

Joe Lombardo
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
DEPARTMENT OF EDUCATION
700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

February 21, 2024

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 #R063-23

The Commission on Professional Standards in Education will hold a public hearing at **9:00 A.M.** on **Wednesday, February 21, 2024** 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 391.056 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019, 391.021, and 391.032.

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 shall adopt regulations:

- *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

NRS 391.021, The Commission on Professional Standards in Education shall adopt regulations:

- *Governing examinations for the initial licensure; exemption for teacher and educational personnel who obtain reciprocal license.*

NRS 391.032, The Commission on Professional Standards in Education shall adopt regulations:

- *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation is relating to educational personnel; revising provisions governing the expiration of a provisional nonrenewable license to teach; and providing other matters properly relating thereto. This regulation will update the tiered provision requirements in NAC 391.056 moving the coursework and exam provisions from one and two years respectively to three years to complete.

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, 2023. 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. R063-23

November 21, 2023

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

AUTHORITY: § 1, NRS 391.019, 391.021, 391.032.

A REGULATION relating to educational personnel; revising provisions governing the expiration of a provisional nonrenewable license to teach; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations providing for the issuance of provisional licenses to teachers and other educational personnel before an applicant completes certain requirements for a license to teach. (NRS 391.032)

Existing regulations authorize the Superintendent of Public Instruction to issue a provisional nonrenewable license to an applicant for a license to teach. Under existing regulations, such a license may be valid for: (1) 1 year if the applicant has certain credit or experiential deficiencies; (2) 2 years if the applicant has not passed certain competency tests; or (3) 3 years if the applicant has not completed certain courses regarding education or curricular adaptation for pupils with disabilities. (NAC 391.056) This regulation instead: (1) provides that all provisional nonrenewable licenses expire 3 years after the date of issuance; and (2) revises the categories of applicants who may receive a provisional nonrenewable license.

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:]~~ *if the applicant:*

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

(1) ~~{Except as otherwise provided in paragraph (c), has}~~ *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; 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 completed a school counseling practicum or internship, but:

(I) Has completed all necessary course-work requirements for the school counseling endorsement;

(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

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

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

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

2. ~~{If each provision is removed on or before the date on which a}~~ *A* license issued pursuant to this section ~~{is set to expire pursuant to subsection 1, the license}~~ expires 3 years after the date on which the license 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.