

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

LCB FILE NO. T008-22A

**The following document is the adopted temporary regulation submitted
by the agency on 05/24/2023**

SECRETARY OF STATE
FILING DATA

**Form For Filing
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FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Agency: Commission on Professional
Standards

Governor's signature

Classification: ☐ PROPOSED ☐ ☒ ADOPTED BY AGENCY ☐ ☐ EMERGENCY

Brief description of action The Commission on Professional Standards adopted proposed amendments to NAC 391, updating and aligning the tiered provisional teaching licensure requirements in NAC.

Authority citation other than 233B NRS Chapter 391

Notice date March 15, 2023 **Date of Adoption by Agency** April 19, 2023

Hearing date April 19, 2023

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

LCB FILE NO. T008-22P

**The following document is the temporary regulation proposed
by the agency submitted on 10/12/2022**

NAC 391.056 Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements. (NRS 391.019, 391.021, 391.032)

1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045. Except as otherwise provided in subsection 2, a provisional nonrenewable license is valid for:

(a) ~~One year~~ **Three years**, if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

(1) Except as otherwise provided in paragraph (c), has a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher; or

(2) If the applicant is applying for a school counseling endorsement pursuant to NAC 391.185, lacks confirmation from a college that the applicant has completed a school counseling practicum or internship, but:

(I) Has completed all necessary course-work requirements for the school counseling endorsement;

(II) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his or her application for licensure; and

(III) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

(b) ~~Two~~ **Three** years, if the applicant has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(c) Three years, if the applicant has not completed the course required by paragraph (b) of subsection 1 of NAC 391.045.

2. If each provision is removed on or before the date on which a license issued pursuant to this section is set to expire pursuant to subsection 1, the license expires 3 years after the date on which the license was issued.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

NEVADA DEPARTMENT OF EDUCATION

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

LCB File No. T008-22

Amendments to NAC 391.056

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.**
This proposed temporary regulation will update the tiered provision requirements in NAC 391.056 by moving the coursework and exam provisions to be in line with the Parent Involvement and Family Engagement course requirement allowing three years to complete. This will be in line with E002-22A, which expired. This temporary regulation will retain educators in Nevada's schools.

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 of Professional Standards 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 Board Secretary, Nevada Department of Education 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before April 19, 2023**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards 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, 700 E. Fifth St. Suite 100, Carson City, NV 89701, 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, and Nevada State Library and Archives.

The public response can be summarized as no individuals testified at the workshop or public hearing, and no individuals provided written statements at the public hearing regarding this regulatory change. A copy of the summary and/or minutes of the public workshop and/or hearing are available upon request.

3. The Number of Persons Who:

- a) Attended Workshop: 4; Hearing: 0
- 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.

None.

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 **April 19, 2023**. At the workshop persons wishing to comment upon the proposed action of the Commission on Professional Standards 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 Board Secretary, Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before April 19, 2023**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards 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, 700 E. Fifth St, Suite 100, Carson City, NV 89701, 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, 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 Geri Mendiola, 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 700 E. Fifth St. Suite 100, Carson City, NV 89701.

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 Department of Education adopted the proposed regulation language at the public hearing held on **April 19, 2023**, as written. The regulations were adopted without change because there was no public comment requesting changes.

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.

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF NEVADA COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing temporary regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, September 21, 2022** at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:25 A.M. Workshop to Solicit Comments on Proposed Temporary Amendments to NAC Chapter 391.056 – Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public hearings [Meeting Materials](#) page, by contacting Rick Derry, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4308 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 2080 E. Flamingo Rd. Suite 210, Las Vegas, Nevada 89119. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, September 20, 2022.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: August 29, 2022

RE: Workshop to Solicit Comments on Proposed Temporary Amendments to NAC Chapter 391.056 – Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding provisional nonrenewable licensure 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.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse 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,

Jhone M. Ebert
Superintendent of Public Instruction

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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April 19, 2023

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #T008-22

The Commission on Professional Standards in Education will hold a public hearing at **9:05 A.M. on Wednesday, April 19, 2023** via [livestream](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.056 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019, 391.021, and 391.032.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education is instructed to adopt regulations:
 - Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

NRS 391.032 notes that the Commission shall:

- Adopt regulations which provided for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation revises the length of validity for a provisional nonrenewable license issued by the Superintendent of Public Instruction from one or two years to three years.

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

4. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
5. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
6. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before Tuesday, November 15, 2022. A record of all submitted comments will be retained, and the Commission on Professional Standards will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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.