

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption of Regulations of the
Nevada State Board of Education
Nevada State Board for Career and Technical Education**

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **June 15, 2017 to be video conference in the Board Room at the Nevada Department of Education Offices, 700 East Fifth Street Carson City Nevada and 9890 South Maryland Parkway, Las Vegas, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions/repeal of regulations of the Nevada Administrative Code (NAC) 391.

The time for the hearing is scheduled as follows:

11:00 AM Public Hearing and Possible Adoption of proposed regulation R031-16, pertaining to the Teach Nevada Scholarship program in accordance with the passage of Senate Bill 511 from the 2015 Legislative Session.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. In 2015, Senate Bill 511 was proposed by Governor Sandoval and passed by the 79th Legislative Session to grow and support Nevada's teacher workforce. The new Teach Nevada Scholarship program was created to recruit and retain the best and brightest teachers to high quality educator preparation programs by providing tuition scholarships and retention incentive funds. Section 8 of the bill authorizes the State Board of Education to adopt any regulations necessary to carry out the scholarship program.
2. The proposed new regulations prescribe requirements for teacher program providers and scholarship recipients, including without limitation, tracking and reporting processes, provider payments when scholarship recipients complete the preparation program on schedule, repayment of money if scholarship recipients leave the teaching program prior to completion, program requirement exemptions for special circumstances, and other matters relating thereto.
3. There is no economic effect of the regulation on the business that it regulates and no impact on the public.
4. The estimated cost to the agency for enforcement of the proposed regulation is none.
5. There is no duplication or overlap of regulations of state or local government agencies.
6. This regulation is not required pursuant to federal law.
7. There is no federal law affecting or overlapping the proposed regulations.
8. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the, Nevada Department of Education, 700 E. 5th St, Carson City, NV 89701 June 1, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Education/State Board of Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be 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 adopted will be available at the Nevada Department of Education, 700 East Fifth St, Carson City, Nevada 89701 and in all counties in which an office of the agency is not maintained, 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 in 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 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.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 16 Nevada Public Libraries; both locations; and Nevada State Library and Archives.

5/5/2017

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R031-16

May 16, 2016

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

AUTHORITY: §§1-8, section 8 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2194 (NRS 391A.580).

A REGULATION relating to education; prescribing the manner in which scholarships must be awarded pursuant to the Teach Nevada Scholarship Program; prescribing certain requirements for teacher program providers and scholarship recipients; prescribing requirements for certain payments to a teacher program provider if a scholarship recipient graduates on schedule from the teaching program; prescribing requirements for the repayment of money if a scholarship recipient leaves the teaching program before graduating; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Teach Nevada Scholarship Program to provide scholarships to students pursuing teaching degrees at a university, college or other provider of an alternative licensure program in this State. (Sections 2-10 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2193 (NRS 391A.550-391A.590)) **Section 2** of this regulation defines "teacher program provider" to mean a public or private university, college or other provider that offers a course of study and training for the education of teachers or other educational personnel or that has been approved to become a qualified provider for an alternative route of licensure for teachers or other educational personnel. **Section 4** of this regulation: (1) authorizes a teacher program provider to apply annually for a grant of money from the Teach Nevada Scholarship Account to pay for Teach Nevada Scholarships; and (2) requires each Teach Nevada Scholarship to be awarded in an amount equal to the cost of tuition, books and fees. **Section 4** also requires each teacher program provider that is awarded a grant of money to: (1) submit certain information regarding scholarship recipients to the Department of Education each semester; and (2) return to the State Board of Education any money that was not used to award Teach Nevada Scholarships.

Existing law: (1) authorizes a student to apply for a Teach Nevada Scholarship if the student attends or has been accepted to attend a teaching program offered by a teacher program

provider; and (2) requires an application for a Teach Nevada Scholarship to identify the program to be completed and the date by which the student must complete the program to finish on schedule. (Section 8 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2194 (NRS 391A.580)) **Section 5** of this regulation requires a scholarship recipient to make continuous progress toward completing the teaching program on schedule in order to continue receiving scholarship money. **Section 5** also: (1) authorizes a teacher program provider to request that the Department grant an exemption from this requirement; and (2) authorizes the Department to grant such an exemption if the Department determines that extenuating circumstances exist.

Existing law requires a teacher program provider that receives a grant of money from the Teach Nevada Scholarship Account to award Teach Nevada Scholarships to approved students each semester by: (1) disbursing 75 percent of the scholarship money for the semester to the scholarship recipient; and (2) placing the remaining 25 percent of the scholarship money in a trust account. Existing law authorizes a scholarship recipient to claim the money in the trust account if the scholarship recipient meets certain requirements. (Section 9 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2195 (NRS 391A.585)) **Section 6** of this regulation establishes additional requirements which must be met to receive the money deposited in the trust account.

Existing law: (1) requires the State Board, to the extent that money is available, to pay a certain amount to a teacher program provider that awards a Teach Nevada Scholarship if the scholarship recipient completes on schedule the program for which the scholarship was awarded; and (2) requires a teacher program provider that awards a Teach Nevada Scholarship to repay a certain amount to the State Board if a scholarship recipient leaves the program. (Section 10 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2196 (NRS 391A.590)) **Section 7** of this regulation requires a teacher program provider to submit a request for the payment of money and a list of scholarship recipients who have completed the program for which they were awarded a Teach Nevada Scholarship to receive the money authorized to be paid by the State Board to the teacher program provider. **Section 8** of this regulation requires a teacher program provider that awards a Teach Nevada Scholarship to repay money to the State Board after the last day of the semester in which a scholarship recipient exits the program if the recipient did not complete the program.

Section 1. Chapter 391A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in this chapter, “teacher program provider” means a public or private university, college or other provider of an alternative licensure program.*

Sec. 3. The Board interprets the term “veteran,” as used in sections 8 and 9 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2194 (NRS 391A.580 and 391A.585), to have the meaning ascribed to it in NRS 417.005.

Sec. 4. 1. A teacher program provider annually may apply for a grant from the Account on a form prescribed by the Department. If a teacher program provider is awarded a grant of money from the Account, the teacher program provider shall use the money to award Teach Nevada Scholarships to students on a per semester basis.

2. Each Teach Nevada Scholarship must be awarded in an amount equal to the cost of tuition, books and fees, not to exceed the amount specified in subsection 2 of section 9 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2195 (NRS 391A.585). If insufficient money is available to award to a student a Teach Nevada Scholarship in such an amount, a teacher program provider shall not award a Teach Nevada Scholarship to that student. The money received for a Teach Nevada Scholarship may be used only to pay the costs of tuition, books and fees, and must be awarded pursuant to subsection 3 of section 9 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2195 (NRS 391A.585).

3. Each semester, each teacher program provider that is awarded a grant of money pursuant to section 8 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2194 (NRS 391A.580) shall:

(a) On or before a date determined by the Department, submit to the Department, on a form prescribed by the Department, a list of current scholarship recipients. Such a list must include, without limitation, the following information for each scholarship recipient:

(1) The first and last name of the scholarship recipient;

(2) Whether the scholarship recipient seeks to obtain a license to teach:

(I) Elementary education;

(II) Secondary education;

(III) Pupils in a program of early childhood education; or

(IV) Special education to pupils in prekindergarten through grade 12;

(3) If the scholarship recipient seeks to obtain a license to teach secondary education, the subject area in which he or she intends to teach;

(4) The anticipated date on which the scholarship recipient will meet the requirements for the issuance of a conditional license pursuant to NAC 391.057;

(5) The anticipated date on which the scholarship recipient will complete the program for which he or she was awarded the scholarship and will meet the requirements for the issuance of an initial license to teach pursuant to NAC 391.0575 or 391.0577; and

(6) The amount of the scholarship awarded for the semester for which the list is issued and the total amount of scholarship money received by the scholarship recipient to date.

(b) Notify the Department of any money that was received as a grant from the Account and was not used to award Teach Nevada Scholarships.

(c) On or before a date determined by the Department, transfer to the State Board any money that was not used to award Teach Nevada Scholarships.

Sec. 5. 1. To continue receiving scholarship money, except as otherwise provided in subsection 2, a scholarship recipient must make continuous progress toward completing the program offered by the teacher program provider on or before the date specified pursuant to

subsection 4 of section 8 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2194 (NRS 391A.580).

2. A teacher program provider may, on behalf of a scholarship recipient, request that the Department grant an exemption from the requirements of subsection 1. The Department will grant such an exemption if the Department determines that extenuating circumstances exist.

Sec. 6. 1. A scholarship recipient may only receive the money deposited in the trust account established for the scholarship recipient pursuant to paragraph (b) of subsection 3 of section 9 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2195 (NRS 391A.585) if the scholarship recipient meets the requirements prescribed in subsection 4 of that section and, within 120 days after the 5-year anniversary of the date on which the scholarship recipient completed the program for which he or she was awarded the scholarship, submits to the teacher program provider proof that he or she:

(a) Holds a valid license to teach:

(1) Elementary education;

(2) Secondary education;

(3) Pupils in a program of early childhood education; or

(4) Special education to pupils in prekindergarten through grade 12;

(b) Has not been the subject of any disciplinary action taken by any school district by which he or she was employed;

(c) Is not currently the subject of an investigation that could result in the imposition of disciplinary action against him or her;

(d) Has maintained employment as a teacher at a public school in this State for 5 consecutive school years and received a performance evaluation rating designating him or her as “highly effective” or “effective” during each of the 5 school years; and

(e) Was employed for at least 3 years as a teacher at a public school in this State that:

(1) Was a Title I school, as defined in NRS 385A.040, for the year immediately preceding the year in which he or she began employment as a teacher at the school;

(2) Received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the year immediately preceding the year in which he or she began employment as a teacher at the school; or

(3) Had a teacher vacancy rate that was higher than the statewide average teacher vacancy rate as determined by the Department and published on the a website maintained by the Department for the year immediately preceding the year in which he or she began employment as a teacher at the school.

2. A scholarship recipient who transfers employment between schools that satisfy the requirements specified in paragraph (e) of subsection 1 satisfies the requirements of that paragraph.

Sec. 7. To receive the money authorized to be paid by the State Board to a teacher program provider pursuant to subsection 2 of section 10 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2196 (NRS 391A.590), the teacher program provider must, after the last day of a semester in which a scholarship recipient completes on schedule the program for which he or she was awarded a scholarship, submit to the Department:

1. *On a form prescribed by the Department, a request for the payment of the money by the State Board; and*

2. *A list of scholarship recipients who have completed the program for which the recipients were awarded a scholarship. The list must include, without limitation, the date on which each scholarship recipient enrolled in a teaching program offered by the teacher program provider and the date on which each scholarship recipient completed the program for which he or she was awarded a scholarship.*

Sec. 8. If a scholarship recipient does not complete the program for which he or she received a Teach Nevada Scholarship for any reason, the teacher program provider that awarded the scholarship must, after the last day of the semester in which the scholarship recipient exits the program, pay to the Board for credit to the Account the amount of money prescribed by subsection 1 of section 10 of Senate Bill No. 511, chapter 388, Statutes of Nevada 2015, at page 2196 (NRS 391A.590).

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Superintendent
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STATE OF NEVADA



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 29, 2016

Re: Public Hearing Regarding Proposed New Regulations of Teach Nevada Scholarship as cited in Senate Bill 511

I, Dena Durish, Deputy Superintendent of the Educator Effectiveness and Family Engagement Division, do hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations of the Teach Nevada Scholarship are 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. The proposed regulations specify the requirements for the awarding of the Teach Nevada scholarship. This change will not result in any additional economic burden that would result from these amendments.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic 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 economic impact can be assessed. Any impact is positive and was considered during legislative testimony.

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,

A handwritten signature in cursive script that reads "Dena Durish".