

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

**LCB FILE NO. E003-22A**

**The following document is an adopted emergency regulation submitted  
by the agency on 09/02/2022**

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**Agency**

Commission on  
Professional  
Standards in  
**Education**

FOR EMERGENCY  
REGULATIONS ONLY

Effective date                      2022 AUG 2

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Governor's Signature

Classification: ☐ PROPOSED    ☐ ADOPTED BY AGENCY    ☒ EMERGENCY

**Brief description of action:** Adoption of emergency regulation change to Chapter 391 of the Nevada Administrative Code to remove barriers to educator licensure in response to Nevada's urgent educator shortage.

Section 1. Extension of time prescribed for renewal of license or for validity of provisional license; time for filing request for extension; period of validity. (NAC 391.077)

Section 2. Application for license or endorsement: Required documentation; fee; applicability of academic credits (NAC 391.045)

Section 3. Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction. (NAC 391.070)

**Authority citation other than 233B:** §NRS 391.032; 391.040

**Noticedate:** N/A

**Hearing date:** N/A

**Date of Adoption by Agency:** 7/29/2022

# COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

## EMERGENCY REGULATION

### Informational Statement per NRS 233B.066(2)

1. A clear and concise explanation of the need for the adopted regulation as required by NRS 233B.066(1)(a).

*The state is facing a historic emergency and requires additional tools to maintain a functioning education system to overcome the impacts of the COVID-19 pandemic. School districts and charters schools in Nevada and across the nation are struggling to attract and retain staff which leads to increased class sizes; in the 2019-20 school year, 9 in 10 Nevada students were in class sizes larger than the ratios recommended by the State Board of Education. A shortage of adults in school buildings affects classroom learning experiences and student outcomes as well as school climate and safety.*

*This regulation provides a six-month extension for those who hold provisional nonrenewable licenses to pass the test required by NAC 391.036. This extension would allow approximately 600 educators who were teaching in classrooms as recently as May 2022 to maintain their license to be eligible to teach during the 2022-23 school year.*

*This regulation also lowers the fees for substitute and emergency substitute licenses in order to decrease financial barriers to licensure that may be experienced by some candidates. This also sets a lower licensure fee for substitute teachers than traditional teachers, which is in alignment with the respective pay rates.*

2. The estimated economic effect of the regulation on the business which it is to regulate and on the public as required by NRS 233B.066(1)(g).

Business:

*No anticipated adverse economic effects.*

Public:

*Candidates for educator licensure will have additional flexibility in completing the requirements to have the provisions removed from their license and will be able to continue teaching in the 2022-23 school year. Prospective substitute teachers will have a lower fee for licensure. As a result of both of these benefits to current and prospective teachers, school districts and charter schools will have a larger pool of licensed candidates from which to hire for vacant positions. Any economic impact to school districts and charter schools is dependent on the compensation schedules of the local school districts and charter schools.*

3. The estimated cost to the agency for enforcement of the proposed regulation as required by NRS 233B.066(1)(h).

*Nevada Department of Education staff will identify and extend the provisions on the licenses of affected individuals and to change the substitute licensure fees in the application system. This would not require*

*any additional staff or overtime costs other than those already identified for licensure staff to navigate the busy summer season.*

4. A description of any regulations of other state or government 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, name the regulating federal agency as required by NRS 233B.066(1)(i).

*None known*

5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions as required by NRS 233B.066(1)(j).

*None known*

6. If the regulation provides a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used as required by NRS 233B.066(1)(k).

*None known*

**Statement of Emergency**  
**Regulations Extending Certain Licensure Provisions and Reducing Fees for Substitute and**  
**Emergency Substitute Teacher Licenses**

Public school systems across the United States and in Nevada are currently facing historic challenges in light of the circumstances created by the COVID-19 pandemic. In order to continue to support students and families in the ongoing response to and recovery from the pandemic, we need to ensure our schools are adequately staffed. In the 2020-21 school year, nearly 375,000 Nevada students experienced class sizes greater than the class sizes recommended by the State Board of Education, meaning 9 in 10 students had a class size larger than recommended (15 students for K-3, 25 students for 4-12).

National trends are pointing to rapidly increasing teacher turnover/attrition rates, and local data suggests that these trends are even more urgent in Nevada. Clark County School District is the only district in the State that posts information on teacher/licensed staff separations from district service. As of May 2022, 2,167 licensed staff had separated from CCSD during the 2021-22 school year, which is more than twice the separations in the next highest year (824 separations in the 2020-21 school year) and nearly three times the average separation totals of the past 10 years (695).

Adequate student-to-adult ratios affect classroom learning experiences and student outcomes as well as overall school climate and safety. Nevada needs to maintain and increase the number of qualified adults available to work in districts and schools. At this time, the Nevada Department of Education has identified regulatory flexibility that would allow us to keep licensed educators in the classroom as well as to ease the path to licensure for new applicants:

**Section 1. Licensure Provisions.** NRS 391.032 delegates authority to the Commission on Professional Standards in Education to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. Existing regulations allow the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant under certain circumstances. One such circumstance is a two-year provisional nonrenewable license for applicants who have not passed the tests required by NAC 391.036. Allowing the Superintendent to provide a six-month extension to educators whose licenses are invalid due to the provisions would allow approximately 600 educators to maintain their license to be eligible to teach during the 2022-23 school year and provide them with additional time to pass the required tests.

While – like driver’s licenses – traditional educator licenses expire on the holder’s birthday, provisional licenses expire based on the issue date. As most initial educator licenses are issued during the summer months after individuals have completed preparation programs or relocated for a new teaching job, most provisional licenses expire in the summer. If such extensions are not granted, approximately 600 educators who served as classroom teachers throughout the 2021-22 school year and as recently as May 2022 would be unable to serve as classroom teachers in August 2022, which creates an additional hardship for districts already facing significant vacancies and increasing attrition rates.

**Sections 2-3. Licensure Fees.** NRS 391.040 delegates authority to the Commission on Professional Standards in Education to fix fees of not less than \$100 for the issuance of initial or renewal licenses. Sections of NAC 391 set fees for initial licensure at \$180 and renewal licensure at \$150. The current fee schedules are agnostic to the licensure area and relate only to whether an application is for a renewal or initial license.

Sections 2-3 of this proposed emergency action sets a reduced fee for both initial and renewal substitute and emergency substitute teaching licenses at \$100. This is in recognition of the fact that substitute teachers receive lower pay than full-time traditional teachers and emergency substitute licenses are only valid for one year (compared to 5-6 years for all other renewable licenses). While ideally there would be a qualified teacher for every Nevada classroom, current workforce challenges have created a need for substitute teachers and reducing barriers to licenses can increase the pool of interested and eligible applicants.

Due to the urgency of the educator workforce shortages facing Nevada school districts and charter schools, an emergency exists to promulgate emergency regulations to allow for these changes. The permanent regulation process will be commenced immediately with the Commission on Professional Standards.


Therefore, for the above reasons, I respectfully request the Governor of the State of Nevada endorse this Statement of Emergency granting extensions for certain provisional licenses and reducing fees for substitute teaching licenses.

Requested:



Aaron West-Guillen, President  
Commission on Professional Standards  
in Education

Endorsed:



Steve Sisolak  
Governor of the State of Nevada



**NEVADA DEPARTMENT OF EDUCATION**  
**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**  
**FRIDAY, July 29, 2022**  
**9:00 AM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Ste.210, Bighorn
Department of Education	700 E. Fifth St.	Carson City	Battle Born
Department of Education	Livestream	n/a	<a href="#">Link</a>

**PUBLIC NOTICE**

*The public is hereby noticed that the Commission on Professional Standards in Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Commission. The Commission president reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Ronika Johnson at (702) 668-4317 or [COPS@doe.nv.gov](mailto:COPS@doe.nv.gov) at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: [Commission on Professional Standards in Education Meeting Materials Website](#) (under the meeting date referenced above) or by contacting Ronika Johnson at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4317, or by email at [COPS@doe.nv.gov](mailto:COPS@doe.nv.gov). This public notice has been posted at the offices of the Nevada Department of Education in Carson City and Las Vegas; online at the Nevada Public Notice website, [notice.nv.gov](http://notice.nv.gov), the Nevada Department of Education website, [doe.nv.gov](http://doe.nv.gov), and sent to all interested persons who requested notice.*

**AGENDA**

**1. Call to Order; Roll Call; Pledge of Allegiance**

**2. Public Comment #1**

*Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.*

**3. Request for Emergency Regulation (Information/Discussion/For possible action)**

The Commission will consider emergency regulations to extend the validity of certain licenses and reduce the cost of certain licenses in order to address Nevada's urgent educator shortage. The Commission may take action to forward a request for emergency regulations to the Governor for consideration.

- Jeff Briske, Director, Educator Development, Licensure and Family Engagement (EDLiFE)

**4. Public Comment #2**

*Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards will impose a time limit of three minutes.*

**5. Adjournment**

**EMERGENCY REGULATION OF THE  
DEPARTMENT OF EDUCATION**

July 29, 2022

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

Filing of an Emergency Administrative Regulation

AUTHORITY: 391.032, 391.040

A REGULATION relating to the provisions and fees for educator licensure

**Explanation:**

Public school systems across the United States and in Nevada are currently facing historic challenges in light of the circumstances created by the COVID-19 pandemic. In order to continue to support students and families in the ongoing response to and recovery from the pandemic, we need to ensure our schools are adequately staffed. Adequate student-to-adult ratios affect classroom learning experiences and student outcomes as well as overall school climate and safety. Nevada needs to maintain and increase the number of qualified adults available to work in districts and schools. Substitute teachers will be essential to filling in workforce gaps as the Nevada Department of Education partners with educator preparation programs and school districts to recruit, prepare, and retain new licensed educators.

Section 1 provides educators who hold provisional nonrenewable licenses that are invalid as of June 6, 2022 a 6-month extension to pass the tests required by NAC 391.036. Extending this provision from two to three years would allow approximately 600 educators to maintain their license to be eligible to teach during the 2022-23 school year.

Sections 2-3 set the initial and renewal licensure fees for substitute and emergency substitute teachers at a reduced rate of \$100. Currently, all licensees – regardless of licensure area – pay the same rates for licenses with differentiation only based on whether the license is an initial license or a renewal, with a discount for veterans, active-duty military, and their spouses. This differentiation for substitute teachers are necessary because attracting more substitute teachers can have an immediate positive effect on school staffing and substitutes get paid at a lower rate than traditional teachers. In particular, most licenses last for 5-6 years (bringing the annualized cost to \$30-36), while emergency substitute licenses currently cost the same as all other licenses and only last for 1 year.



Sec. 1. NAC 391.077 is hereby amended as follows.

**NAC 391.077 Extension of time prescribed for renewal of license or for validity of provisional license; time for filing request for extension; period of validity. ([NRS 391.019](#), [391.023](#), [391.032](#))**

1. The Superintendent of Public Instruction may extend the time prescribed for renewal of a license or for the validity of a provisional license if:

(a) The licensee provides proof that a course or test required for renewal of his or her license or removal of the provision under which his or her provisional license was issued was not available during the time his or her license was valid.

(b) The licensee provides proof that:

(1) The licensee was issued the provisional license while residing outside of this State; and

(2) The test required for removal of the provision under which his or her provisional license was issued was not available to the licensee during the time his or her license was valid because the licensee was residing outside of this State on the date when the test was offered.

(c) The Department's file relating to the licensee contains adequate documentation that the licensee was misinformed about the requirements necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(d) The licensee took the wrong test or course necessary to renew his or her license or remove the provision under which his or her provisional license was issued.

(e) The licensee provides written proof from a representative of a religious denomination, sect or organization that a course or test necessary to renew his or her license or remove a provision under which his or her provisional license was issued was offered only during a time which conflicted with the religious beliefs of the licensee.

(f) The unemployment of the licensee or personal medical expenses incurred by the licensee which were not covered under a plan of health insurance caused financial debts in excess of the personal income of the licensee and prevented the licensee from complying with the financial requirements for renewal of the license or removal of the provision under which his or her provisional license was issued.

(g) The licensee suffered a medical condition which prevented the licensee from satisfying the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the licensee provides written proof:

(1) From a licensed physician that the licensee suffered from such a medical condition, including the duration of the medical condition; and

(2) Of the number of days the licensee worked during the time that his or her license was valid.

(h) The licensee suffered mental anxiety caused by a physical or mental condition which prevented the licensee from passing the test or course required for renewal of his or her license or removal of the provision under which his or her provisional license was issued. The licensee must provide written proof from a licensed physician that the licensee suffered such mental anxiety.

(i) A medical condition or administrative problem prevented the licensee from complying with the requirements for renewal of his or her license or removal of the provision under which his or her provisional license was issued and the Superintendent of Public Instruction determines that the medical condition or administrative problem is adequate to justify the extension. Such an administrative problem may include, without limitation, the inability by the Central Repository for Nevada Records of Criminal History to process the fingerprints of the licensee.

(j) The provisional license of the licensee expires during a school year and the removal of the licensee from his or her position of employment would have a detrimental effect on the pupils who



are taught by the licensee, as determined by the Superintendent of Public Instruction. If an extension is granted pursuant to this paragraph, the extension expires on the last school day of the academic term for which the extension was granted or the time period prescribed in subsection 3, whichever occurs first.

2. ***Except as provided for in subsection 4,*** A request for an extension pursuant to subsection 1 must be received by the Superintendent of Public Instruction at least 30 calendar days before the expiration of the license or provisional license. If such a request is received less than 30 calendar days before the expiration of the license or provisional license, the licensee is not guaranteed a decision on the request before the license becomes invalid or expires. A request for an extension which is postmarked or received after the date of expiration of the license or provisional license will not be considered by the Superintendent of Public Instruction.

3. ***Except as provided for in subsection 4,*** The Superintendent of Public Instruction may grant an extension pursuant to subsection 1 for a period of not more than 6 months after the date on which a license or provisional license is set to expire. In no case may the Superintendent of Public Instruction grant more than one extension during the same period of licensure.

***4. The Superintendent of Public Instruction may grant an additional extension pursuant to subsection 1 for a period of not more than 6 months after the date on which testing provisions are required pursuant to NAC 391.056(1)(b) for any licenses rendered invalid due to testing provisions on or after June 1, 2022.***

**Sec. 2.** NAC 391.045 is hereby amended as follows.

**NAC 391.045 Application for license or endorsement: Required documentation; fee; applicability of academic credits. ([NRS 385.080](#), [391.019](#), [391.040](#))**

1. An applicant for the initial issuance of a license as a teacher or other educational employee must submit with his or her application:

- (a) His or her official transcripts;
- (b) Evidence that the applicant has successfully completed:

(1) At least 3 semester hours of credit in a course of study regarding education or curricular adaptation for pupils with disabilities; or

(2) An in-service or continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the Department; and

(c) Except as otherwise provided in [NAC 391.0565](#) or as described in subsection 5, a fee of \$180, 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. The fee does not include the cost of any examination required by [NAC 391.036](#).

2. If the applicant is not eligible for licensure, the fee will not be returned. The applicant must pay another fee if he or she applies again.

3. An applicant for an endorsement to an existing license or for an additional license must submit with his or her application:

- (a) Current official transcripts; and
- (b) A fee of \$50.

4. The academic credits required to obtain initial licensing or an endorsement to an existing license are not satisfiable by the completion of courses offered by a provider of continuing education, but those courses may be used for the renewal of a license.

***5. An applicant for the initial issuance of a license as a substitute or emergency substitute teacher must submit with their application a fee of \$100, 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. The fee does not include the cost of any examination required by [NAC 391.036](#).*

Sec. 3. NAC 391.070 is hereby amended as follows.

**NAC 391.070 Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction.** ([NRS 385.080](#), [391.019](#), [391.033](#), [391.0347](#), [391.040](#))

1. To renew a license, the holder must submit before it expires:

(a) An application for renewal in the form prescribed by the Department;

(b) Current official transcripts or verification of credits for in-service or continuing education courses, including, without limitation, the course in multicultural education required by [NRS 391.0347](#) and [NAC 391.067](#), if applicable; and

(c) Except as otherwise provided in this paragraph *or subsection 4*, a renewal fee of \$150. If the holder has been granted an extension of time pursuant to [NAC 391.077](#), the applicant must instead submit a fee in an amount equal to the fee prescribed by [NAC 391.045](#) for the initial issuance of a license. Any fee submitted pursuant to this paragraph includes the fees for processing the fingerprints of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. An application for renewal may not be submitted more than 9 months before the expiration date of a license.

3. The Superintendent of Public Instruction may delay the expiration date of a license:

(a) For not more than 30 days if the licensee has completed the educational prerequisites prescribed in [NAC 391.065](#) and the general prerequisites prescribed in subsection 1 in a timely manner, except:

(1) Submission of the application for renewal or the renewal fee, or both; or

(2) Submission of the current official transcript or verification of credits.

(b) For not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

***4. To renew a license as a substitute or emergency substitute teacher, the holder must submit before it expires a renewal fee of \$100. Any fee submitted pursuant to this paragraph includes the fees for processing the fingerprints of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.***