

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

April 17, 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 #R088-23

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, April 17, 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 Chapter 391.065 and 391.080 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019.

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.*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; revising the educational requirements for the renewal of certain licenses of teachers and other educational personnel; revising provisions governing the approval of providers of continuing education; and providing other matters properly relating thereto. This regulation will allow educators to earn continuing education hours at any time during the licensure period and to ensure the providers of professional development align their learning activities to Nevada Professional Development Learning Standards.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. 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.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **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.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **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.
10. **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.

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

LCB File No. R088-23

November 20, 2023

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

AUTHORITY: §§ 1-5, NRS 391.019.

A REGULATION relating to educational personnel; revising the educational requirements for the renewal of certain licenses of teachers and other educational personnel; revising provisions governing the approval of providers of continuing education; 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 regulations specify the period during which the renewable license of a teacher or other educational personnel is valid, which generally varies depending on the education level and teaching experience of the licensee. (NAC 391.060) Existing regulations further set forth the educational and professional requirements to renew such a license. Such requirements vary depending on whether the license is issued: (1) before June 26, 2019; or (2) on or after June 26, 2019. If a license was issued before June 26, 2019, with certain exceptions, such a license may be renewed once if, in addition to certain other requirements, the license holder earns 6 semester hours of credit or the equivalent during the term of the license. Each additional renewal of a license issued before June 26, 2019, requires the licensee, in addition to certain other requirements and with certain exceptions, to: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master’s or more advanced degree, teach certain courses; (3) if the licensee holds certain occupational licenses, complete certain professional development or continuing education; or (4) complete the requirements for certification by the National Board for Professional Teaching Standards or its successor organization. Similarly, to renew a license issued on or after June 26, 2019, a licensee must, in addition to certain other requirements and with certain exceptions: (1) complete certain professional development, in-service training or course work; (2) if the licensee holds a master’s or more advanced degree, teach certain courses; (3) if the licensee holds certain occupational licenses, complete certain professional development or continuing education; or (4) complete the requirements for certification by the National Board for Professional Teaching Standards or its successor organization. (NAC 391.065)

Section 1 of this regulation eliminates provisions distinguishing between licensees who: (1) were issued an initial license before June 26, 2019; or (2) were issued or renewed a license on or after June 26, 2019. **Section 1** instead requires all licensees seeking renewal of licenses to complete: (1) at least 90 clock hours of professional development or in-service training; (2) at least 6 semester hours of credit of course work at a regionally accredited college or university in any subject; or (3) any combination of such professional development or in-service training and course work that is equal to 90 clock hours. **Section 1** additionally requires such licensees to complete these requirements during each licensure period rather than during each calendar year of the licensure period. **Section 1** further eliminates provisions governing the completion of certain requirements for renewal in succeeding calendar years that are made superfluous by relevant changes to **section 1**. **Section 1** also: (1) eliminates provisions authorizing professional development, in-service training or course work to be provided by any person or entity; and (2) requires professional development, in-service training or course work to be provided by certain entities, including a provider of continuing education approved by the Department of Education to provide such services.

Existing regulations establish: (1) the standards the Commission must use to approve a provider of continuing education; and (2) requirements governing the submission of certain information concerning courses offered by such providers. (NAC 391.080) **Section 2** of this regulation provides that the Department instead of the Commission must approve providers of continuing education. **Section 2** further: (1) requires the provider to submit, on a form provided by the Department, certain information and attestations about the provider and its activities; (2) provides that certain entities are not required to obtain approval from the Department; and (3) requires the Department to maintain a list of approved providers on its Internet website and submit to the Commission an annual report.

Section 4 of this regulation provides that: (1) the Department shall accept any professional development, in-service training or course work completed by a licensee before the effective date of this regulation; and (2) a provider of continuing education that was approved by the Commission before the effective date of this regulation is deemed approved by the Department.

Sections 3 and 5 of this regulation repeal the provisions governing the renewal of certain teaching licenses that would have become effective on June 26, 2029.

FIRST
PARALLEL
SECTION

Section 1. NAC 391.065 is hereby amended to read as follows:

391.065 1. Except as otherwise provided in subsection ~~5~~ **3**, subsection 9 of NAC 391.0896, subsection 7 of NAC 391.0897, subsection 3 of NAC 391.276, subsection 2 of NAC 391.277, subsection 2 of NAC 391.279, subsection 4 of NAC 391.312, subsection 3 of NAC 391.370, subsection 2 of section 2 of LCB File No. R123-22 and subsection 2 of section 3 of LCB File No. R123-22, ~~fa license issued before June 26, 2019, that is renewable may be renewed only one time after June 26, 2019, if its holder earns 6 semester hours of credit or the equivalent~~

~~during the term of the license, in addition to those prescribed by NRS 391.0347, subsection 4 of NAC 391.180 and subsection 3 of NAC 391.315, if applicable. Except as otherwise provided in subsections 4 and 5, subsection 4 of NAC 391.180 and subsection 3 of NAC 391.315, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.~~

~~—2.—~~ Except as otherwise provided in subsections 1, 4 and 5, subsection 3 of NAC 391.276 and subsection 3 of NAC 391.370, a license ~~issued or renewed on or after June 26, 2019,~~ that is renewable may be renewed if the licensee submits to the Department with the request for renewal, in addition to proof of completion prescribed by NRS 391.0347, if applicable, made pursuant to NAC 391.070 either:

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each ~~calendar year~~ *licensure period* for which the license was valid, the licensee has:

(1) Completed, designed or provided, in accordance with subsection ~~3, at least 15~~ **2**:

(I) At least 90 clock hours of professional development or the equivalent amount of in-service training ~~or 1~~ ;

(II) At least 6 semester ~~hour~~ **hours** of credit of course work at a regionally accredited college or university in any subject; *or*

(III) Any combination of professional development or in-service training and course work at a regionally accredited college or university in any subject that is equal to 90 clock hours;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

~~13.1~~ 2. The professional development, in-service training or course work completed, designed or provided to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection ~~12.1~~ 1 must directly relate to the profession of education or the area for which the license is endorsed and : ~~may:~~

(a) ~~Include~~ **May include** any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) ~~Be~~ **May be** obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) ~~{Be}~~ *Must be* provided by ~~{any person or entity including, without limitation,}~~ a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization, ~~{or}~~ educational conference ~~{~~

~~4.— If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection 2 during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, or the designee thereof approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.~~

~~—5.} or a provider of continuing education approved pursuant to NAC 391.080.~~

3. The provisions of this section do not apply to the renewal of a:

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement:

(1) As a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.0897;

(2) To provide audiological services issued pursuant to NAC 391.223;

(3) As a school nurse issued pursuant to NAC 391.305; or

(4) To serve as a social worker issued pursuant to NAC 391.320.

~~{6.} 4.~~ The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.

5. For the purposes of subsection 1, 1 semester hour of credit is equal to 15 clock hours.

6. *As used in this section, “clock hour” means a period of time equal to 60 minutes.*

Sec. 2. NAC 391.080 is hereby amended to read as follows:

391.080 1. The ~~{Commission will}~~ *Department shall consider and* approve a provider of continuing education upon receipt of evidence acceptable to the ~~{Commission:~~

~~—1. That~~ *Department that* the provider ~~;~~

~~—(a) Is~~ *is* recognized locally, regionally or nationally as a professional organization that provides courses for continuing education and whose membership is composed primarily of teachers, administrators or other educational personnel . ~~;~~ ~~and~~

~~—(b) Is not a college or university;~~

2. ~~{That a written outline of each course to be offered by the provider will be submitted to the Commission for approval before the course is offered; and~~

~~—3. That for each course presented the provider will certify to the Commission:~~

~~—(a) The name of each person who enrolls in the course and completes the required work;~~

~~—(b) That the topics included by the provider in the written outline which was approved by the Commission were presented during the course;~~

~~—(c) The number of clock hours completed by the person taking the course; and~~

~~—(d) The attendance record of each person taking the course.}~~ *To apply for approval pursuant*

to subsection 1, a provider shall, on a form prescribed by the Department:

(a) Indicate the name of the provider;

(b) Indicate the mission of the provider or provider’s organization;

(c) Indicate the occupational composition of the membership described in subsection 1;

and

(d) Attest that its professional learning activities incorporate the standards prescribed in NAC 391A.300 and align with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465, if applicable.

3. A provider shall be deemed approved by the Department and is not required to obtain approval pursuant to this section if the provider is:

(a) A college or university;

(b) A school or a school district;

(c) A regional training program, as defined in NRS 391A.105; or

(d) An employee organization.

4. The Department shall:

(a) Maintain a list of approved providers on its Internet website; and

(b) Submit to the Commission an annual report of the status of approved providers.

Sec. 3. Section 4 of LCB File No. R110-18 is hereby amended to read as follows:

Sec. 4. ~~1.1~~ This section and sections 1 and 5 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

~~2.—Section 2 of this regulation becomes effective 10 years after the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.~~

Sec. 4. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. The Department of Education shall accept any professional development, in-service training or course work completed by a licensee before the effective date of this regulation to fulfill the requirements set forth in NAC 391.065, as amended by section 1 of this regulation, for the renewal of a license on or after the effective date of this regulation.

2. A provider of continuing education that has been approved by the Commission on Professional Standards in Education before the effective date of this regulation shall be deemed approved by the Department of Education for purposes of NAC 391.080, as amended by section 2 of this regulation.

Sec. 5. Section 2 of LCB File No. R110-18 is hereby repealed.

TEXT OF REPEALED SECTION

SECOND
PARALLEL
SECTION

Sec. 2. NAC 391.065 is hereby amended to read as follows:

391.065 1. ~~Except as otherwise provided in subsection 5 and subsection 7 of NAC 391.332, a license issued before the effective date of this regulation that is renewable may be renewed only one time after the effective date of this regulation if its holder earns 6 semester hours of credit or the equivalent during the term of the license. Except as otherwise provided in subsections 4 and 5, each additional renewal of a license that has been renewed pursuant to this subsection must be made in accordance with subsection 2.~~

~~2.]~~ Except as otherwise provided in subsections ~~1, 4]~~ 3 and ~~5,]~~ 4, a license issued or renewed on or after the effective date of this regulation that is renewable may be renewed if the

licensee submits to the Department with the request for renewal made pursuant to NAC 391.070 either:

(a) Proof, which may include, without limitation, a certificate, transcript, letter from an employer or form verifying attendance, that, during each calendar year for which the license was valid, the licensee has:

(1) Completed, designed or provided in accordance with subsection ~~13.1~~ 2, at least 15 hours of professional development or the equivalent amount of in-service training or 1 semester hour of credit of course work at a regionally accredited college or university in any subject;

(2) If the licensee holds a master's degree or more advanced degree, taught a course at a regionally accredited college or university that directly relates to the profession of education or the subject area of the endorsement held by the licensee; or

(3) If the licensee holds an occupational license that directly relates to the subject area for which the licensee holds an educational license or endorsement, completed professional development or continuing education that is:

(I) Required for the renewal of the occupational license by the professional licensing board or agency in this State that issued the occupational license; or

(II) Directly related to the profession for which the licensee holds an occupational license and is offered by a nationally recognized organization that provides continuing education in the field of the occupational license; or

(b) A copy of a certificate issued to the licensee by the National Board for Professional Teaching Standards or its successor organization which evidences completion of the requirements for certification by that organization.

~~13.1~~ 2. The professional development, in-service training or course work completed, designed or provided to fulfill the requirements of subparagraph (1) of paragraph (a) of subsection ~~12.1~~ 1 must directly relate to the profession of education or the area for which the license is endorsed and may:

(a) Include any professional development, in-service training or course work completed to fulfill another requirement prescribed by this chapter;

(b) Be obtained at any time, including, without limitation, during the regular working hours of the licensee; and

(c) Be provided by any person or entity including, without limitation, a college, university, school or school district, regional training program, as defined in NRS 391A.105, employee organization or educational conference.

~~14.1~~ 3. If a licensee is not able to complete the requirements of subparagraph (1) of paragraph (a) of subsection ~~12.1~~ 1 during any calendar year in which the license is valid, the licensee may complete the requirements, in addition to the requirements for the next calendar year, during the next calendar year. A licensee may only carry over requirements to the next calendar year one time during the period for which the license is valid unless the board of trustees of the school district or the governing body of the school, as applicable, or the designee thereof approves in writing another extension upon finding the extension is justified. A licensee who receives such approval must submit the written approval with his or her request to renew the license.

~~15.1~~ 4. The provisions of this section do not apply to the renewal of a:

(a) License pursuant to NAC 391.073.

(b) Special license, if the only endorsement of the special license is an endorsement as a substitute teacher in kindergarten through grade 12 issued pursuant to NAC 391.332.

~~6.~~ 5. The Department may request from any person or entity records necessary to confirm information submitted by a licensee pursuant to this section.