

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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STATE OF NEVADA
DEPARTMENT OF EDUCATION

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**Notice of Workshop to Solicit Comments on Proposed
Temporary Regulation**

The **Nevada Department of Education** is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for March 30, 2021 at 3:00 P.M. via **videoconference**. In accordance with Governor Steve Sisolak's State of Emergency Directive 006, Section 1, there will be no physical location designated for this meeting. The meeting will be livestreamed on the [Nevada Department of Education](http://www.doe.nv.gov) website and may be navigated to from [NDE Website](http://www.doe.nv.gov). The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**3:00 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.0896
– Special license as emergency substitute teacher; authorized employment.**

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may submit written comment to the Nevada Department of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the 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 March 29, 2021.

The requirements set forth in NRS 241.020(4)(a) for the posting of agenda for public meetings was suspended in Governor Sisolak's State of Emergency Directive 006. A copy of this notice has been posted on the [Nevada Department of Education](http://www.doe.nv.gov) website. Nevada's Public Notice site at <https://notice.nv.gov/> and online at <http://www.leg.state.nv.us>, and copies were sent to all persons on the agency's mailing list for administrative regulations. Copies of this notice will also be emailed and/or mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: March 30,2021

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.0896 – Special license as emergency substitute teacher; authorized employment.

I, Jhone 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 regulations regarding emergency substitute teachers 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.
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,

Jhone M. Ebert
Superintendent of Public Instruction

**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.