

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

LCB File No. R043-16

Effective June 21, 2017

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

AUTHORITY: §1, NRS 391.040.

A REGULATION relating to education; increasing the fee for an application for a license made by the holder 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 fix fees for the initial issuance of a license as a teacher or other educational employee and the renewal of such a license. (NRS 391.040) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license as a teacher or other educational employee to an applicant who otherwise meets the requirements for a license but has not completed certain course work or tests or cannot provide confirmation of certain practical experience. (NAC 391.056) This regulation increases the fee from \$131 to \$150 for an application for a license made by the holder of a provisional nonrenewable license before the expiration of the provisional nonrenewable license.

Section 1. NAC 391.0565 is hereby amended to read as follows:

391.0565 1. The holder of a provisional nonrenewable license issued pursuant to NAC 391.056 must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued pursuant to NAC 391.045 may be made at any time after the removal of all of the provisions under which the provisional nonrenewable license was issued.

2. The holder of a provisional nonrenewable license for which all of the provisions have not been removed on the date on which the license expires may apply as a new applicant for a

license pursuant to NAC 391.045 as soon as the provisions under which the expired provisional nonrenewable license was issued have been removed.

3. If an application is made for a license pursuant to NAC 391.045 by the holder of a provisional nonrenewable license before the provisional nonrenewable license expires, the applicant must pay an application fee of ~~131~~ **\$150**, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

**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. R043-16

Amendments to NAC 391.0565 – A Regulation relating to Education; increasing the fee for an application for a license made by the holder 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; increasing the fee for an application for a license made by the holder of a provisional nonrenewable license from \$131.00 to \$150.00 before the expiration of the provisional nonrenewable license. The applicant must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued may be made at any time after the removal of all provisions under which the provisional nonrenewable license was issued. The need for the increase is to fund the ongoing annual maintenance and support for the new educator licensing system (approved by IFC April 2017) and the potential for creation of a position for an additional staff member.

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**. One person who is 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.

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: 20;
- b) Testified at Workshop: 0; Hearing: 1
- 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.

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702-376-1892
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Las Vegas, NV
702-733-7330
Nevada State Education Association (NSEA)

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.

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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 is an estimated economic effect on the public. The request to raise the licensure fee by \$19.00 will affect any licensed educational personnel by increasing the initial cost for each licensure period. The fee covers all licensure periods of three years, five years, six years and up to ten years. The fee is not per year, but over the entire period of the license.

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.

Proposed amendments are related to education; increasing the fee for an application for a license made by the holder of a provisional nonrenewable license from \$131.00 to \$150.00 before the expiration of the provisional nonrenewable license. The applicant must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued may be made at any time after the removal of all provisions under which the provisional nonrenewable license was issued.

The increase will be utilized to fund the ongoing hosting, maintenance and support of the new educator licensure application/processing system, as well as a new Administrative Assistant II position in the mandated background program.