

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

LCB File No. R142-15

Effective June 21, 2017

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

AUTHORITY: §1, NRS 391.019, 391.023 and 391.032, as amended by section 22 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017 at page ____.

A REGULATION relating to educational personnel; revising provisions governing the renewal of a license and a provisional license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the requirements for the issuance and renewal of a license by the Superintendent of Public Instruction. (NRS 391.033-391.0345) Existing law also: (1) requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel; and (2) authorizes the Commission to adopt such other regulations as it deems necessary for its own government or to carry out its duties. (NRS 391.019)

Existing regulations authorize the Superintendent to extend the time prescribed for the renewal of a license or for the validity of a provisional license in certain circumstances, including when a medical condition or administrative problem prevents a licensee from complying with the requirements for renewal of his or her license and the Superintendent determines that the medical condition or administrative problem is adequate to justify the extension. (NAC 391.077) This regulation specifically makes the inability to process a licensee's fingerprints by the Central Repository for Nevada Records of Criminal History an administrative problem that justifies such an extension. This regulation also increases the number of days before the expiration of a license or provisional license by which a request for an extension must be received by the Superintendent from 15 working days to 30 calendar days.

Existing regulations authorize the Superintendent to grant an extension of the time prescribed for the renewal of a license or for the validity of a provisional license for a period of not more than 6 months, which begins when the extension is granted, and prohibits any further extensions. (NAC 391.077) This regulation instead makes the extension begin after the date on which a license or provisional license expires and prohibits any additional extensions during the same period of licensure.

Section 1. NAC 391.077 is hereby amended to read as follows:

391.077 1. The Superintendent of Public Instruction may extend the time prescribed for renewal of a license or for the validity of a provisional license if:

(a) The licensee provides proof that a course or test required for renewal of his or her license or removal of the provision under which his or her provisional license was issued was not available during the time his or her license was valid.

(b) The licensee provides proof that:

(1) The licensee was issued the provisional license while residing outside of this State; and

(2) The test required for removal of the provision under which his or her provisional license was issued was not available to the licensee during the time his or her license was valid because the licensee was residing outside of this State on the date when the test was offered.

(c) The Department's file relating to the licensee contains adequate documentation that the licensee was misinformed about the requirements necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(d) The licensee took the wrong test or course necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(e) The licensee provides written proof from a representative of a religious denomination, sect or organization that a course or test necessary to renew his or her license or remove a provision under which his or her provisional license was issued was offered only during a time which conflicted with the religious beliefs of the licensee.

(f) The unemployment of the licensee or personal medical expenses incurred by the licensee which were not covered under a plan of health insurance caused financial debts in excess of the personal income of the licensee and prevented the licensee from complying with the financial

requirements for renewal of the license or removal of the provision under which his or her provisional license was issued.

(g) The licensee suffered a medical condition which prevented the licensee from satisfying the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the licensee provides written proof:

(1) From a licensed physician that the licensee suffered from such a medical condition, including the duration of the medical condition; and

(2) Of the number of days the licensee worked during the time that his or her license was valid.

(h) The licensee suffered mental anxiety caused by a physical or mental condition which prevented the licensee from passing the test or course required for renewal of his or her license or removal of the provision under which his or her provisional license was issued. The licensee must provide written proof from a licensed physician that the licensee suffered such mental anxiety.

(i) A medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the Superintendent of Public Instruction determines that the medical condition or administrative problem is adequate to justify the extension. *Such an administrative problem may include, without limitation, the inability by the Central Repository for Nevada Records of Criminal History to process the fingerprints of the licensee.*

(j) The provisional license of the licensee expires during a school year and the removal of the licensee from his or her position of employment would have a detrimental effect on the pupils who are taught by the licensee, as determined by the Superintendent of Public Instruction. If an

extension is granted pursuant to this paragraph, the extension expires on the last school day of the academic term for which the extension was granted or the time period prescribed in subsection 3, whichever occurs first.

2. A request for an extension pursuant to subsection 1 must be received by the Superintendent of Public Instruction ~~{no less than 15 working}~~ *at least 30 calendar* days before the expiration of the license or provisional license. If such a request is received less than ~~{15 working}~~ *30 calendar* days before the expiration of the license or provisional license, the licensee is not guaranteed a decision on the request before the license becomes invalid or expires. A request for an extension which is postmarked or received after the date of expiration of the license or provisional license will not be considered by the Superintendent of Public Instruction.

3. The Superintendent of Public Instruction may grant an extension *pursuant to subsection 1* for a period of not more than 6 months after the date ~~{the extension is granted.}~~ *on which a license or provisional license is set to expire.* In no case may ~~{a further}~~ *the Superintendent of Public Instruction grant more than one* extension ~~{be granted.}~~ *during the same period of licensure.*

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB File No.R142-15

Amendments to NAC 391.077 – A Regulation relating to Educational Personnel; revising provisions governing the renewal of a license and a provisional license; and providing other matters properly relating thereto.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed amendments to NAC Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to educational personnel; revising provisions governing the renewal of a license and a provisional license, and that the Superintendent of Public Instruction may extend the time prescribed for renewal of a license or for the validity of a provisional license. If a medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued, and the Superintendent of Public Instruction determines whether the problem is adequate to justify the extension. Such a problem may include without limitation, the inability by the Central Repository for Nevada Records of Criminal History to process the fingerprints of the licensee. A request for an extension must be received by at least 30 calendar days before the expiration of the license or provisional license. If the request is received less than 30 calendar days, the licensee is not guaranteed a decision on the request before the license becomes invalid or expires. If an extension is granted, it will be for a period of not more than 6 months after the date on which a license or provisional license is set to expire. In no case may more than one extension be granted during the same period of licensure.

2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education were advised of their right to appear at the scheduled public hearing and their right to address 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 have received written submissions **on or before April 6, 2016**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation.

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.

The public response can be summarized as non-existent as no individuals testified at the workshop or the hearing and no one provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Kim Bennett, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-668-4317, or by writing to the Nevada Department of Education at 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

3. The Number of Persons Who:

- a) Attended Hearing: Workshop: 16; Hearing: 11;
- b) Testified at Workshop: 0; Hearing: 0
- c) Submitted Written Statements: Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

5. A description of how comment was solicited from affected business, a summary of their response and an explanation of how other interested person may obtain a copy of the summary.

Comments were solicited through the public hearing notice of **March 18, 2016**. At the workshop Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education were advised of their right appear at the scheduled public hearing and their right to address 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 have received written submissions **on or before April 6, 2016**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards in Education proceeded.

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.

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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.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Kim Bennett, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-668-4317,

or by writing to the Nevada Department of Education at 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

- 6. 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 on **April 20, 2016** as presented. There were no further amendments that needed to be made to this proposed regulation.

- 7. 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:**

There will be no economic effect of the regulation on the business that it regulates.

There is no estimated economic effect on the public.

- 8. 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.

- 9. A description of any regulations of other state or governmental agencies which the 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.

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

There are none.

- 11. 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.