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November 15, 2023

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R167-22

The Commission on Professional Standards in Education will hold a public hearing at **9:04 A.M.** on **Wednesday, November 15, 2022** via [livestream](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapters 391.627 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 and 391.2056.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education is instructed to adopt regulations:
 - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

NRS 391.2056 notes that the Commission shall adopt regulations:

- *Establishing Code; training on Code to teachers, administrators, and others; posting of Code on Internet website.*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation prescribes the required content and availability of annual training on the Nevada Model Code of Educator Ethics for a teacher, administrator, or other person employed by the school district or charter school. It identifies course work and training that fulfills the requirement to complete the annual training and authorizes the Department of Education to request certain records from a school district, charter school, or employee of a school district or charter school related to the completion of such training.

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

4. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
5. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
6. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4308 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in-person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before Tuesday, November 15, 2022. A record of all submitted comments will be retained, and the Commission on Professional Standards will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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.

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

LCB File No. R167-22

October 13, 2023

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

AUTHORITY: § 1, NRS 391.019 and 391.2056.

A REGULATION relating to education; prescribing the required content and availability of annual training on the Nevada Model Code of Educator Ethics for a teacher, administrator or other person employed by a school district or charter school; identifying course work and training that fulfills the requirement to complete annual training on the Nevada Model Code of Educator Ethics; authorizing the Department of Education to request certain records from a school district, charter school or employee of a school district or charter school relating to the completion of training on the Nevada Model Code of Educator Ethics; 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 law also requires that the Commission prescribe by regulation a written policy that establishes the Nevada Model Code of Educator Ethics for teachers, administrators and other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. (NRS 391.2056) Existing regulations require the board of trustees of each school district and the governing body of each charter school to, on an annual basis, provide training on the Nevada Model Code of Educator Ethics to teachers, administrators and other persons employed by the school district or charter school. (NAC 391.627)

This regulation requires that such training: (1) directly align with the areas of responsibility identified in the Nevada Model Code of Educator Ethics; and (2) be made available during the regular working hours of the employees. This regulation identifies alternate training, course work and education that will satisfy the requirement that a teacher, administrator or other person employed by a school district or charter school complete training on the Nevada Model Code of Educator Ethics. This regulation authorizes: (1) a school district, employee organization or regional training program for the professional development of teachers and administrators to offer professional development, continuing education or other training to satisfy the annual training requirement; and (2) the Department of Education to request any

records necessary from a school district, charter school or employee of a school district or charter school to confirm that an employee has completed the required annual training.

Section 1. NAC 391.627 is hereby amended to read as follows:

391.627 *1.* The board of trustees of each school district and the governing body of each charter school must, on an annual basis, provide training on the Nevada Model Code of Educator Ethics adopted by the Commission by NAC 391.625 to teachers, administrators and other persons employed by the school district or charter school pursuant to NRS 391.2056.

2. The training provided pursuant to subsection 1 must:

(a) Directly align with the areas of responsibility identified in the Nevada Model Code of Educator Ethics; and

(b) Be made available to teachers, administrators and other persons employed by the school district or charter school during the regular working hours of those employees.

3. A teacher, administrator or other person employed by the school district or charter school shall be deemed to have completed the training required by subsection 1 if he or she:

(a) Within a given school year, successfully completes:

(1) Professional development, continuing education or other training that satisfies the requirements of subsection 2;

(2) The ProEthica professional development series provided by the Educational Testing Service or its successor organization;

(3) The “Prevention and Correction: Overview” course provided by the National Association of State Directors of Teacher Education and Certification; or

(4) Course work offered by a regionally accredited college or university; and

(b) Signs the written acknowledgment required by subsection 2 of NRS 391.2056.

4. Professional development, continuing education and other training completed pursuant to subparagraph (1) of paragraph (a) of subsection 3 may be provided by a school district, employee organization or regional training program for the professional development of teachers and administrators.

5. The Department may request from a school district, charter school or employee of a school district or charter school any records necessary to confirm that an employee of a school district or charter school has completed the training required by subsection 1.