

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

LCB File No. R167-08

Effective December 17, 2008

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

AUTHORITY: §§1 and 2, NRS 391.019.

A REGULATION relating to educational personnel; providing for the renewal of a license for certain retired employees; providing an exemption from certain requirements of renewal for such licenses; and providing other matters properly relating thereto.

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

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 renewal fee of \$80.*

↪ 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. A person may renew the license pursuant to this section if he 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, he 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.

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

391.065 ~~{The}~~

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

~~{1.}~~ (a) Except as otherwise provided in ~~{subsection 2,}~~ paragraph (b), a license that is renewable may be renewed if its holder earns 6 semester hours of credit or the equivalent during the term of the license.

~~{2.}~~ (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.

2. The provisions of this section do not apply to the renewal of a license pursuant to section 1 of this regulation.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R167-08

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R167-08 which pertain to chapter 391 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. A workshop was held on August 6, 2008. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of a new section and proposed amendments to NAC 391.065 was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on October 17, 2008 to provide the opportunity for comments by affected parties and the public. There was public comment. The Commission adopted the new section and proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 11; First Hearing: 5; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 2; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9226, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of August 6, 2008; and the public hearing notice of September 11, 2008. At the September 5, 2008 Workshop to Solicit Comments, there were no public comments to the proposed regulation language. At the October 17, 2008 public hearing there were public comments to the proposed regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

Workshop comments:

There were no workshop public comments.

Public Hearing comments:

- (a) Craig Stevens, Nevada State Education Association, supported the proposed regulation.
- (b) Dr. Marilyn Ford, University of Nevada, Las Vegas, questioned if an individual who had let their license expire, could reactivate that license. It was explained that if an individual lets their license expire, there is a three year period in which they may reactivate their license and not have to retake the required examinations.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Commission on Professional Standards in Public Education adopted the proposed regulation language at the public hearing held October 17, 2008. The reason for adopting the regulation is to set criteria for the renewal of a license for certain retired employees and providing an exemption for certain requirements of renewal for such licenses.

- 5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

The beneficial effect would allow retired teachers the ability to retain their teaching license, following retirement, with no continuing education requirements.

The immediate effect would allow retired teachers to retain their teaching license and thus continue teaching. The long-term effect would allow retired teachers to retain their teaching license without having to meet the continuing education requirements.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

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