

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

January 24, 2022

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 #R028-21

The Commission on Professional Standards in Education will hold a public hearing at **9:00 A.M. on Thursday, February 24, 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 Chapter 391.036 and 391.0896 of the Nevada Administrative Code (NAC), pursuant to Nevada Revised Statute (NRS) 391.019 regarding qualifications for licensure as it relates to emergency substitute teachers.

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 requiring:
 - *Qualifications for licensure; fields of specialization in teaching; endorsements; and issuance of licenses pursuant to alternative routes.*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation revises provisions related to a special license and an emergency substitute teacher, and would authorize certain larger school districts and charter schools located within such school districts to hire an emergency substitute teacher during a state of emergency or declaration of disaster, as needed, and requiring each school district or charter school to provide certain training to each emergency substitute teacher hired by the school district or charter school.

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 NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. 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 NVBoardED@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, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before February 23, 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.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 24, 2022

RE: Public Hearing to Solicit Comments on Proposed Amendments to NAC Chapter 391.0896 and 391.036– regarding Special Licenses as an emergency substitute teacher; authorized employment.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding Special Licenses for emergency substitute teachers and their authorized employment is 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.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

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,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

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

LCB File No. R028-21

September 30, 2021

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

AUTHORITY: §§ 1 and 2, NRS 391.019.

A REGULATION relating to education; revising provisions relating to a special license as an emergency substitute teacher; authorizing certain larger school districts and charter schools located within such school districts to hire an emergency substitute teacher during a state of emergency or declaration of disaster, as needed; requiring each school district or charter school to provide certain training to each emergency substitute teacher hired by the school district or charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes a special license for teachers and other educational personnel in this State, which authorizes the holder to teach or perform other educational functions as designated in the license. (NRS 391.031) Existing regulations prescribe the qualifications for a special license as an emergency substitute teacher and the period of validity of such a special license. With certain exceptions, existing regulations prohibit a person from reapplying for a special license as an emergency substitute teacher more than two times after the expiration of his or her original special license. Existing regulations provide that the Superintendent of Public Instruction may authorize the holder of a special license as an emergency substitute teacher to reapply for such a license more than two times upon the written request of the school district or charter school that employs the holder. (NAC 391.0896) **Section 2** of this regulation allows the Superintendent, at his or her discretion, to authorize the holder of a special license as an emergency substitute teacher to reapply for such a license more than two times during a state of emergency or declaration of disaster, regardless of whether the Superintendent has received a written request from the school district or charter school that employs the holder.

Existing regulations allow: (1) certain smaller school districts and charter schools located within the geographic boundaries of such school districts to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed; (2) upon written request by a larger school district, the Department to 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 in an emergency; and (3) upon written request by a charter school located in a rural area within the geographic boundaries of a larger school district, the Department to authorize the charter school to hire an emergency substitute teacher to serve as

a teacher in kindergarten through grade 12 in an emergency. (NAC 391.0896) **Section 2** authorizes a larger school district or charter school located within the geographic boundaries of such a school district, during a state of emergency or declaration of disaster, to hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed. **Section 2** authorizes a person employed as an emergency substitute teacher under these circumstances to serve as a teacher for the remainder of the school year in which the state of emergency or declaration of disaster is proclaimed, regardless of when the state of emergency or declaration of disaster is terminated.

Section 2 also: (1) requires each school district or charter school to provide certain training to each emergency substitute teacher hired by the school district or charter school; and (2) provides that an emergency substitute teacher must complete such training before he or she may serve as a teacher.

Section 1 of this regulation makes a conforming change relating to the renumbering of subsections in **section 2**.

Section 1. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, NAC 391.0545, paragraph (a) of subsection ~~8~~ 9 of NAC 391.0896, subsection 7 of NAC 391.0897, paragraph (b) of subsection 3 of NAC 391.233, subsection 3 of NAC 391.276, paragraph (b) of subsection 3 of NAC 391.425 and subsection 6 of NAC 391.436, an applicant who applies for:

(a) A license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (1) Basic reading, writing and mathematics;
- (2) The principles and methods of teaching; and
- (3) The subject matter of the area of endorsement on the license or the area of

endorsement necessary for the applicant's area of assignment.

(b) An additional endorsement on a license held by the applicant must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in the subject matter of the area of endorsement for which the applicant is applying.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

(a) Submits to the Department evidence that he or she:

(1) Has retired from teaching in this State;

(2) Held a special license, a license to teach elementary or secondary education, a license to teach special education, a license to teach pupils in a program of early childhood education or a license to teach middle school or junior high school education, which:

(I) Has expired within the year immediately preceding the date on which his or her application was submitted;

(II) Was free from any conditions that the applicant pass a competency test; and

(III) Authorized the applicant to teach in the same grade level and subject area for which he or she is applying to receive a license;

(3) Was required, for the issuance of the applicant's expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of the license for which he or she is applying; and

(4) Otherwise satisfies the requirements for the issuance of a license;

(b) Submits to the Department evidence that the applicant has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1, as determined by the Department; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is acceptable to the Department for purposes of reciprocity.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department:

(a) Official documentation which indicates that he or she passed, within the 5 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission:

(1) The “Praxis Core Academic Skills for Educators” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) A test of basic skills that is determined by the Department to be equivalent to the test prescribed by subparagraph 1; or

(b) Evidence that the applicant has:

(1) Received a master’s or more advanced degree from a regionally accredited college or university; and

(2) Completed, within the 5 years immediately preceding the date on which his or her application was submitted, the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent, and received a score which was at or above the midpoint of the score range in effect at the time the examination was administered.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, at the level of competency specified by the Commission, the “Principles of Learning and Teaching Test” prepared and administered by the Educational Testing Service; or

(b) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of the area of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, within the 5 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for a license or endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he or she has received a certificate of clinical competence from the American Speech-Language-Hearing Association; or

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that the applicant satisfactorily completed the “Family and Consumer Sciences Composite Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

6. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

Sec. 2. 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, 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~~ :

(a) *At the written request of the school district or charter school that employs the applicant ~~+~~, if a state of emergency or declaration of disaster has not been proclaimed pursuant to NRS 414.070; or*

(b) *At his or her discretion during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070.*

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~~ *Except as otherwise provided in subsection 7, 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~~ *Except as otherwise provided in subsection 7, 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 school district whose enrollment is 9,000 pupils or more or a charter school located within the geographic boundaries of such a school district may, during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070, hire an emergency substitute teacher to serve as a teacher in kindergarten through grade 12, as needed. A person employed pursuant to this subsection may serve as a teacher for the remainder of the school year in which the state of emergency or declaration of disaster is proclaimed, regardless of when the state of emergency or declaration of disaster is terminated.

8. A 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.

~~18.1~~ **9.** 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.

~~19.1~~ **10.** *Each school district or charter school shall provide at least 1 hour of training to each emergency substitute teacher hired by the school district or charter school. Such training must include, without limitation, classroom management strategies and behavior management techniques. An emergency substitute teacher must successfully complete any such training before he or she may serve as a teacher.*

11. 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.