

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

LCB File No. R022-01

Effective October 22, 2001

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

AUTHORITY: §§1 and 2, NRS 391.019.

Section 1. NAC 391.330 is hereby amended to read as follows:

391.330 1. To receive an endorsement as an emergency substitute teacher, a person must earn a high school diploma or its equivalent.

2. An endorsement as an emergency substitute teacher:

(a) Is valid for 3 years after the date of issuance; and

(b) Is not renewable unless, at the time the person applies for the endorsement, he has complied with the requirements of NRS 391.090.

3. ~~[A school district whose enrollment is less than 9,000 pupils may, in an emergency, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed.]~~

~~—4.]~~ Upon the written request of a school district, ~~[whose enrollment is 9,000 pupils or more,]~~ the department may, in an emergency, authorize the school district to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12. ~~[in a school that is located in a rural area of the school district.]~~

4. Each school district shall submit to the department, in the manner prescribed by the department, a monthly report of its hiring and use of emergency substitute teachers.

5. A person employed pursuant to subsection 3 ~~or 4~~ may not serve as a teacher in one classroom for more than 5 days in any 20-day period. Except in an emergency, a school district shall not allow a person solely holding an endorsement as an emergency substitute teacher to serve as a teacher.

6. An applicant for an endorsement as an emergency substitute teacher is exempt from the provisions of:

(a) NAC 391.030 in its entirety regarding the subject of Title 34 of NRS and, to the extent that it conflicts with subsection 1 of this section, regarding compliance with NRS 391.090 on the subjects of the federal and state constitutions;

(b) NAC 391.036; and

(c) NAC 391.065.

7. As used in this section, “in an emergency” means the occurrence of an unforeseen circumstance which requires immediate action, including any period during which a licensed teacher or substitute teacher is not immediately available.

Sec. 2. The amendatory provisions of section 1 of this regulation expire by limitation on February 2, 2003.

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NEVADA DEPARTMENT OF EDUCATION

**REPORT TO LEGISLATIVE COMMISSION ON
EFFECT OF ADMINISTRATIVE REGULATIONS**

1. Title of Regulation:

Amendments to NAC 391.330 Emergency Substitutes.

2. Opportunity for Comments by Affected Parties and the Public:

Petition was noticed January 2, 2001 and August 3, 2001, for public hearing. The proposed amendments were posted at: Nevada Department of Education, Carson and Las Vegas; the 17 Nevada County School District Offices; the Clark County Classroom Teachers Association – Carson and Las Vegas Offices; the 17 Nevada County Libraries; and the Nevada State Library and Archives.

3. The Number of Persons Who:

Attended hearing: First Hearing: 7 Second Hearing: 11

Testified at hearing: First Hearing: 1 Second Hearing: 0

4. How Comments were Solicited, Summary of Comments by Affected Parties and the Public, How Interested Persons May Obtain a Copy of the Minutes of the Meeting.

Comments were solicited from approximately 200 individuals and entities subscribing to the Commission's Mailing List (includes news and radio media). Public hearing was conducted on February 2, 2001.

At the December workshop, Michael Millerick, Senior Professional of Human Resources, Washoe County School District, stated that Washoe County was in support of changes to NAC 391.330, which would allow the districts to license substitutes on an emergency basis. A public hearing was scheduled for the February 2, 2001 meeting.

At the February public hearing commissioners made changes to the language and moved that NAC 391.330 be amended, effective immediately and extending for 18-24 months. The motion passed with five commissioners in favor of the motion and three against.

At the September public hearing commissioners moved to adopt LCB Draft of Proposed Regulation R022-01 at the September 7, 2001 meeting. The motion passed with five in favor, one against and one abstention.

A summary of comments may be obtained through Commission on Professional Standards in Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

5. Estimated Economic Effect on Affected Parties and Public:

There is no economic effect for this regulation.

6. Estimated Cost to Agency for Enforcement:

There is no additional cost to the agency for enforcement of this regulation.

7. Regulations of Other State or Government Agencies Overlapped or Duplicated by These Regulations:

There is no other state or government agency regulation that the proposed amendments duplicate.

8. Federal Regulations Overlapped or Duplicated by These Regulations:
(Name of Regulating Federal Agency/Federal Regulation Title)

There is no duplication or overlap of federal regulations.

9. Summary of Regulation Provisions that are More Stringent than Federal Regulation:

There are none.

10. Annual Anticipated Revenue from New Fee or Increase to Existing Fee and Manner in Which Fee will be Used:

No new fee or increase to existing fee providing revenue to the agency is affected by the above noted regulations.