

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

**LCB File No. R004-05**

Effective October 31, 2005

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

AUTHORITY: §1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; revising provisions governing issuance of a provisional license pending a criminal background check of an applicant; and providing other matters properly relating thereto.

**Section 1.** Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A provisional license issued pursuant to NRS 391.033 pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History is valid for a period not to exceed 120 days. The provisional license of an applicant is automatically revoked if the Superintendent of Public Instruction denies the application for a license. If an application for a license is denied and the applicant possesses such a provisional license, the notice of denial to the applicant must include a statement notifying the applicant that his provisional license is automatically revoked.*
- 2. Before issuance of a provisional license pursuant to NRS 391.033, the applicant must submit a written statement to the Superintendent of Public Instruction indicating that he understands the conditions set forth in this section.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R004-05**

The Commission on Professional Standards in Education adopted regulations assigned LCB File No. R004-05 which pertain to chapter 391 of the Nevada Administrative Code on September 22, 2005.

**Notice date:** 8/16/2005  
**Hearing date:** 9/22/2005

**Date of adoption by agency:** 9/22/2005  
**Filing date:** 10/31/2005

**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. One workshop was held on September 22, 2005. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed endorsement and revisions to NAC 391.0535 were sent to approximately 100 individuals and educational organizations. The public hearing was conducted on September 22, 2005, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. The Commission adopted the proposed new regulation.

2. The Number of Persons Who:

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

A copy of any written comments may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, (775) 687-9226, 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 notice of August 13, 2005, and the public hearing notice of August 13, 2005. At the September 22, 2005, Workshop to Solicit Comments, there was no public comments to the proposed new language. At the

September 22, 2005, public hearing there were no public comments to the proposed new language.

Summary of Comments:

Workshop Comments:

- a) None

Public Hearing Comments:

- a) None

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, (775) 687-9226, 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 new regulation language at the public hearing held September 22, 2005. The reason for adopting the proposed new regulation is to add language that allows the Superintendent of Public Instruction to issue a provisional license for 120 days pending receipt of the Federal Bureau of Investigation and the Central Repository for Nevada Records for Criminal History and the provisional license of an applicant can automatically be revoked if the Superintendent denies application for licensure.

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 for a new fee or increase an existing fee.