

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

LCB File No. R026-16

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 and 391.032.

A REGULATION relating to educational personnel; revising provisions governing the issuance of a provisional nonrenewable license; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also authorizes the Commission to adopt regulations that provide for the issuance of conditional licenses to teachers and other educational personnel before they have completed all courses of study or other requirements to obtain a license in this State. (NRS 391.032)

The No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., required all teachers in core academic subjects to be “highly qualified.” Federal law and corresponding regulations provide that a teacher is highly qualified only if the teacher satisfies all of the requirements to obtain a renewable license. (20 U.S.C. § 6301 et seq.) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants if the applicant: (1) has a deficiency in credits; (2) has not completed certain courses or passed certain examinations; or (3) lacks confirmation from a college that the applicant has teaching or school counseling experience. To carry out the requirements of the No Child Left Behind Act of 2001, existing regulations prohibit the Superintendent from issuing a provisional nonrenewable license to a person who applies for a license to teach a core academic subject. (NAC 391.056) In December of 2015, the Every Student Succeeds Act was enacted, which reauthorizes the Elementary and Secondary Education Act, Public Law 114-95, and replaces the No Child Left Behind Act of 2001. Among other things, the Every Student Succeeds Act repeals the provisions that required a teacher who teaches core academic subjects to satisfy all the requirements for the issuance of a renewable license.

On February 5, 2016, the Governor approved an emergency regulation, LCB File No. E001-16, which: (1) authorizes the Superintendent of Public Instruction to issue a provisional nonrenewable license to a person who applies for a license to teach in a core academic subject but does not meet the requirements for the issuance of a renewable license; and (2) provides that

a provisional nonrenewable license becomes invalid after 1 year unless the licensee meets certain requirements. 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 adopt the provisions of the emergency regulation.

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

391.056 1. ~~Except as otherwise provided in subsection 4, the~~ *The* Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 if the applicant 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 the applicant has student teaching experience if he or she is applying for a teaching license, or that the applicant has completed a school counseling practicum or internship if he or she 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 or her 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 (b) or (c) of subsection 1 of NAC 391.045.

2. ~~1A~~ *Except as otherwise provided in this subsection, a* license issued pursuant to this section becomes invalid ~~3 years~~ *1 year* after the date on which the license is issued. *A licensed issued to an applicant described in paragraph (b) of subsection 1 becomes invalid 3 years after the date on which the license is issued.*

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.

~~4. The Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c) or (d) of subsection 1 on or after July 1, 2010, to a person who is applying for:~~

~~—(a) An elementary license pursuant to NAC 391.095;~~

~~—(b) A special teaching license in music or art;~~

~~—(c) A license to teach special education; or~~

~~—(d) A secondary license with an endorsement in one or more of the following major or minor fields:~~

~~—(1) Art.~~

~~—(2) Biological science.~~

- ~~——(3) Chemistry.~~
- ~~——(4) English.~~
- ~~——(5) French.~~
- ~~——(6) General science.~~
- ~~——(7) History.~~
- ~~——(8) Mathematics.~~
- ~~——(9) Music.~~
- ~~——(10) Physical science.~~
- ~~——(11) Reading.~~
- ~~——(12) Social studies.~~
- ~~——(13) Spanish.~~
- ~~——(14) Speech and drama.~~

**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. R026-16

Amendments to NAC 391.056 – A Regulation relating to Educational Personnel; revising provisions governing the issuance of a provisional nonrenewable license; 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; revising the provisions governing the issuance of a provisional nonrenewable license. The Governor of Nevada issued an emergency regulation in February, 2016, allowing the Superintendent of Public Instruction to provisional teaching licenses due to the volume of teacher vacancies and the need to place the most qualified teachers in front of students as quickly as possible. The agency has determined that an emergency exists to adopt regulations that would allow for the issuance of provisional licenses to teachers who can be hired and begin teaching immediately. The regulatory changes would not obligate the Superintendent to issue a license prior to the receipt of a report of criminal history from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History.

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**. Five persons who are directly affected by the proposed action appeared to request time to

make an oral presentation; the Commission on Professional Standards in Education heard and documented the public comment.

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 one individual 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 workshop/hearing are attached.

3. The Number of Persons Who:

- a) Attended Hearing: Workshop: 14; Hearing: 20;
- b) Testified at Workshop: 2; Hearing: 5
- c) Submitted Written Statements: Workshop: 1; Hearing: 1

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.

Testified at Workshop:

Andre Yates
2832 Flamingo Road
Las Vegas, NV
702-799-0052
yates@interact.ccsd.net

Clark County School District, Director of Human Resources

Ruben Murillo
3511 E Harmon
Las Vegas, NV
702-376-1892
ruben.murillo@nsea-nv.org
Nevada State Education Association, President

Testified at Hearing:

Ruben Murillo
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Pat Skorkowsky
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Clark County School District, Superintendent

Michael Gentry
62 E Serene
Las Vegas, NV
480-257-9060
mgentry@interact.ccsd.net
Clark County School District, Co-Interim Chief of Human Resources Officer

Andre Long
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702-493-5914
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Clark County School District, Chief Human Resources Officer

Andre Yates
2832 Flamingo Road
Las Vegas, NV
702-799-0052
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Clark County School District, Director of Human Resources

Submitted Written Statement at Workshop:

Margaret M. Ferrara, PhD
1664 N Virginia Street
Reno, NV 89557
775-682-7530
ferrara@unr.edu
University of Nevada, Reno, Director of Teacher Education and Human Development

Submitted Written Statement at Hearing:

Michelle Gallivan-Wallace
10087 Orchard Hill Drive
Reno, NV 89511
mgallivan@sageridge.org
Sage Ridge School, Middle School Science Teacher

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 4, 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.