

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

LCB File No. R025-16

Effective June 28, 2016

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

AUTHORITY: §1, NRS 391.019.

A REGULATION relating to education; repealing the provision for determining whether a person has obtained “full state certification” for purposes of the No Child Left Behind Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commission on Professional Standards in Education to adopt any regulations it deems necessary for its own government or to carry out its duties. (NRS 391.019) Pursuant to this authority, the Commission adopted a regulation prescribing the qualifications required for a person to obtain “full state certification” for the purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23). (NAC 391.013) In 2015, Congress passed the Every Student Succeeds Act of 2015, Public Law 114-95, which reauthorized the Elementary and Secondary Education Act of 1965, Public Law 89-10, and replaced the previous version of the law, the No Child Left Behind Act. The Every Student Succeeds Act of 2015 replaced the requirement for “full state certification” with other requirements concerning certification. Public Law 114-95. On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which repeals the regulation that provided the manner of determining whether a person had obtained “full state certification” because changes in federal law made the provision unnecessary. An emergency regulation becomes effective immediately upon filing with the Secretary of State but may only be effective for a period of not longer than 120 days and may not be readopted as an emergency regulation. This regulation would permanently repeal the definition of “full state certification.”

Section 1. NAC 391.013 is hereby repealed.

TEXT OF REPEALED SECTION

391.013 Determination of “full state certification” for purposes of federal No Child Left Behind Act. (NRS 391.019) The Commission determines that a person has obtained “full state certification” for purposes of the No Child Left Behind Act of 2001, 20 U.S.C. § 7801(23), if the person satisfies all the requirements for the issuance of a renewable license to teach in this State, regardless of whether the person has:

1. Submitted his or her fingerprints pursuant to subsection 3 of NRS 391.033; or
2. Complied with the requirements prescribed by NRS 391.090.

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**

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

LCB File No. R025-16

Amendments to NAC 391.013 – A Regulation relating to Education; repealing the provision for determining whether a person has obtained “full state certification” for purposes of the No Child Left Behind Act; and providing other matters properly relating thereto.

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.

The need and purpose of the proposed amendments to NAC Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to education; repealing the provision for determining whether a person has obtained “full state certification” for purposes of the No Child Left Behind Act, as it is no longer relevant due to the repeal of No Child Left Behind. President Obama enacted the Every Student Succeeds Act (ESSA) in December, 2015, which revoked the prior version of the No Child Left Behind Act.

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 on Professional Standards in Education 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 Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must have received written submissions **on or before May 4, 2016**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation.

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, 9890 S. Maryland Parkway, Las Vegas, NV 89183, 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; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

The public response can be summarized as non-existent as no individuals testified at the workshop or the hearing and no one provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Kim Bennett, 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 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

3. The Number of Persons Who:

- a) Attended Hearing: Workshop: 14; Hearing: 20;
- 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.

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 15, 2016. At the workshop Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education 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 Commission Secretary, Nevada Department of

Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must have received written submissions **on or before May 2, 2016**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards in Education 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, 9890 S. Maryland Parkway, Las Vegas, NV 89183, 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; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, 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 Kim Bennett, 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 9890 S. Maryland Parkway, Suite 221, Las Vegas, NV 89183.

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 Commission on Professional Standards in Public Education adopted the proposed regulation language at the public hearing held on May 18, 2016 as presented. There were no further amendments that needed to be made proposed regulation.

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.