

## 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 R112-18; A regulation relating to education; removing authorization for the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants; revising the length of the period for which a provisional nonrenewable license is valid; 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 educational personnel. (NRS 391.019) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license who does not meet certain requirements, including an applicant who lacks confirmation that he or she has student teaching experience and meets certain other requirements. (NAC 391.056) **Section 1** of this regulation removes authorization for the Superintendent to issue a provisional nonrenewable license to such an applicant.

Existing regulations provide that a provisional nonrenewable license is valid for 3 years, if the licensee has not completed courses concerning title 34 of NRS and the Nevada and United States Constitutions or passed an examination on those subjects. In all other cases, a provisional nonrenewable license is valid for 1 year. (NAC 391.056) **Section 1** instead provides that, unless all provisions are removed, a provisional nonrenewable license lasts for: (1) one year if the applicant has a deficiency in credits of 6 semester hours or less in all areas of licensure or endorsement or lacks certain requirements for a school counseling endorsement; (2) two years, if the applicant has not passed certain required tests; or (3) three years, if the applicant has not completed certain training concerning education or curricular

adaptation for pupils with disabilities. **Section 1** also provides that a provisional nonrenewable license is valid for 3 years if each provision is removed on or before the date on which the license is scheduled to expire. **Sections 2** and **3** of this regulation make conforming changes.

2. The Subjects and Issues involved in the regulation are those who would be seeking their provisional nonrenewable 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.

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

**LCB File No. R112-18**

December 7, 2018

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

AUTHORITY: §§1-3, NRS 391.019.

A REGULATION relating to education; removing authorization for the Superintendent of Public Instruction to issue a provisional nonrenewable license to certain applicants; revising the length of the period for which a provisional nonrenewable license is valid; 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 educational personnel. (NRS 391.019) Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license who does not meet certain requirements, including an applicant who lacks confirmation that he or she has student teaching experience and meets certain other requirements. (NAC 391.056) **Section 1** of this regulation removes authorization for the Superintendent to issue a provisional nonrenewable license to such an applicant.

Existing regulations provide that a provisional nonrenewable license is valid for 3 years, if the licensee has not completed courses concerning title 34 of NRS and the Nevada and United States Constitutions or passed an examination on those subjects. In all other cases, a provisional nonrenewable license is valid for 1 year. (NAC 391.056) **Section 1** instead provides that, unless all provisions are removed, a provisional nonrenewable license lasts for: (1) one year if the applicant has a deficiency in credits of 6 semester hours or less in all areas of licensure or endorsement or lacks certain requirements for a school counseling endorsement; (2) two years, if the applicant has not passed certain required tests; or (3) three years, if the applicant has not completed certain training concerning education or curricular adaptation for pupils with disabilities. **Section 1** also provides that a provisional nonrenewable license is valid for 3 years if each provision is removed on or before the date on which the license is scheduled to expire. **Sections 2 and 3** of this regulation make conforming changes.

**Section 1.** NAC 391.056 is hereby amended to read as follows:

391.056 1. The Superintendent of Public Instruction may issue a provisional nonrenewable license to an applicant applying for a license pursuant to NAC 391.045 . *Except as otherwise provided in subsection 2, a provisional nonrenewable license is valid for:*

(a) *One year*, if the applicant otherwise meets the requirements for a license pursuant to NAC 391.045, but:

~~[(a) Has]~~

(1) *Except as otherwise provided in paragraph (c), has* a deficiency in credits of 6 semester hours or less for all areas of licensure or endorsement, unless the provision is for an endorsement as a substitute teacher;

~~[(b) Has not completed the courses or passed the examination required by NAC 391.030 and is not exempt from the requirements of that section;~~

~~—(c) Lacks] ; or~~

(2) *If the applicant is applying for a school counseling endorsement pursuant to NAC 391.185, lacks* confirmation from a college that the applicant ~~[has student teaching experience if he or she is applying for a teaching license, or that the applicant]~~ has completed a school counseling practicum or internship , ~~[if he or she is applying for a school counseling endorsement,]~~ but:

~~[(1)]~~ (1) Has completed all necessary course-work requirements for the school counseling endorsement;

~~[(2)]~~ **(II)** Has completed 200 hours of the practicum or internship through a regionally accredited college or university, including, without limitation, a minimum of 100 hours in a school setting at the time of his or her application for licensure; and

~~[(3)]~~ **(III)** Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program;

~~[(d) Has]~~

**(b) Two years, if the applicant has** not passed the tests required by NAC 391.036 and is not exempt from taking such tests; or

~~[(e) Has]~~

**(c) Three years, if the applicant has** not completed the course required by paragraph (b) of subsection 1 of NAC 391.045.

2. ~~[(Except as otherwise provided in this subsection, a)]~~ **If each provision is removed on or before the date on which a** license issued pursuant to this section ~~[(becomes invalid 1 year after the date on which the license is issued. A license issued to an applicant described in paragraph (b) of]~~ **is set to expire pursuant to** subsection 1 ~~[(becomes invalid)]~~, **the license expires** 3 years after the date on which the license ~~[(is)]~~ **was** issued.

3. The holder of a license issued pursuant to this section may add endorsements with provisions to the license during the first year in which the license is valid. Endorsements without provisions may be added to the license at any time during the period in which the license is valid. If an endorsement is added to the license, the endorsement does not affect the date on which the license becomes invalid.

**Sec. 2.** NAC 391.0565 is hereby amended to read as follows:

391.0565 1. The holder of a provisional nonrenewable license issued pursuant to NAC 391.056 must remove all the provisions under which the license was issued before he or she may apply for a license pursuant to NAC 391.045. An application for a license issued pursuant to NAC 391.045 may be made at any time after the removal of all of the provisions under which the provisional nonrenewable license was issued.

2. The holder of a provisional nonrenewable license for which ~~all of the provisions have~~ *a provision has* not been removed on the date on which the license expires may apply as a new applicant for a license pursuant to NAC 391.045 as soon as the provisions under which the expired provisional nonrenewable license was issued have been removed.

3. If an application is made for a license pursuant to NAC 391.045 by the holder of a provisional nonrenewable license before the provisional nonrenewable license expires, the applicant must pay an application fee of \$131, 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.

**Sec. 3.** 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 on a special license or a provisional special license, a person must:

(a) Have completed at least 60 semester hours of credit from an accredited college or university; or

(b) Possess an associate's degree or higher degree from an accredited college or university.

3. A school district may hire a person 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 4, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.

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 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,]~~ *before the date on which the license expires pursuant to subsection 1 of NAC 391.065.* If a person does not remove all provisions under which the license was issued ~~[within 3 years,]~~ *before that date,* the endorsement as a substitute teacher in



kindergarten through grade 12 expires on ~~the~~ *that* 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.

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

STATE OF NEVADA



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

Date: April 27, 2018

Re: **NAC 391.056 Provisional nonrenewable licensure: Qualifications; term of validity; addition of endorsements; inapplicability to certain persons.** ([NRS 391.019](#), [391.032](#)).

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 391.056 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