

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 8:00 AM on **September 14, 2016 to be video-conferenced in the following locations:**

Department of Education
9890 South Maryland Pkwy
Board Room
Las Vegas, NV 89183

and

Department of Education
700 East Fifth Street
Board Room
Carson City, NV 89701

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

8:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R041-16; NAC Chapter 391 relating to educational personnel; revising provisions relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement; and providing other matters properly relating thereto.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC Chapter 391 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to educational personnel; revising provisions relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement. This regulation deletes the requirements relating to the evaluation by an employer of a holder of a provisional license. This regulation also deletes the requirement that the Superintendent of Public Instruction mail a letter of notification to the holder of a provisional license who has been rated as eligible for reemployment, indicating that the requirement for student teaching has been fulfilled.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain a provisional 1-year license or endorsement to a person who holds a renewable license issued in this State if the person otherwise meets the requirements for licensure.
3. There is no economic effect of the regulation on the business and industry that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.

4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before August 31, 2016**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

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

LCB File No. R041-16

April 18, 2016

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; revising provisions relating to the issuance by the Superintendent of Public Instruction of a provisional license or endorsement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Superintendent of Public Instruction is authorized to issue a provisional 1-year license or endorsement to a person who is a teacher, licensed and practicing in this State, and who is applying for an additional license under certain circumstances. Existing regulations require the board of trustees of a public school or the operator of a private school that is to employ the holder of a provisional license to agree in writing to: (1) specify the process to be used for evaluating the holder of the provisional license; and (2) submit documentation to the Superintendent of Public Instruction indicating whether the holder of the provisional license is eligible for reemployment at the conclusion of the first year of teaching. (NAC 391.055) This regulation deletes the requirements relating to the evaluation by an employer of a holder of a provisional license. This regulation also deletes the requirement that the Superintendent of Public Instruction mail a letter of notification to the holder of a provisional license who has been rated as eligible for reemployment, indicating that the requirement for student teaching has been fulfilled.

Section 1. NAC 391.055 is hereby amended to read as follows:

391.055 1. The Superintendent of Public Instruction may issue a provisional 1-year license or endorsement to a person who holds a renewable license issued in this State if the person otherwise meets the requirements for licensure, but:

- (a) Has a deficiency in credits of 6 semester hours or less;
- (b) Is a teacher, licensed and practicing in this State, applying for an additional license, other than for the teaching of pupils with disabilities, outside his or her grade level of experience as a student teacher; or
- (c) Lacks confirmation from a college that the person has completed a school counseling practicum or internship if applying for a school counseling endorsement, but:
 - (1) Has completed all the required course work for the school counseling endorsement;
 - (2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, to include a minimum of 100 hours in a school setting at the time of application for licensure; and
 - (3) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program.

2. ~~[The board of trustees of the public school or the operator of the private licensed school that is to employ the holder of a provisional 1 year license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, must agree in writing:~~

~~—(a) To specify the process to be used for evaluating the holder of the provisional license during the 1 year period.~~

~~—(b) To submit documentation to the Superintendent of Public Instruction indicating whether the holder of the provisional license is eligible for reemployment at the conclusion of the first year of teaching.~~

~~3. If the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, is rated as eligible for reemployment by his or her employer, and all other requirements for the additional license or endorsement have been met, the Superintendent of Public Instruction shall mail a letter of notification to the holder of the license indicating that the requirement for student teaching has been fulfilled. Experience] Any experience as a teacher's aide, a teacher's assistant, [unlicensed] an instructor of pupils in a Junior Reserve Officers' Training Corps or Jobs for America's Graduates program or a substitute teacher [does not meet] obtained by the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, will not be credited towards the requirement for teaching experience or student teaching [-] necessary to qualify for the additional license or endorsement.~~

[4.] 3. Any credits earned by the holder of a provisional license or endorsement to qualify for an elementary, secondary or special license, a license to teach special education, or a license to teach middle school or junior high school education will not be counted as credits required to renew the elementary, secondary or special license, the license to teach special education, or the license to teach middle school or junior high school education.

[5.] 4. If holding an elementary, secondary or special license, a license to teach special education, or a license to teach middle school or junior high school education is a prerequisite to qualifying for a particular provisional endorsement, any credits earned by the holder of the applicable license to qualify for that provisional endorsement may be counted toward:

- (a) Removal of the provision under which the provisional endorsement was issued; and

(b) Renewal of the applicable license.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: 01/29/2016

RE: Proposed Adoption of Regulations Revising NAC 391.055 **Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State.** ([NRS 385.080](#), [391.019](#), [391.032](#))

I, Steve Canavero, Ph.D., being duly appointed Interim Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to the regulation NAC 391.055 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. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or 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,

A handwritten signature in blue ink that reads "Steve Canavero".

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction