

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

LCB File No. R057-03

Effective October 21, 2003

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

AUTHORITY: §§1 and 2, NRS 391.019, 391.023 and 391.032.

Section 1. NAC 391.056 is hereby amended to read as follows:

391.056 1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if he otherwise meets the requirements for a license pursuant to NAC 391.045, but:

(a) 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;

(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;

(c) Lacks confirmation from a college that he has student teaching experience if he is applying for a teaching license, or that he has completed a school counseling practicum or internship if he is applying for a school counseling endorsement, but:

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

(2) 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 application for licensure; and

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

(d) Has not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

(e) Has not completed the course required by paragraph (c) of subsection 1 of NAC 391.045.

2. A license issued pursuant to this section becomes invalid 3 years after the date on which the license is issued . ~~and may not be extended.~~

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.

Sec. 2. NAC 391.077 is hereby amended to read as follows:

391.077 1. ~~Except as otherwise provided in subsection 4, the~~ *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 license or removal of the provision under which his provisional license was issued was not available during the time his license was valid.

(b) *The licensee provides proof that:*

(1) He was issued the provisional license while residing outside of this state; and

(2) The test required for removal of the provision under which his provisional license was issued was not available to the licensee during the time his license was valid because he 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 license or remove the provision under which his provisional license was issued.

~~(e)~~ (d) The licensee took the wrong test or course necessary to renew his license or remove the provision under which his provisional license was issued.

~~(d)~~ (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 license or remove a provision under which his provisional license was issued was offered only during a time which conflicted with the religious beliefs of the licensee.

~~(e)~~ (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 him from complying with the financial requirements for renewal of the license or removal of the provision under which his provisional license was issued.

~~(f)~~ (g) The licensee suffered a medical condition which prevented him from satisfying the requirements for renewal of his license or removal of the provision under which his provisional license was issued and he provides written proof:

(1) From a licensed physician that he suffered from such a medical condition, including the duration of the medical condition; and

(2) Of the number of days he worked during the time that his license was valid.

~~[(g)]~~ (h) The licensee suffered mental anxiety caused by a physical or mental condition which prevented him from passing the test or course required for renewal of his license or removal of the provision under which his provisional license was issued. The licensee must provide written proof from a licensed physician that he suffered such mental anxiety.

~~[(h)]~~ (i) A medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his license or removal of the provision under which his provisional license was issued and the Superintendent of Public Instruction determines that the medical condition or administrative problem is adequate to justify the extension.

(j) The provisional license of the licensee expires during a school year and the removal of the licensee from his position of employment would have a detrimental effect on the pupils who are taught by him, 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 days before the expiration of the license or provisional license. If such a request is received less than 15 working 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 for a period of not more than 6 months ~~from~~ *after* the date the extension is granted. In no case may a further extension be granted.

~~[4.— A provisional nonrenewable license issued pursuant to NAC 391.056 may not be granted an extension pursuant to this section.]~~

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R057-03

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R057-03 which pertain to chapter 391 of the Nevada Administrative Code on September 12, 2003.

Notice date: 8/7/2003
Hearing date: 9/12/2003

Date of adoption by agency: 9/12/2003
Filing date: 10/21/2003

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. Workshops were held on February 7, 2003 and September 12, 2003. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions to NAC 391.13043, were sent to approximately 100 individuals and educational organizations. Public hearings were conducted on March 28, 2003 and September 12, 2003, to provide the opportunity for comments by affected parties and the public. There were comments from the public. The Commission adopted the proposed temporary regulation - NAC 391.077.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 6 First Hearing: 11 Second Workshop: 13
Second Hearing: 13
- b) Testified at Each Hearing: First Workshop: 0 First Hearing: 2 Second Workshop: 0
Second Hearing: N/A
- c) Submitted Written Statements: Workshops: 0 First Hearing: 0 Second Hearing: N/A

A copy of any written comments may be obtained by calling Keith Rheault, Deputy Superintendent at the Nevada Department of Education, (775) 687-9224, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notices of January 3, 2003 and August 7,, 2003, and the public hearing notices of February 21, 2003 and August 7, 2003. At the

February 7, 2003, Workshop to Solicit Comments, there was no public comments to the proposed language revisions. At the March 28, 2003, public hearing 2 individuals spoke to the proposed language. At the September 12, 2003, there were no public comments at the workshop or at the public hearing.

Summary of Comments:

Workshop Comments:

- a) None

Public Hearing Comments:

- a) Lina Gutierrez, Clark County School District, supported the proposed temporary regulation. This would help the Clark County School District keep those teachers in the classroom. Ms. Gutierrez stated that there is a shortage of teachers and substitute teachers in the District. When a teacher is removed from the classroom, a substitute is put in that classroom. Ms. Gutierrez suggested that the extension be granted until the end of the semester, not the end of the school year.
- b) Catherine Jackson, Washoe County School District, supported the proposed temporary regulation and suggested that the extension be granted until the end of the school year.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Keith Rheault, Deputy Superintendent at the Nevada Department of Education, (775) 687-9224, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 4. 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 temporary regulation language at the public hearing held March 28, 2003 and adopted the permanent regulation language at the public hearing held on September 12, 2003, without revision to the proposed language. The reason for adopting the regulation is to allow an extension of time prescribed for the renewal of a license when the provisional license becomes invalid occurs during the school year and the removal of the licensee from the classroom would have a detrimental effect on the pupils being taught by the licensee. The adopted regulation will allow school districts to keep a teacher in a classroom when a provision has not been removed from the license.

- 5. 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 is no economic effect on the business, which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. 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.

7. A description of any regulations of other state or governmental agencies which the proposed 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.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. 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 or involve a new fee.