

## 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 R082-17; A regulation relating to educational personnel; revising the requirements for a license designated as a physical education elementary license; 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 existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for the licensure of teachers and other educational personnel. (NRS 391.019, as amended by section 19 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2116).
2. The Subjects and Issues involved in the regulation are those who would be seeking a license or endorsement to teach elementary physical education K-8.
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. R082-17**

September 28, 2017

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

AUTHORITY: §1, NRS 391.019, as amended by section 19 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2116.

A REGULATION relating to educational personnel; revising the requirements for a license designated as a physical education elementary license; 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 the licensure of teachers and other educational personnel. (NRS 391.019, as amended by section 19 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2116) Existing regulations prescribe the qualifications for a physical education elementary license, which authorizes a licensee to teach physical education for kindergarten through eighth grade. This regulation authorizes such a licensee to teach physical education in elementary, middle school or junior high school grades.

**Section 1.** NAC 391.096 is hereby amended to read as follows:

391.096 1. To receive a license designated as ~~an~~ *an elementary and middle school* physical education ~~elementary~~ license, a person must hold a bachelor’s degree from an accredited college or university and must have completed 58 semester hours of credit in courses in professional studies in physical education for ~~kindergarten through eighth grade~~ *pupils in elementary or middle school or junior high school grades*, consisting of:

(a) Eighteen 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) The psychological aspects or social aspects of physical education, or both;
  - (4) Motor development;
  - (5) Testing and measuring skills and abilities in physical education; and
  - (6) Advanced first aid or an equivalent course of study;
- (b) Eighteen semester hours of credit in teaching elementary physical education, including, without limitation, teaching:
- (1) Adapted physical education;
  - (2) Rhythmic activities for pupils in elementary grades;
  - (3) Movement experiences for pupils in preschool and primary grades; and
  - (4) Movement experiences for pupils in intermediate grades; and
- (c) Twenty-two semester hours of credit in professional education including:
- (1) Foundations of education;
  - (2) Methods of teaching in elementary physical education; and
  - (3) Eight semester hours of credit in supervised student teaching of physical education for ~~kindergarten through eighth grade.~~ *pupils in elementary or middle school or junior high school grades.*
2. ~~A~~ *An elementary and middle school* physical education ~~elementary~~ license issued in accordance with this section authorizes the holder of the license to teach only physical education ~~in kindergarten through eighth grade.~~ *to pupils in elementary or middle school or junior high school grades.*

3. A person is not required to hold ~~an~~ *an elementary and middle school* physical education ~~elementary~~ license to teach physical education ~~in kindergarten through eighth grade.~~ *to pupils in elementary or middle school or junior high school grades.* The provisions of this subsection do not prohibit a school district from requiring ~~an~~ *an elementary and middle school* physical education ~~elementary~~ license as a requirement for employment to teach physical education in that school district.

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

STATE OF NEVADA



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

Date: August 16, 2017

Re: **Proposed Adoption of Regulations Revising NAC 391.096 Qualifications for physical education elementary license. ([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 391.096 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