

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

LCB File No. R143-15

Effective June 28, 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

~~H(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 ~~H~~ *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.

**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. R143-15

Amendments to NAC 391.073 – A Regulation 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.

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 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. The regulation changes allow for private school and charter school educators to be afforded the same availability to a retiree license as one who was employed by a school district.

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 March 2, 2016**. One 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 heard and documented the public comment.

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: 14; Hearing: 15;
- b) Testified at Workshop: 1; Hearing: 1
- 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.

Assemblyman Philip P.K. O'Neill
775-741-8309
1216 Sonoma Street
Carson City, NV 89701
PK.Oneill@asm.state.nv.us

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 16, 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 March 2, 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.

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 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 March 16, 2016 as presented. There were no further amendments that needed to be made 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.