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August 18, 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 #R066-24

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, September 18, 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.XXX of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019 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 391.032, 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; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. This regulation will allow graduates to apply for a provisional teaching license pending official transcripts with a conferred degree.
- 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 regulation does not establish a new fee or increase an existing fee.

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, September 17, 2024**. 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. R066-24

June 5, 2024

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

AUTHORITY: § 1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; 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 the Commission to adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach to an applicant who meets certain requirements and: (1) has graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or (2) satisfies the requirements for conditional licensure through an alternative route to licensure. (NRS 391.032)

This regulation requires the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who meets certain requirements and: (1) graduated with a bachelor's degree or higher and is awaiting conferment of the degree or meets the requirements for conditional licensure through an alternative route to licensure; and (2) has paid the appropriate application fee. This regulation also: (1) authorizes the holder of such a provisional license to teach in a public school in this State; and (2) provides that the provisional license is valid for 120 days after issuance and is not renewable. This regulation additionally provides that the provisional license may be converted to an initial license if the holder submits to the Office of Educator Licensure within the Department of Education an official transcript that contains certain required information. Under this regulation: (1) the Department is required to remove the transcript provision from the license of a holder who meets such conversion requirements; and (2) the license remains valid until its expiration date. Furthermore, this regulation authorizes a person whose provisional license with a transcript provision has expired

to apply for an initial teaching license if the person submits, along with his or her application, an official transcript containing certain required information.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall issue a provisional license with a transcript provision to an applicant who:

(a) Submits an application on a form prescribed by the Department which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant meets the requirements prescribed by subsection 3 of NRS 391.032, as amended by section 3.5 of Assembly Bill No. 428, chapter 491, Statutes of Nevada 2023, at page 3015; and

(b) Pays the fee required by NAC 391.045.

2. A provisional license issued pursuant to this section:

(a) Authorizes the holder of the license to teach in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Is valid for 120 days after the date on which the license is issued; and

(c) Is not renewable.

3. A provisional license issued pursuant to this section may be converted to an initial license if, before the provisional license expires, the licensee submits to the Office of Educator Licensure within the Department an official transcript which indicates that the licensee has:

(a) Received a diploma conferring a bachelor's degree or a higher degree; and

(b) Completed all academic requirements prescribed by this chapter for the issuance of an initial license.

4. If the holder of a provisional license complies with the requirements prescribed by subsection 3, the Department shall remove the transcript provision and the license remains valid until the date of the expiration of the license.

5. A person whose provisional license with a transcript provision has expired may apply as a new applicant for a license pursuant to NAC 391.045 as soon as the person is able to submit with the application an official transcript which indicates that the person has:

(a) Received a diploma conferring a bachelor's degree or a higher degree; and

(b) Completed all academic requirements prescribed by this chapter for the issuance of an initial license.