

LCB File No. T004-01

**ADOPTED TEMPORARY REGULATION OF THE
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**
(Effective March 2, 2001)

Explanation: Matter in *italics* is new; matter in brackets [] is to be omitted.

AUTHORITY: 1 and 2, NRS 391.019 and 291.032

Section 1 NAC 391 is hereby amended as follows:

NAC 391.330 Endorsement as an emergency substitute teacher. (NRS 391.019)

1. To receive an endorsement as an emergency substitute teacher, a person must earn a high school diploma or its equivalent.
2. An endorsement as an emergency substitute teacher;
 - (a) Is valid for 3 years from the date of issuance; and
 - (b) Is not renewable unless, at the time the person applies for the endorsement, he has complied with the requirements of NRS 391.090.
3. ~~[A school district whose enrollment is less than 9000 pupils may, in an emergency, hire —an emergency substitute teacher to serve as a teacher in kindergarten through twelfth —grade, as needed];~~
4. Upon written request of a school district ~~[whose enrollment is 9000 pupils or more,]~~ the department may, in an emergency, authorize the school district to hire an emergency substitute teacher in kindergarten through twelfth grade ~~[in a school that is located in a —rural area of the school district.]~~
5. *Individual school districts must report monthly to the Nevada Department of Education under conditions that the department determines its hiring and use of emergency substitute teachers; and this regulation takes effect immediately and remains in force*

until February 2, 2003.

6. A person employed pursuant to subsection ~~3- or~~ 4 may not serve as a teacher in one classroom more than 5 days in any 20 day period. Except in an emergency, a school district shall not allow a person solely holding an endorsement as an emergency substitute teacher to serve as a teacher.
7. An applicant for an endorsement as an emergency substitute teacher is exempt from the provisions of:
 - (a) NAC 391.030 in its entirety regarding the subject of Title 34 of NRS and, to the extent that it conflicts with subsection 1 of this section, regarding compliance with NRS 391.090 on the subjects of the federal and state constitutions;
 - (b) NAC 391.036; and
 - (c) NAC 391.065
8. As used in this section, “in an emergency” means the occurrence of an unforeseen circumstance which requires immediate action, including any period during which a licensed teacher or substitute teacher is not immediately available.

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COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

ACTION REPORT

The Commission on Professional Standards in Education held a meeting on **February 2, 2001**, in the **Conference Room** of the Nevada Department of Education, **Las Vegas**, Nevada. The following discussions were held and actions taken:

Item 11. Public Hearing and Possible Adoption for Elimination of Limited License. President Barone directed that a second public hearing be held.

Item 12. Public Hearing and Possible adoption for Emergency Substitutes NAC 391.330. Commissioner McNew moved that NAC 391.330 be amended, effective immediately and extending for 18 - 24 months. The following changes were made to language:

Item 3 was deleted completely.

Item 4 deleted the phrase “whose enrollment is less than 9000” and “in a school that is ... in a rural... of the school district... and added Individual district to report monthly to the NDE under conditions the department may determine.

Item 13. Public Hearing and Possible Adoption for Recommended Changes to Occupational Endorsements. Vice President Henick moved that the recommendations of the proposed changes to NAC 391.420 be approved with the following changes: #9 be changed to “Managerial and Administrative Services.” #26 be changed to “Theater Technology”.

The next meeting of the Commission on Professional Standards in Education is scheduled **March 24, 2001, Valley High School, Room 104, 2839 South Burnham, Las Vegas**, Nevada. For further details, contact Sharon Bohling at, Tel. (775) 687-9226, FAX 687-9202 or e-mail sbohling@nsn.k12.nv.us, Department of Education, Carson City Office.

NOTICE OF ADOPTION OF TEMPORARY REGULATION T004-01

The Commission on Professional Standards in Education adopted LCB File No. T004-01 on February 2, 2001, and filed it with the Secretary of State on March 2, 2001.

INFORMATIONAL STATEMENT

NEVADA DEPARTMENT OF EDUCATION

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

REPORT TO LEGISLATIVE COMMISSION ON
EFFECT OF ADMINISTRATIVE REGULATIONS

1. Title of Regulation:

Amendments to NAC 391.330 Emergency Substitutes.

2. Opportunity for Comments by Affected Parties and the Public:

Petition was noticed January 2, 2001, for public hearing. The proposed amendments were posted at: Nevada Department of Education, Carson and Las Vegas; the 17 Nevada County School District Offices; the Clark County Classroom Teachers Association - Carson and Las Vegas Offices; the 17 Nevada County Libraries; and the Nevada State Library and Archives.

3. The Number of Persons Who:

Attended hearing: First Hearing: 7

Testified at hearing: First Hearing: 1

4. How Comments were Solicited, Summary of Comments by Affected Parties and the Public, How Interested Persons May Obtain a Copy of the Minutes of the Meeting.

Comments were solicited from approximately 200 individuals and entities subscribing to the Commission's Mailing List (includes news and radio media). Public hearing was conducted on February 2, 2001.

At the December workshop, Michael Millerick, Senior Professional of Human Resources, Washoe County School District, stated that Washoe County was in support of changes to

NAC 391.330, which would allow the district to license substitutes on an emergency basis. A public hearing was scheduled for the February 2, 2001 meeting.

At the February public hearing commissioners made changes to the language and moved that NAC 391.330 be amended, effective immediately and extending for 18-24 months. The motion passed with five commissioners in favor of the motion and three against.

A summary of comments may be obtained through Commission on Professional Standards in Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

5. Estimated Economic Effect on Affected Parties and Public:

There is no economic effect for this regulation.

6. Estimated Cost to Agency for Enforcement:

There is no additional cost to the agency for enforcement of this regulation.

7. Regulations of Other State or Government Agencies Overlapped or Duplicated by These Regulations:

There is no other state or government agency regulation that the proposed amendments duplicate.

8. Federal Regulations Overlapped or Duplicated by These Regulations:
(Name of Regulating Federal Agency/Federal Regulation Title)

There is no duplication or overlap of federal regulations.

9. Summary of Regulation Provisions that are More Stringent than Federal Regulation:

There are none.

10. Annual Anticipated Revenue from New Fee or Increase to Existing Fee and Manner in Which Fee will be Used:

No new fee or increase to existing fee providing revenue to the agency is affected by the above noted regulations.