

## NOTICE OF INTENT TO ACT UPON A REGULATION

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

The Nevada Commission on Professional Standards in Education will hold a virtual public hearing at 9:00 AM on **March 31, 2021**

#### STATE OF EMERGENCY SPECIAL PUBLIC NOTICE

*Due to the circumstances created by the COVID-19 pandemic, the Teacher Recruitment and Retention Advisory Task Force (Task Force) will meet via videoconference. In accordance with Governor Sisolak's [State of Emergency Directive 006](#), Section 1, and extended indefinitely by the [State of Emergency Directive 029](#), there will be no physical location designated for this meeting. The meeting will be livestreamed on the [Nevada Department of Education](#).*

*The public is hereby noticed that the Commission on Professional Standards reserves the right to take agenda items out of posted order; items may be pulled or removed from the agenda at any time; and items may be combined for consideration. Members of the public may provide public comment in writing via email; public comment will be accepted via email for the duration of the meeting and shared with the Commission on Professional Standards members during the appropriate agenda items. Public comment may be emailed to [jborges@doe.nv.gov](mailto:jborges@doe.nv.gov); members of the public are asked to indicate in the email subject line whether the comment is for Public Comment #1 or Public Comment #2.*

*The support materials to this agenda are available, at no charge on the [NDE Website](#) at: Meeting Materials (under the meeting date referenced above) or by contacting Jolene Borges at the Department of Education Office, 2080 East Flamingo Road, Las Vegas Nevada, (702)668-4317.*

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 hearings is scheduled as follows:

**9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to NAC 391.0896; Temporary regulation relating to education; allowing school districts having an enrollment of 9,000 pupils or more to employ emergency substitute teachers during a state of emergency declared pursuant to NRS 414.070**

**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) The proposed temporary changes to **NAC 391.0896** would permit a school district whose enrollment is 9,000 pupils or more to employ emergency substitute teachers during a state of emergency declared pursuant to

NRS 414.070.

2. The Subjects and Issues involved in the regulations are those who would be seeking licensure as an emergency substitute teacher or school districts seeking to employ emergency substitute teachers.
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 address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 2080 E. Flamingo Rd., Ste. 210, Las Vegas, NV 89119. The Department of Education must receive written submissions **on or before March 16, 2021**. 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, 2080 E. Flamingo Rd., Ste. 210, Las Vegas, NV 89119, 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 TEMPORARY REGULATION OF THE COMMISSION ON  
PROFESSIONAL STANDARDS IN EDUCATION**

NAC 391.0896 is hereby amended to read as follows:

391.0896

1. To receive a special license as an emergency substitute teacher, a person must earn a high school diploma or its equivalent.

2. A special license as an emergency substitute teacher is valid for 1 year after the date of issuance.

3. Except as otherwise provided in this subsection *and in subsection 10* , a person who holds or has held a special license as an emergency substitute teacher may apply for such a special license not more than two times after the expiration of his or her original special license as an emergency substitute teacher. The Superintendent of Public Instruction may authorize such a person to apply for a special license as an emergency substitute teacher more than two times after the expiration of his or her original special license as an emergency substitute teacher at the written request of the school district or charter school that employs the applicant.

4. A school district whose enrollment is less than 9,000 pupils or a charter school located within the geographic boundaries of such a school district may, in an emergency, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed.

5. Upon the written request of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the school district to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in a school that is located in a rural area of the school district.

6. Upon the written request of a charter school located in a rural area within the geographic boundaries of a school district whose enrollment is 9,000 pupils or more, the Department may, in an emergency, authorize the charter school to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12 in the charter school.

7. ~~A~~ *Except as otherwise provided in subsection 11*, person employed pursuant to subsection 4, 5 or 6 may not serve as a teacher in one classroom for more than 5 days in any 20-day period. Except in an emergency, a school district or charter school shall not allow a person solely holding a special license as an emergency substitute teacher to serve as a teacher.

8. An applicant for a special license as an emergency substitute teacher is exempt from the provisions of:

(a) [NAC 391.036](#); and

(b) [NAC 391.065](#).

9. 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, other than an emergency substitute teacher, is not immediately available.

*10. During a state of emergency declared pursuant to NRS 414.070:*

*(a) The provisions of subsections 5 and 6 notwithstanding, a school district having an enrollment of 9,000 pupils or more, or a charter school located within such a school district, may hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12; and*

*(b) The Superintendent of Public Instruction may grant an application for a special license as an emergency substitute teacher to an individual who would normally be ineligible for such a license pursuant to subsection 3.*

*11. The provisions of subsection 7 notwithstanding, an emergency substitute teacher hired pursuant to subsection 10 may remain employed as an emergency substitute teacher through the end of the school year in session at the time the state of emergency is terminated.*



**STEVE SISOLAK**  
Governor

**JHONE EBERT**  
Superintendent of Public Instruction

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

**Date: February 25, 2021**

**Re: NAC 391.0896 Special license as emergency substitute teacher; authorized employment. ([NRS 391.019](#)).**

I, Jhone Ebert, 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 391.0896 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.

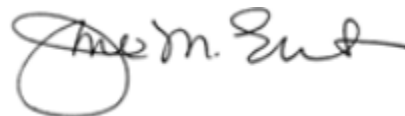
This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

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,



JHONE EBERT  
Superintendent of Public Instruction