

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 9:00 AM on **February 20, 2019 to be video-conferenced in the following locations:**

Department of Education
9890 S. Maryland Pkwy.
Board Room
Las Vegas, NV 89183

AND

Department of Education
700 E. Fifth St.
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R110-18; A regulation relating to education; revising the educational requirements for renewing the licenses of teachers and other educational personnel; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391 are based on existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other personnel. (NRS 391.019) Existing regulations require, as educational prerequisites for the renewal of a license that: (1) a licensee earn 6 semester hours of credit or the equivalent during the term of the license; (2) certain licensees earn at least 3 semester hours or the equivalent pertaining to teaching English as a second language or English language acquisition and development; and (3) certain licensees show evidence of professional growth in the area of endorsement. (NAC 391.065) **Section 1** of this regulation removes those requirements for all licenses issued on or after the effective date of this regulation, and **section 2** of this regulation removes corresponding language. **Section 1** instead requires a licensee to: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master's degree or more advanced degree, teach a course at a regionally accredited college or university; or (3) complete the requirements for accreditation by the National Board for Professional Teaching Standards or its successor organization. **Section 1** also authorizes a licensee who is unable to complete the required annual professional development, in-service training or course work to complete those requirements during the immediately following calendar year under certain circumstances. Finally, **section 1** provides that a licensee who holds a special license that is only endorsed for substitute teaching in kindergarten through grade 12 is exempt from the educational prerequisites for renewal of the license. **Section 3** of this regulation repeals a provision prescribing certain ways in which a

licensee may earn credits for renewal.

2. The Subjects and Issues involved in the regulation are those who would be seeking renewal of their educator's license.
3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their 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 receive written submissions **on or before February 5, 2019**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

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. 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.

**REVISED PROPOSED REGULATION OF THE COMMISSION ON
PROFESSIONAL STANDARDS IN EDUCATION**

LCB File No. R110-18

January 8, 2019

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

AUTHORITY: §§1-4, NRS 391.019.

A REGULATION relating to education; revising the educational requirements for renewing the licenses of teachers and other educational personnel; authorizing the Department of Education to request certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other personnel. (NRS 391.019) Existing regulations require, as educational prerequisites for the renewal of a license that: (1) a licensee earn 6 semester hours of credit or the equivalent during the term of the license; (2) certain licensees earn at least 3 semester hours or the equivalent pertaining to teaching English as a second language or English language acquisition and development; and (3) certain licensees show evidence of professional growth in the area of endorsement. (NAC 391.065) **Section 1** of this regulation removes those requirements for all licenses issued on or after the effective date of this regulation, and **section 2** of this regulation removes corresponding language. **Section 1** instead requires a licensee to: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master's degree or more advanced degree, teach a course at a regionally accredited college or university; or (3) complete the requirements for accreditation by the National Board for Professional Teaching Standards or its successor organization. **Section 1** also authorizes a licensee who is unable to complete the required annual professional development, in-service training or course work to complete those requirements during the immediately following calendar year under certain circumstances. Additionally, **section 1** provides that a licensee who holds a special license that is only endorsed for substitute teaching in kindergarten through grade 12 is exempt from the educational prerequisites for renewal of the license. Finally, **section 1** authorizes the Department of Education to request any records necessary to confirm that a licensee has completed the

required professional development. **Section 3** of this regulation repeals a provision prescribing certain ways in which a licensee may earn credits for renewal.

NEW FIRST
PARALLEL
SECTION

Section 1. NAC 391.065 is hereby amended to read as follows:

391.065 1. Except as otherwise provided in subsection ~~[2, the educational prerequisites for renewal of a license are as follows:~~

~~—(a) Except as otherwise provided in paragraph (b),] 5, a license *issued before the effective date of this regulation* that is renewable may be renewed *only one time after the effective date of this regulation* if its holder earns 6 semester hours of credit or the equivalent during the term of the license. ~~[For a license that is not a professional license pursuant to NAC 391.100 and is renewed on or after October 1, 2018, unless the holder has an endorsement to teach English as a second language or in English language acquisition and development issued by the Superintendent of Public Instruction, at least 3 semester hours of credit or the equivalent must pertain to teaching English as a second language or English language acquisition and development.~~~~

~~—(b) The holder of a license issued on a specialist's or doctor's degree or a National Board Certification must show evidence of professional growth in the area of endorsement during the term of the license.] *Except as otherwise provided in subsections 4 and 5, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.*~~

2. *Except as otherwise provided in subsections 1, 4 and 5, a license issued or renewed on or after the effective date of this regulation that is renewable may be renewed if the licensee submits to the Department with the request for renewal made pursuant to NAC 391.070 either:*

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, in accordance with subsection 3, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

3. The professional development, in-service training or course work completed to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection 2 must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

4. If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection 2 during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

5. The provisions of this section do not apply to the renewal of a [license] :

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.332.

6. The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

Sec. 2. NAC 391.065 is hereby amended to read as follows:

391.065 1. ~~Except as otherwise provided in subsection 5, a license issued before the effective date of this regulation that is renewable may be renewed only one time after the effective date of this regulation if its holder earns 6 semester hours of credit or the equivalent during the term of the license. Except as otherwise provided in subsections 4 and 5, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.~~

~~2.]~~ Except as otherwise provided in subsections ~~[1, 4]~~ 3 and ~~[5,]~~ 4, a license issued or renewed on or after the effective date of this regulation that is renewable may be renewed if the licensee submits to the Department with the request for renewal made pursuant to NAC 391.070 either:

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, in accordance with subsection ~~[3,]~~ 2, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

~~13.1~~ 2. The professional development, in-service training or course work completed to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection ~~12.1~~ 1 must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

~~[4.]~~ **3.** If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection ~~[2]~~ **1** during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

~~[5.]~~ **4.** The provisions of this section do not apply to the renewal of a:

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.332.

~~[6.]~~ **5.** The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

Sec. 3. NAC 391.075 is hereby repealed.

Sec. 4. 1. This section and sections 1 and 3 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Section 2 of this regulation becomes effective 10 years after the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

TEXT OF REPEALED SECTION

391.075 Renewal of license: Credits and courses. (NRS 385.080, 391.019)

1. Credits for renewal may be earned by:

(a) Attending a course at, or taking a correspondence course given by, an accredited college or university, attending any state or national conference which has been approved by the Department to offer credit for continuing education or taking an in-service course offered by the Department or a continuing education course offered by a provider who is approved by the Commission if the course or conference:

(1) Is directly related to the person's current license or will enhance the effectiveness of the person's teaching;

(2) Is in a subject for which shortages of personnel, as determined by the Board, exist; or

(3) Is part of an approved program leading to an advanced degree;

(b) Engaging in foreign or domestic travel which is directly related to the area of licensure of the person and is approved not less than 30 days before departure by the Department; or

(c) Completing courses provided by or under the jurisdiction of a state or national professional organization or association which is specific to the person's area of discipline and which is on a list maintained by the Department.

2. One credit will be given for the completion of 15 hours of:
 - (a) Course work at a college or university accredited by a regional accrediting association;
 - (b) In-service courses offered by the Department; or
 - (c) Classroom instruction in continuing education or attendance at a conference for which continuing education credits may be earned, if the state or national professional organization or association and the course or conference have been approved by the Department at least 15 days before the course or conference commences. Two credits will be given for 6 weeks of travel, 1 credit for 1 month. No credit will be allowed for travel of less than 1 month.
3. A person holding a master's degree or a more advanced degree may receive not more than 2 credits by conducting a seminar or workshop or by teaching at the college or university level, if the seminar, workshop or course being taught is in the area of licensure of the person.
4. A holder of a special license to teach career and technical education may earn a maximum of 2 credits for 160 or more hours of full-time continuous employment in the career and technical education field in which he or she teaches and is licensed. The credit for employment must be approved by the Department or a university or college.
5. A person is entitled to receive 6 credits for the completion of the requirements for the National Board Certification upon the submission of a copy of the official assessment scores issued to that person by the National Board for Professional Teaching Standards. A person is not required to be a holder of a National Board Certification to receive such credits.

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The following workshop will be held on April 18, 2018, at 9:00 A.M., via video conference at the Nevada Department of Education Board Rooms, 700 East Fifth Street, Carson City, Nevada and 9890 South Maryland Parkway, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation. The workshop is scheduled as follows:

Workshop to Solicit Comments for Proposed Amendments to the Following Regulations:

9:00 A.M. **NAC 391.065 Renewal of license: Educational and professional requirements; exception. ([NRS 385.080](#), [391.019](#)).**

A copy of all material relating to the proposal may be obtained at the workshop or by contacting:

[Paul Partida](#) or [Jason Dietrich](#)
Commission on Professional Standards in Education
Nevada Department of Education
9890 South Maryland Parkway
Las Vegas, Nevada 89183
702-668-4317

The notice of workshop to solicit comments on proposed regulation has been sent to all persons on the Commission's mailing list and is posted on the Nevada Department of Education website, and at the following locations: Nevada Department of Education, Carson City and Las Vegas; 17 Nevada County School District Offices; 17 Nevada County Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, Reno and Las Vegas; and the Nevada State Library and Archives, Carson City.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
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DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.065 Renewal of license: Educational and professional requirements; exception. ([NRS 385.080](#), [391.019](#)).**

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.065 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

(1) *The Proposed regulation will have no adverse or beneficial effects; and*
(2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,



STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The following workshop will be held on April 18, 2018, at 9:00 A.M., via video conference at the Nevada Department of Education Board Rooms, 700 East Fifth Street, Carson City, Nevada and 9890 South Maryland Parkway, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation. The workshop is scheduled as follows:

Workshop to Solicit Comments for Proposed Amendments to the Following Regulations:

9:00 A.M. **NAC 391.075 Renewal of license: Credits and courses. ([NRS 385.080](#), [391.019](#)).**

A copy of all material relating to the proposal may be obtained at the workshop or by contacting:

[Paul Partida](#) or [Jason Dietrich](#)
Commission on Professional Standards in Education
Nevada Department of Education
9890 South Maryland Parkway
Las Vegas, Nevada 89183
702-668-4317

The notice of workshop to solicit comments on proposed regulation has been sent to all persons on the Commission's mailing list and is posted on the Nevada Department of Education website, and at the following locations: Nevada Department of Education, Carson City and Las Vegas; 17 Nevada County School District Offices; 17 Nevada County Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, Reno and Las Vegas; and the Nevada State Library and Archives, Carson City.

BRIAN SANDOVAL
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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: April 2, 2018

Re: **NAC 391.075** **Renewal of license: Credits and courses.** ([NRS 385.080](#), [391.019](#)).

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulation NAC 391.075 are **not** likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was solicited from small businesses that may be affected by this regulatory amendment in the following manner:

Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.

4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

- (1) *The Proposed regulation will have no adverse or beneficial effects; and*
- (2) *The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.
8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,



STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction