

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 9:00 AM on **February 21, 2018 to be video-conferenced in the following locations:**

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

AND

Department of Education
700 E. Fifth St.
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:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R077-17; A regulation relating to educational personnel; providing for an endorsement as a teacher of physical education and health; revising provisions governing comprehensive majors and minors; 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 391 are based on recommendations from the Nevada Department of Education. Section 1 of this regulation adds an endorsement as a teacher of physical education and health and prescribes the qualifications for such an endorsement.
2. The Subjects and Issues involved in the regulation are those who would be seeking a license or endorsement to teach physical education and health.
3. There is no economic effect of the regulation on the business 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 February 6, 2018**. 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. 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. R079-17

October 3, 2017

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

AUTHORITY: §1, NRS 391.019.

A REGULATION relating to education; removing a major or minor in physical education and health from the list of majors and minors recognized by the Commission on Professional Standards in 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 require the holder of a secondary license to obtain an endorsement in order to teach in departmentalized seventh or eighth grade, a junior high school, an approved middle school or a senior high school. The endorsement is based on the applicant’s field of specialization or concentration, usually designated as his or her major, minor or area of concentration. (NAC 391.125) Existing regulations prescribe the comprehensive majors and minors recognized by the Commission. (NAC 391.1301) This regulation removes a major or minor in physical education and health from the list of recognized majors and minors.

Section 1. NAC 391.1301 is hereby amended to read as follows:

391.1301 The Commission recognizes the following fields as comprehensive majors or minors, which require 36 or 24 semester hours of credit respectively:

1. In academic education:
 - (a) Art;
 - (b) Biological science;
 - (c) English as a second language;

- (d) English;
- (e) General science;
- (f) Instrumental and vocal music;
- (g) Instrumental music;
- (h) Mathematics;
- (i) Physical education;
- (j) ~~Physical education and health;~~

- ~~(k)~~ Physical science;
- ~~(l)~~ *(k)* Recreational physical education;
- ~~(m)~~ *(l)* Social studies;
- ~~(n)~~ *(m)* Speech and drama; and
- ~~(o)~~ *(n)* Vocal music.

↪ For the comprehensive majors and minors identified in this subsection, a person who holds a bachelor's degree or a higher degree with a major or minor conferred by a regionally accredited college or university shall be deemed to qualify for a comprehensive major or minor, as applicable, if he or she has satisfied the requirements of NAC 391.120.

2. In career and technical education:

- (a) Agricultural education;
- (b) Automotive service technology;
- (c) Business education;
- (d) Child care;
- (e) Communications and media;
- (f) Construction technology;

- (g) Drafting and design;
- (h) Electronic technology;
- (i) Family and consumer sciences;
- (j) Food services;
- (k) Health occupations;
- (l) Hospitality and recreation;
- (m) Human services;
- (n) Industrial arts;
- (o) Manufacturing technologies;
- (p) Marketing education;
- (q) Stage and theater technology; and
- (r) Technology education.

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

LCB File No. R077-17

September 22, 2017

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

AUTHORITY: §§1 and 2, NRS 391.019.

A REGULATION relating to educational personnel; providing for an endorsement as a teacher of physical education and health; revising provisions governing comprehensive majors and minors; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations setting forth the requirements for teachers to qualify for an endorsement in various fields of specialization. (NRS 391.019) **Section 1** of this regulation adds an endorsement as a teacher of physical education and health and prescribes the qualifications for such an endorsement.

Existing regulations set forth the comprehensive majors and minors in academic education and career and technical education recognized by the Commission. (NAC 391.1301) **Section 2** of this regulation removes physical education and health from the recognized majors and minors.

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

To receive an endorsement to teach physical education and health, a person must hold a bachelor’s degree and have completed:

- 1. An approved program of preparation for teaching physical education and health to pupils in kindergarten through grade 12; or*
- 2. A course of study consisting of:*

(a) Fifty-one semester hours of credit which includes course work in each of the following areas of study:

- (1) Anatomical kinesiology or mechanical kinesiology, or both;*
- (2) The physiology of exercise;*
- (3) Testing and measuring the skill and ability of a pupil in physical education;*
- (4) The psychological or social aspects of physical education, or both;*
- (5) Motor learning or motor development, or both;*
- (6) Adapted physical education;*
- (7) Movement activities for pupils in preschool and primary grades;*
- (8) Movement activities for pupils in intermediate grades;*
- (9) Advanced first aid or an equivalent course of study;*
- (10) Sex education;*
- (11) Nutrition;*
- (12) Substance abuse;*
- (13) Personal health or personal hygiene, or both; and*
- (14) Methods and techniques of teaching:*
 - (I) Physical fitness;*
 - (II) Team sports;*
 - (III) Rhythms and dance or rhythmic activities for pupils in elementary school; and*
 - (IV) Individual sports; and*

(b) Twenty-two semester hours of credit in professional education which includes:

- (1) Foundations of education;*

(2) Methods of teaching physical education to pupils in elementary and secondary grades; and

(3) Eight semester hours of credit as a student teacher in a composite program in elementary and secondary grades which includes 4 semester hours of credit in elementary grades and 4 semester hours of credit in secondary grades.

Sec. 2. NAC 391.1301 is hereby amended to read as follows:

391.1301 The Commission recognizes the following fields as comprehensive majors or minors, which require 36 or 24 semester hours of credit respectively:

1. In academic education:

(a) Art;

(b) Biological science;

(c) English as a second language;

(d) English;

(e) General science;

(f) Instrumental and vocal music;

(g) Instrumental music;

(h) Mathematics;

(i) Physical education;

(j) ~~Physical education and health;~~

~~(k)~~ Physical science;

~~(l)~~ (k) Recreational physical education;

~~(m)~~ (l) Social studies;

~~(n)~~ (m) Speech and drama; and

~~(e)~~ (n) Vocal music.

↳ For the comprehensive majors and minors identified in this subsection, a person who holds a bachelor's degree or a higher degree with a major or minor conferred by a regionally accredited college or university shall be deemed to qualify for a comprehensive major or minor, as applicable, if he or she has satisfied the requirements of NAC 391.120.

2. In career and technical education:

- (a) Agricultural education;
- (b) Automotive service technology;
- (c) Business education;
- (d) Child care;
- (e) Communications and media;
- (f) Construction technology;
- (g) Drafting and design;
- (h) Electronic technology;
- (i) Family and consumer sciences;
- (j) Food services;
- (k) Health occupations;
- (l) Hospitality and recreation;
- (m) Human services;
- (n) Industrial arts;
- (o) Manufacturing technologies;
- (p) Marketing education;
- (q) Stage and theater technology; and

(r) Technology education.

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 9:00 AM on **February 21, 2018 to be video-conferenced in the following locations:**

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

AND

Department of Education
700 E. Fifth St.
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:

9:00 A.M. Public Hearing and Possible Adoption of Proposed Amendments to R079-17; A regulation relating to education; removing a major or minor in physical education and health from the list of majors and minors recognized by the Commission on Professional Standards in Education; 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 391 are based on recommendations from the Nevada Department of Education. This regulation removes a major or minor in physical education and health from the list of recognized majors and minors.
2. The Subjects and Issues involved in the regulation are those who would be seeking a license or endorsement to teach physical education and health.
3. There is no economic effect of the regulation on the business 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 February 6, 2018**. 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. 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.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450

DEPARTMENT OF EDUCATION
Northern Nevada Office
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200
Fax: (775) 687 - 9101
www.doe.nv.gov

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

Date: August 16, 2017

Re: **Proposed Adoption of Regulations Revising NAC 391.XXX Major or Minor in Physical Education or Health. ([NRS 391.019](#))**

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

1. The proposed changes to regulation NAC 391.XXX 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; All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes impact small businesses in the following ways:

The proposed changes do not impact small businesses.

3. Comment was not solicited from small businesses because no small businesses will be impacted by this proposed change.
4. The analysis of the impact on small businesses was conducted in the following manner:

The non-impact on small businesses was determined by consulting with the experts in the relevant knowledge area within Department staff; Reviewing relevant materials and considering the Department's history with implementing similar regulations.

5. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, is:

*(1) The Proposed regulation will have no adverse or beneficial effects; and
(2) The Proposed regulation will have no direct or indirect effects.*

6. The methods that the Department of Education considered to reduce the impact of the proposed regulation on small businesses were:

As the proposed regulation has no impact on Small businesses, the agency is unable to consider methods to reduce small business impact and did not use any methods.

7. The estimated cost to the Department of Education for enforcement of the proposed regulation is zero dollars.

8. The total annual amount the agency expects to collect from any new fees or fee increases and the manner in which the money will be used.

This regulation does not create a new fee or increase an existing fee.

9. An explanation of why any such provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, are necessary.

This regulation does not provide duplicative or more stringent provisions than existing federal state or local regulations.

10. The Department of Education reached these conclusions regarding the impact of this regulation on small businesses because:

This regulation affects only licensed educators and does not affect small businesses.

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,



STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction