least 15 years of verified employment experience as a teacher or administrator at a public or private school in this State.

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 *as a teacher or administrator at a public or private school* in this State ; ~~{in a position that requires licensure by the Superintendent of Public Instruction pursuant to chapter 391 of NRS;}~~ and

~~{(e)}~~ (b) A renewal 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.

↪ 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 ~~{;}~~ *and is retired under the Public Employees' Retirement System*, 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

STATE OF NEVADA

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DALE A.R. ERQUIAGA
Superintendent of Public Instruction



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

Date: 04/28/2015

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, Dale A.R. Erquiaga, being duly appointed 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 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 "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction