

**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.***