

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

LCB File No. R041-16

Effective June 21, 2017

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 relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Superintendent of Public Instruction is authorized to issue a provisional 1-year license or endorsement to a person who is a teacher, licensed and practicing in this State, and who is applying for an additional license under certain circumstances. Existing regulations require the board of trustees of a public school or the operator of a private school that is to employ the holder of a provisional license to agree in writing to: (1) specify the process to be used for evaluating the holder of the provisional license; and (2) submit documentation to the Superintendent of Public Instruction indicating whether the holder of the provisional license is eligible for reemployment at the conclusion of the first year of teaching. (NAC 391.055) This regulation deletes the requirements relating to the evaluation by an employer of a holder of a provisional license. This regulation also deletes the requirement that the Superintendent of Public Instruction mail a letter of notification to the holder of a provisional license who has been rated as eligible for reemployment, indicating that the requirement for student teaching has been fulfilled.

Section 1. NAC 391.055 is hereby amended to read as follows:

391.055 1. The Superintendent of Public Instruction may issue a provisional 1-year license or endorsement to a person who holds a renewable license issued in this State if the person otherwise meets the requirements for licensure, but:

- (a) Has a deficiency in credits of 6 semester hours or less;

(b) Is a teacher, licensed and practicing in this State, applying for an additional license, other than for the teaching of pupils with disabilities, outside his or her grade level of experience as a student teacher; or

(c) Lacks confirmation from a college that the person has completed a school counseling practicum or internship if applying for a school counseling endorsement, but:

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

(2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, to include a minimum of 100 hours in a school setting at the time of application for licensure; and

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

2. ~~The board of trustees of the public school or the operator of the private licensed school that is to employ the holder of a provisional 1-year license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, must agree in writing:~~

~~—(a) To specify the process to be used for evaluating the holder of the provisional license during the 1-year period.~~

~~—(b) To submit documentation to the Superintendent of Public Instruction indicating whether the holder of the provisional license is eligible for reemployment at the conclusion of the first year of teaching.~~

~~3. If the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, is rated as eligible for reemployment by his or her employer, and all other requirements for the additional license or~~

~~endorsement have been met, the Superintendent of Public Instruction shall mail a letter of notification to the holder of the license indicating that the requirement for student teaching has been fulfilled. Experience}~~ *Any experience* as a teacher's aide, *a* teacher's assistant, ~~{unlicensed}~~ *an* instructor of pupils in a Junior Reserve Officers' Training Corps *or Jobs for America's Graduates* program or *a* substitute teacher ~~{does not meet}~~ *obtained by the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, will not be credited towards* the requirement for teaching experience or student teaching ~~{}~~ *necessary to qualify for the additional license or endorsement.*

~~{4.}~~ 3. Any credits earned by the holder of a provisional license or endorsement to qualify for an elementary, secondary or special license, a license to teach special education, or a license to teach middle school or junior high school education will not be counted as credits required to renew the elementary, secondary or special license, the license to teach special education, or the license to teach middle school or junior high school education.

~~{5.}~~ 4. If holding an elementary, secondary or special license, a license to teach special education, or a license to teach middle school or junior high school education is a prerequisite to qualifying for a particular provisional endorsement, any credits earned by the holder of the applicable license to qualify for that provisional endorsement may be counted toward:

- (a) Removal of the provision under which the provisional endorsement was issued; and
- (b) Renewal of the applicable license.

**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.R041-16

Amendments to NAC 391.055 – A Regulation relating to Educational personnel; revising provisions relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement; 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 educational personnel; revising provisions relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement. This regulation deletes the requirements relating to the evaluation by an employer of a holder of a provisional license. This regulation also deletes the requirement that the Superintendent of Public Instruction mail a letter of notification to the holder of a provisional license who has been rated as eligible for reemployment, indicating that the requirement for student teaching has been fulfilled. In addition, this regulation adds for the exclusion of any experience gained as a Jobs for America's Graduates program instructor being credited towards experience in student teaching.

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 August 31, 2016**. No persons who were 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: 15; Hearing: 6;
- 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 August 31, 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.

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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 September 14, 2016 as presented. There were no further amendments that needed to be made to this 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.