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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 #R100-24

The Commission on Professional Standards in Education will hold a public hearing **at 9:03 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, 391.031, 391.032 and 391.040.

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

- *Providing for the issuance of special licenses to teachers and other educational personnel in this State.*

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.*

NRS 391.040, the Commission on Professional Standards in Education shall adopt regulations:

- *Prescribing fees for issuance and renewal of licenses; fee for duplicate license; waiver of fees for certain persons affiliated with Armed Forces.*

2. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation is relating to education; prescribing the requirements and conditions for the issuance of a provisional special license with an endorsement as a registered apprentice; authorizing the holder of such a provisional license who meets certain other requirements to serve as a substitute teacher in early childhood education through grade 12; authorizing the Superintendent of Public Instruction to issue a provisional special license with an endorsement as

a registered apprentice to certain persons; prescribing requirements and qualifications for the employment of a holder of a provisional special license with an endorsement as a registered apprentice; and providing other matters properly relating thereto. This regulation will establish a registered apprenticeship license.

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. R100-24

July 19, 2024

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

AUTHORITY: §§ 1, 3 and 4, NRS 391.019, 391.031, 391.032 and 391.040; § 2, NRS 391.019.

A REGULATION relating to education; prescribing the requirements and conditions for the issuance of a provisional special license with an endorsement as a registered apprentice; authorizing the holder of such a provisional license who meets certain other requirements to serve as a substitute teacher in early childhood education through grade 12; authorizing the Superintendent of Public Instruction to issue a provisional special license with an endorsement as a registered apprentice to certain persons; prescribing requirements and qualifications for the employment of a holder of a provisional special license with an endorsement as a registered apprentice; 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 further sets forth the various kinds of licenses for teachers and other educational personnel in this State, including special licenses, which authorize the holder to teach or perform other educational functions in a school or program as designated in the license. (NRS 391.031)

Existing regulations authorize the Superintendent of Public Instruction to issue a provisional special license with an endorsement as a student teacher resident to teach pupils in a program of early childhood education, kindergarten, grades 1 to 12, inclusive, or special education to a person who: (1) is enrolled in a teacher preparation program that is approved by the Commission; (2) has completed at least 90 semester credits of course work or equivalent course work in a teacher preparation program that is approved by the Commission; (3) has a recommendation to student teach from the teacher preparation program; and (4) applies for the license and pays a fee of \$100. (Section 2 of LCB File No. R128-22) **Section 3** of this regulation authorizes the Superintendent to instead issue a provisional special license with an endorsement as a registered apprentice to teach pupils in a program of early childhood education, kindergarten, grades 1 to 12, inclusive, or special education to a person who: (1) is enrolled in a teacher preparation program for registered apprentices that is approved by the Commission and the State Apprenticeship Council; (2) has a recommendation from the teacher preparation

program; and (3) applies for the license and satisfies certain other requirements, including the payment of a fee of \$180.

Section 1 of this regulation requires an applicant for a provisional special license with an endorsement as a registered apprentice to submit with his or her application the same items which must be submitted by an applicant for the initial issuance of a license as teacher or other educational employee.

Existing regulations set forth the requirements, including, without limitation, specific types of licensure, which a person must satisfy to serve as a substitute teacher in early childhood education through grade 12. (NAC 391.0897) **Section 2** of this regulation authorizes the holder of a valid provisional special license with an endorsement as a registered apprentice who meets those requirements to serve as such a substitute teacher.

Existing regulations: (1) set forth the requirements for a person to be employed as a student teacher resident; and (2) require a school district or charter school that compensates a student teacher resident to pay the student teacher resident at least the rate of pay for a long-term substitute teacher. (Section 3 of LCB File No. 128-22) **Section 4** of this regulation revises these provisions to instead apply to a holder of a provisional special license with an endorsement as a registered apprentice who is employed as a teacher under a contract. **Section 4** also revises the requirements: (1) for education and supervision which must be satisfied by the holder of a provisional special license who is to be employed as a teacher under a contract; and (2) which must be satisfied by a school district or charter school which employs such a person, including verifying the person meets the educational requirements, assigning the person to a position commensurate with his or her education and compensating the person based on certain terms.

Section 1. NAC 391.045 is hereby amended to read as follows:

391.045 1. ~~Except as otherwise provided in section 2 of LCB File No. R128-22, an~~ **An**

applicant for the initial issuance of a license as a teacher or other educational employee must submit with his or her application:

(a) His or her official transcripts;

(b) Evidence that the applicant has successfully completed:

(1) At least 3 semester hours of credit in a course of study regarding education or curricular adaptation for pupils with disabilities; or

(2) Professional development or a continuing education course regarding education or curricular adaptation for pupils with disabilities that is approved by the Department;

(c) Evidence that the applicant has successfully completed:

(1) At least 3 semester hours of credit in a course of study regarding parental involvement and family engagement that:

(I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

(II) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; or

(2) At least 45 contact hours of professional development or continuing education regarding parental involvement and family engagement that is approved by the Department and:

(I) Is consistent with the elements and goals for effective involvement and engagement set forth in NRS 392.457; and

(II) Includes an emphasis on building relationships, outreach to families and developing an appreciation and understanding of families from diverse backgrounds; and

(d) Except as otherwise provided in NAC 391.0565, a fee of \$180, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fee does not include the cost of any examination required by NAC 391.036.

2. If the applicant is not eligible for licensure, the fee will not be returned. The applicant must pay another fee if he or she applies again.

3. An applicant for an endorsement to an existing license or for an additional license must submit with his or her application:

(a) Current official transcripts; and

(b) A fee of \$50.

4. The *requirements for* academic credits ~~required~~ to obtain initial licensing or an endorsement to an existing license are not ~~satisfiable~~ *satisfied* by the completion of courses offered by a provider of continuing education, but those courses may be used for the renewal of a license.

5. The Department shall take any necessary steps to expedite the processing of an application for a license or endorsement submitted by a person who is:

- (a) A member of the Armed Forces of the United States;
- (b) The spouse of a member of the Armed Forces of the United States; or
- (c) A veteran of the Armed Forces of the United States.

Sec. 2. NAC 391.0897 is hereby amended to read as follows:

391.0897 1. Except as otherwise provided in NAC 391.0896 and 391.436, to serve as a substitute teacher in early childhood education through grade 12, a person must hold a valid:

(a) Elementary or secondary license, a license to teach pupils in a program of early childhood education, a license to teach special education, or a license to teach middle school or junior high school education; ~~or~~

(b) Special license or provisional special license with an endorsement as a substitute teacher in early childhood education through grade 12 issued pursuant to subsection 2 ~~+~~; *or*

(c) Provisional special license with an endorsement as a registered apprentice issued pursuant to section 2 of LCB File No. R128-22, as amended by section 3 of this regulation.

2. To receive an endorsement as a substitute teacher in early childhood education through grade 12 on a special license or a provisional special license, a person must:

(a) Have completed at least 60 semester hours of credit from an accredited college or university; or

(b) Possess an associate's degree or higher degree from an accredited college or university.

3. A school district may hire a person to serve as a substitute teacher in early childhood education through grade 12 for:

(a) Unlimited days of service if filling the position of a licensed teacher who is under contract.

(b) Except as otherwise provided in subsection 4, 60 days of service if filling a teaching position for which a licensed teacher has not been hired under contract.

4. The Department may grant a school district one extension for 30 days with regard to a person who is hired pursuant to paragraph (b) of subsection 3 in an exceptional case upon request from the superintendent of schools of the county school district or from the administrator of a state-approved private school. Upon the expiration of such an extension, a school district may apply for an additional extension pursuant to NAC 391.398 if the school district is unable to hire a licensed special education teacher.

5. A person who holds a provisional nonrenewable special license with an endorsement as a substitute teacher in early childhood education through grade 12 must remove all provisions under which the license was issued before the date on which the license expires pursuant to subsection 1 of NAC 391.065. If a person does not remove all provisions under which the license was issued before that date, the endorsement as a substitute teacher in early childhood education through grade 12 expires on that date.

6. The Department shall not issue any other endorsements on a special license or a provisional nonrenewable special license with an endorsement as a substitute teacher in early childhood education through grade 12.

7. An applicant for the issuance or renewal of a special license with an endorsement as a substitute teacher in early childhood education through grade 12 is exempt from the requirements of NAC 391.036 and 391.065 if he or she is not also applying for the issuance or renewal of another license or endorsement for which he or she is subject to those requirements.

Sec. 3. Section 2 of LCB File No. R128-22 is hereby amended to read as follows:

Sec. 2. 1. The Superintendent of Public Instruction may issue a provisional special license with an endorsement as a ~~{student teacher resident}~~ *registered apprentice* to a person to teach pupils in a program of early childhood education, kindergarten, grades 1 to 12, inclusive, or special education if the person:

(a) Is enrolled in a teacher preparation program *for registered apprentices* that is approved by the Commission ~~{}~~ *and the State Apprenticeship Council pursuant to chapter 610 of NRS;*

(b) ~~{Has completed at least 90 semester credits of course work or equivalent course work in a teacher preparation program that is approved by the Commission;~~

~~—(e)}~~ Has a recommendation from the teacher preparation program ; ~~{to student teach;}~~
and

~~{(d)}~~ (c) Applies for such a provisional special license and pays ~~{a}~~ *the* fee ~~{of \$100}~~ *set forth in paragraph (d) of subsection 1 of NAC 391.045*, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. A provisional special license with an endorsement as a ~~{student teacher resident}~~ *registered apprentice* issued pursuant to this section:

(a) Authorizes the holder of the provisional special license to ~~{teach}~~ :

(1) Be employed as a substitute teacher;

(2) Participate in a clinical field experience; and

(3) Teach in a county school district, a charter school or a university school for profoundly gifted pupils ~~†~~ *only if the requirements of subsection 1 of section 3 of LCB File No. R128-22, as amended by section 4 of this regulation, are satisfied;*

(b) Is valid for ~~†-year†~~ *3 years* from the date of issue; and

(c) Is nonrenewable.

3. A person who holds only a provisional special license with an endorsement as a ~~†student teacher resident†~~ *registered apprentice* issued pursuant to this section is exempt from the provisions of NAC 391.036 . ~~†and paragraphs (b), (c) and (d) of subsection 1 of NAC 391.045.†~~

4. The Department shall not issue any other endorsement on a provisional special license with an endorsement as a ~~†student teacher resident†~~ *registered apprentice* issued pursuant to this section.

5. If a person who holds a provisional special license with an endorsement as a ~~†student teacher resident†~~ *registered apprentice* issued pursuant to this section withdraws from or is no longer enrolled in a teacher preparation program, not later than 15 days after the person withdraws or otherwise ceases to be enrolled in the program, the provider of the program must notify the Department of the name and license number of the person and the date on which the person withdrew or otherwise ceased to be enrolled in the program. A provisional special license issued pursuant to this section becomes invalid immediately upon the receipt of such notification.

6. As used in this section, “teacher preparation program” means a course of study and training for the preparation of teachers or other educational personnel approved pursuant to NAC 391.558 or a program for an alternative route for the licensure of teachers and administrators approved pursuant to NAC 391.461.

Sec. 4. Section 3 of LCB File No. R128-22 is hereby amended to read as follows:

Sec. 3. 1. ~~{Fo}~~ *For the holder of a provisional special license with an endorsement as a registered apprentice to* be employed as a ~~{student}~~ teacher ~~{resident, a person}~~ *under a contract entered into pursuant to NRS 391.120, the holder* must:

(a) ~~{Hold a provisional special license with an endorsement as a student teacher resident issued pursuant to section 2 of this regulation;~~

~~—(b) Be enrolled and in good standing with}~~ *Have graduated with a bachelor’s degree or higher from* a teacher preparation program *for registered apprentices* that is approved by the Commission ~~};~~

~~—(c) and the State Apprenticeship Council pursuant to chapter 610 of NRS; and~~

(b) Be supervised by a member of the faculty from his or her teacher preparation program . ~~}; and~~

~~—(d) Be supervised by a licensed teacher at the school or program in which the holder of the provisional special license is employed.}~~

2. ~~{f a}~~ *A school district or charter school* ~~{compensates a student teacher resident,}~~ *which employs a holder of a provisional special license with an endorsement as a registered apprentice pursuant to subsection 1 must:*

(a) *Verify that the holder satisfies the requirements of paragraph (a) of subsection 1;*

(b) Assign the holder to a position that is commensurate with the major subject of the teacher preparation program from which the holder graduated; and

(c) Compensate the holder beginning on his or her first day of employment ~~;~~ ~~the school district or charter school must pay the student teacher resident at least the rate of pay for a long-term substitute teacher.~~ on terms that include, without limitation, the rate of pay and benefits package that are commensurate with initial placement as a full-time employee.

3. As used in this section, “teacher preparation program” means a course of study and training for the preparation of teachers or other educational personnel approved pursuant to NAC 391.558 or a program for an alternative route for the licensure of teachers and administrators approved pursuant to NAC 391.461.