

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

**LCB File No. R142-15**

March 15, 2016

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.

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.*