

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

LCB File No. R114-11

Effective May 30, 2012

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

AUTHORITY: §§1 and 2, NRS 391.019, 391.033 and 391.040.

A REGULATION relating to educational personnel; revising the fee for the renewal of a license to include the fees for the reports on the criminal history of the applicant; providing for a delay in the expiration of a license pending receipt of the reports on the criminal history; and providing other matters properly relating thereto.

Section 1. NAC 391.070 is hereby amended to read as follows:

391.070 1. To renew a license, the holder must submit before it expires:

(a) A request for renewal in the form prescribed by the Department;

(b) Current official transcripts or verification of credits for in-service or continuing education courses; and

(c) A renewal fee of ~~[\$80.]~~ ***\$131, which includes the fees for processing the fingerprints of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.***

2. Renewal may not be requested earlier than 9 months before the expiration date of a license.

3. The Superintendent of Public Instruction may delay the expiration date of a license ~~[for]~~ :

(a) *For* not more than 30 days if the licensee has completed the educational prerequisites prescribed in NAC 391.065 and the general prerequisites prescribed in subsection 1 in a timely manner, except:

~~[(a)]~~ (1) Submission of the request for renewal or the renewal fee, or both; or

~~[(b)]~~ (2) Submission of the current official transcript or verification of credits.

(b) *For not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.*

Sec. 2. NAC 391.073 is hereby amended to read as follows:

391.073 1. A person who is retired and who holds a valid license issued by the Superintendent of Public Instruction may submit an application on a form prescribed by the Department for renewal of the license. The application must include:

(a) Proof that the applicant is retired under the Public Employees' Retirement System;

(b) Proof that the applicant has at least 15 years of verified employment experience in this State in a position that requires licensure by the Superintendent of Public Instruction pursuant to chapter 391 of NRS; and

(c) A renewal fee of ~~[\$80.]~~ *\$131, 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.*

↪ Except as otherwise provided in subsection 4, the requirements for renewal set forth in NAC 391.065 do not apply.

2. An application for renewal pursuant to this section may not be submitted earlier than 9 months before the expiration date of the license.

3. Notwithstanding the provisions of NAC 391.060 to the contrary, the renewal of a license pursuant to this section is valid for 10 years. *The Superintendent of Public Instruction may delay the expiration of a license for not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.* A person may renew the license pursuant to this section if he or she satisfies the requirements of subsection 1.

4. If a person who holds a license that is renewed pursuant to this section accepts employment with a public employer, the person shall comply with the applicable provisions of chapter 286 of NRS and any other statutes and regulations applicable to retired public employees.

5. An applicant for renewal pursuant to this section who seeks to renew an endorsement in a field of specialization shall comply with the applicable requirements for the renewal of the endorsement.

6. As used in this section, “public employer” has the meaning ascribed to it in NRS 286.070.

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB File No. R114-11

**NAC 391.070 – Renewal of Licenses: General Requirements; Delay of Expiration Date by
Superintendent of Public Instruction**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 100 individuals and educational organizations. A workshop was held on December 8, 2011. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of proposed amendments to NAC 391.070 – Renewal of Licenses: General Requirements; Delay of Expiration Date by Superintendent of Public Instruction was sent to approximately 100 individuals and educational organizations. A public hearing was conducted on March 14, 2012 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Commission adopted the proposed amendments to the Regulations on March 14, 2012.

2. The Number of Persons Who:
 - a) Attended Each Hearing: First Workshop: 19; First Hearing: 18; Second Hearing: N/A
 - b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
 - c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9226, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of November 16, 2011; and public hearing notice of January 19, 2012. At the December 8, 2011 Workshop to Solicit Comments, there was no public comment to the proposed regulation language. At the March 14, 2012 public hearing there was no public comment to the proposed regulation language.

Workshop comments:

There were no public comments.

Public Hearing comments:

There were no public comments.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Administrative Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Commission on Professional Standards in Public Education adopted the proposed regulation language at the public hearing held March 14, 2012. The reason for adopting the amendments to the regulations were mandated by Assembly Bill 93, requiring all licensed individuals, at the time of licensure renewal, to be fingerprinted and undergo a background investigation through the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The purpose of the background investigation of applicants and licensees requesting or renewing a license issued by the Nevada Department of Education is to ensure legislators, taxpayers and citizens of the State that licensed educators are of quality are represented in the State's pre k-12 educational system.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no economic effect of the regulation on the business that it regulates.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

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