

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 20, 2019 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 R113-18; A regulation relating to education; requiring the review of the transcripts of an applicant for certain endorsements; revising the qualifications to obtain an endorsement to teach pupils in a program of orientation and mobility; 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 which requires the Commission on Professional Standards in Education to adopt regulations setting forth the educational requirements a teacher is required to satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations provide that the Department of Education will evaluate the transcripts of an applicant for licensure or consider other proof of graduation to determine whether he or she is qualified for licensure. (NAC 391.040) **Section 1** of this regulation provides that the Department will similarly evaluate the transcripts of an applicant for an endorsement to determine whether he or she is qualified for the endorsement.

Existing regulations require an applicant for an endorsement to teach pupils in a program of orientation and mobility to have certain education or hold a certain certificate in orientation and mobility. (NAC 391.391) **Section 2** of this regulation removes the option to meet the requirements for such an endorsement by holding a professional certificate.

2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to teach pupils in a program of orientation and mobility.
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 5, 2019**. 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.

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

LCB File No. R113-18

January 8, 2019

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

AUTHORITY: §§1-3, NRS 391.019.

A REGULATION relating to education; requiring the review of the transcripts of an applicant for certain endorsements; revising the qualifications to obtain an endorsement to teach pupils in a program of orientation and mobility; 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 educational requirements a teacher is required to satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019) Existing regulations provide that the Department of Education will evaluate the transcripts of an applicant for licensure or consider other proof of graduation to determine whether he or she is qualified for licensure. (NAC 391.040) **Section 1** of this regulation provides that the Department will similarly evaluate the transcripts of an applicant for an endorsement to determine whether he or she is qualified for the endorsement.

Existing regulations require an applicant for an endorsement to teach pupils in a program of orientation and mobility to have certain education or hold a certain certificate in orientation and mobility. (NAC 391.391) **Section 2** of this regulation revises the professional certificate that qualifies an applicant for such an endorsement.

Section 1. NAC 391.040 is hereby amended to read as follows:

391.040 The Department will:

1. Develop a test to determine the qualifications of an applicant for a license; and
2. In determining whether an applicant is qualified for ~~[licensure,]~~ :

(a) *Licensure*, evaluate his or her official transcripts from accredited colleges or universities or consider proof that the applicant has earned a degree through a degree program approved by the National Council of Accreditation of Teacher Education.

(b) *An endorsement for which the applicant is required to hold a degree, diploma or other credential or have completed course work, evaluate his or her official transcripts from the college, university or other institution that awarded the degree, diploma or credential or at which the course work was completed, as applicable.*

Sec. 2. NAC 391.391 is hereby amended to read as follows:

391.391 1. To receive an endorsement to teach pupils in a program of orientation and mobility, a person must hold a:

(a) Bachelor's or graduate degree in:

(1) Orientation and mobility; or

(2) Any other field of study and have successfully completed an orientation and mobility program at a university approved by the Association for Education and Rehabilitation of the Blind and Visually Impaired ~~[;]~~ *or its successor organization*; or

(b) ~~[Professional certificate in orientation and mobility issued by the Association for Education and Rehabilitation of the Blind and Visually Impaired.]~~ *Specialty credential as a Certified Orientation and Mobility Specialist from the Academy for Certification of Vision Rehabilitation and Education Professionals or its successor organization.*

2. Such an endorsement is not required to teach pupils in a program of orientation and mobility.

Sec. 3. An endorsement to teach pupils in a program of orientation and mobility that is valid on the effective date of this regulation remains valid until the date on which the license of the holder must be renewed. In order to renew such an endorsement, the holder must submit with his or her application to renew that license proof that he or she possesses the credentials prescribed by NAC 391.391, as amended by section 2 of this regulation.

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: April 27, 2018

Re: **NAC 391.391 Endorsement to teach pupils in program of orientation and mobility.**
(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 391.391 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 solicited from small businesses that may be affected by this regulatory amendment in the following manner:

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