

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

LCB File No. R017-11

Effective October 26, 2011

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

AUTHORITY: §§1 and 2, NRS 391.019.

A REGULATION relating to educational personnel; prescribing the qualifications to serve as a substitute teacher in kindergarten through grade 12; revising provisions governing the requirements for an endorsement as a substitute teacher in kindergarten through grade 12; and providing other matters properly relating thereto.

Section 1. NAC 391.332 is hereby amended to read as follows:

391.332 1. *Except as otherwise provided in NAC 391.330 and 391.436, to serve as a substitute teacher in kindergarten through grade 12, a person must hold a valid:*

(a) Elementary or secondary license, a license to teach special education, or a license to teach middle school or junior high school education; or

(b) Special license or provisional special license with an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to subsection 2.

2. To receive an endorsement as a substitute teacher in kindergarten through grade 12 ~~[i] on~~ *a special license or a provisional special license*, a person must:

(a) Have completed at least ~~[62]~~ *60* semester hours of credit from an accredited college or university ; ~~[-, including at least 6 semester hours of credit in professional education;]~~ or

(b) Possess ~~[a baccalaureate]~~ *an associate's degree* or higher degree from an accredited college or university.

~~[2.]~~ 3. A school district may hire a person ~~[who has an endorsement]~~ *to serve* as a substitute teacher in kindergarten through grade 12 for:

(a) Unlimited days of service if filling the position of a licensed teacher who is under contract.

(b) Except as otherwise provided in subsection ~~[3.]~~ 4, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.

~~[3.]~~ 4. The Department may grant a school district one extension for 30 days with regard to a person who is hired pursuant to paragraph (b) of subsection ~~[2.]~~ 3 in an exceptional case upon request from the superintendent of schools of the county school district or from the administrator of a state-approved private school. Upon the expiration of such an extension, a school district may apply for an additional extension pursuant to NAC 391.398 if the school district is unable to hire a licensed special education teacher.

5. A person who holds a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12 must remove all provisions under which the license was issued within 3 years. If a person does not remove all provisions under which the license was issued within 3 years, the endorsement as a substitute teacher in kindergarten through grade 12 expires on the date the provisional special license expires.

6. The Department shall not issue any other endorsements on a special license or a provisional nonrenewable special license with an endorsement as a substitute teacher in kindergarten through grade 12.

7. To renew an endorsement as a substitute teacher in kindergarten through grade 12, the holder must:

(a) Hold a valid nonprovisional special license; and

(b) Complete six credits, or the equivalent, within 5 years after the initial issuance of the endorsement by:

(1) Attending a course at, or taking a correspondence course given by, an accredited college or university;

(2) Attending any state or national conference which has been approved by the Department to offer credit for continuing education;

(3) Attending an in-service course offered by the Department or a continuing education course offered by a provider who is approved by the Commission;

(4) Attending a workshop approved by the Department; or

(5) Attending professional development activities approved by the Department.

Sec. 2. NAC 391.398 is hereby amended to read as follows:

391.398 1. If a school district is unable to hire a licensed special education teacher at the expiration of an extension granted pursuant to subsection ~~3~~ 4 of NAC 391.332, it may apply to the Department for an additional extension for the remainder of the school year. The application must be in writing and include:

(a) Evidence that the school district has advertised a position for a licensed special education teacher;

(b) Evidence that the school district was unable to hire a licensed special education teacher;

(c) Evidence that the school district was unable to hire a person who holds an elementary or secondary license, or a license to teach middle school or junior high school education, to fill the position of a special education teacher;

(d) If a substitute teacher was hired rather than an applicant who holds an elementary or secondary license, or a license to teach middle school or junior high school education, the rationale for such a hiring; and

(e) An assurance that the school district will continue its efforts to hire a licensed special education teacher for the remainder of the school year.

2. The Department shall report the application for an additional extension and the disposition of the application to the Commission at the next meeting of the Commission for which notice of the report may be given pursuant to subsection 2 of NRS 241.020.

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. R017-11

**NAC 391.332–Endorsement as Substitute Teacher; Period For Which Substitute Teacher
May Be Hired and NAC 391.398-Substitute Teacher of Special Education: Application for
Additional Extension of Period of Hire**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. A workshop was held on August 17, 2011. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.332 – Endorsement as Substitute Teacher; Period For Which Substitute Teacher May Be Hired and NAC 391.098-Substitute Teacher of Special Education: Application for Additional Extension of Period of Hire was sent to approximately 100 individuals and educational organizations. The public hearing was conducted on October 5, 2011 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Commission adopted the proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 8; First Hearing: 11; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9226, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of July 20, 2011; and the public hearing notice of August 31, 2011. At the August 17, 2011 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the October 5, 2011 public hearing there was no public comment to the proposed regulation language.

Workshop comments:

There were no comments.

Public Hearing comments:

There were no comments.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. 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 October 5, 2011. The reason for adopting the amendments to the regulations are to clarify the purpose/requirements of the Special License Substitute Teacher Endorsement and the Special Education Substitute Teacher Endorsement; reduce the number of credits from 62 to 60, the level of an Associate's Degree; remove the professional education coursework; and add renewal requirements.

5. 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 no economic effect of the regulation on the business that it regulates.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. 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.

7. A description of any regulations of other state or governmental 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, 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.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. 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.