

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 R114-18; A regulation relating to education; revising requirements for teaching pupils in a program of early childhood 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 existing law which requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) Existing law also establishes the kinds of licenses that the Superintendent of Public Instruction is authorized to issue for teachers and other educational personnel. (NRS 391.031, 391.033) Assembly Bill No. 77 of the 2017 Legislative Session authorized the Superintendent to issue a license to teach pupils in a program of early childhood education. (NRS 391.031, as amended by section 21 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2120, NRS 391.033) Existing regulations require a person to hold a special license or endorsement to teach prekindergarten pupils from birth through second grade. (NAC 391.087, 391.089) **Section 5** of this regulation sets forth the requirements for obtaining a license to teach pupils in a program of early childhood education. Under **section 5**, the requirements for obtaining such a license are the same as the requirements to obtain a special license or endorsement to teach prekindergarten pupils or pupils from birth through second grade under existing regulations, except that **section 5** eliminates the ability of a person to meet the requirements by having a certain type of license to teach pupils. **Sections 1-4, 6 and 7** of this regulation make conforming changes.
2. The Subjects and Issues involved in the regulation are those who would be seeking an endorsement to teach pupils in a program of early childhood education.

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. R114-18

August 30, 2018

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

AUTHORITY: §§1-8, NRS 391.019 and 391.031.

A REGULATION relating to educational personnel; revising requirements for teaching pupils in a program of early childhood 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 educational personnel. (NRS 391.019) Existing law also establishes the kinds of licenses that the Superintendent of Public Instruction is authorized to issue for teachers and other educational personnel. (NRS 391.031, 391.033) Assembly Bill No. 77 of the 2017 Legislative Session authorized the Superintendent to issue a license to teach pupils in a program of early childhood education. (NRS 391.031, as amended by section 21 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2120, NRS 391.033) Existing regulations require a person to hold a special license or endorsement to teach prekindergarten pupils from birth through second grade. (NAC 391.087, 391.089) **Section 5** of this regulation sets forth the requirements for obtaining a license to teach pupils in a program of early childhood education. Under **section 5**, the requirements for obtaining such a license are the same as the requirements to obtain a special license or endorsement to teach prekindergarten pupils or pupils from birth through second grade under existing regulations, except that **section 5** eliminates the ability of a person to meet the requirements by having a certain type of license to teach pupils. **Sections 1-4, 6 and 7** of this regulation make conforming changes.

Section 1. NAC 391.010 is hereby amended to read as follows:

391.010 As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Education.

2. “Commission” means the Commission on Professional Standards in Education.
3. “Department” means the Department of Education.
4. “Endorsement” means a specific area of preparation within a general license that is issued by the Department.
5. “Field experience” means supervised experience working in a placement in which a person:
 - (a) Works with pupils with disabilities; and
 - (b) Demonstrates competency in the assessment of such pupils, educational planning, curriculum, methods of instruction, management of the classroom, working with parents and collaborating with other professionals.
6. “Initial license” means an elementary, secondary, provisional or special license, a license to teach special education, ~~for~~ a license to teach middle school or junior high school education ~~or~~ *or a license to teach pupils in a program of early childhood education* issued to a teacher or other educational personnel:
 - (a) For the first time; or
 - (b) Who held a license that expired or was suspended or revoked by the Board.
7. “Qualified provider” means an institution of higher education or any other institution which operates independently of an institution of higher education which has been approved by the Commission to offer a program for an alternative route to licensure in this State pursuant to NAC 391.461.

Sec. 2. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, NAC 391.0545, subsection 2 of NAC 391.0585, paragraph (b) of subsection 3 of NAC 391.233, paragraph (b) of subsection 6 of NAC 391.330, subsection 5 of NAC 391.363, paragraph (b) of subsection 4 of NAC 391.425 and subsection 7 of NAC 391.436, an applicant who applies for an initial license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

- (a) Basic reading, writing and mathematics;
- (b) The principles and methods of teaching; and
- (c) The subject matter of the initial area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

- (a) Submits to the Department evidence that he or she:
 - (1) Has retired from teaching in this State;
 - (2) Held a special license, a license to teach elementary or secondary education, a license to teach special education, ~~or~~ a license to teach middle school or junior high school education ~~or~~ *or a license to teach pupils in a program of early childhood education*, which:
 - (I) Has expired within the 3 years immediately preceding the date on which his or her application was submitted;
 - (II) Was free from any conditions that the applicant pass a competency test; and
 - (III) Authorized the applicant to teach in the same grade level and subject area for which he or she is applying to receive an initial license;

(3) Was required, for the issuance of the applicant's expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of an initial license; and

(4) Otherwise satisfies the requirements for the issuance of an initial license;

(b) Submits to the Department evidence that the applicant has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is not a provisional license, and the Commission determines that the examinations required for licensure in that state are comparable to the competency tests required by subsection 1.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department:

(a) Official documentation which indicates that he or she passed, at the level of competency specified by the Commission:

(1) The "Pre-Professional Skills Tests" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) The "California Basic Educational Skills Test," prepared and administered by the California Commission on Teacher Credentialing;

(b) Evidence that the applicant has received a master's or more advanced degree from a regionally accredited college or university, the receipt of which required the passage of the

“Graduate Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent;

(c) An official transcript which indicates that the applicant achieved at least a 3.0 grade-point average in his or her undergraduate studies and evidence that he or she has taken the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, and received a score of:

- (1) At least 420 on the verbal portion of the examination;
- (2) At least 460 on the quantitative portion of the examination; and
- (3) At least 430 on the analytical portion of the examination or at least 3.5 on the analytical writing portion of the examination, as applicable; or

(d) Evidence that:

(1) The applicant did not pass, at the level of competency specified by the Commission, the “Pre-Professional Skills Tests” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the test described in subparagraph (1), the applicant began and completed, with a grade of B or better, a course of study in a subject area approved by the Commission or the Director of Licensure for the Department.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, at the level of competency specified by the Commission, the “Professional Knowledge Test,” prepared and administered by the Educational Testing Service;

(b) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required; or

(c) Is applying for an elementary endorsement and submits to the Department evidence that the applicant passed, at the level of competency specified by the Commission, the “Elementary Education: Curriculum, Instruction, and Assessment Test” and the “Elementary Education: Content Area Exercises Test,” both prepared and administered by the Educational Testing Service.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant previously passed, at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for an initial license with an endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he or she has received a certificate of clinical competence from the American Speech-Language-Hearing Association; or

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that the applicant satisfactorily completed the “National Family and Consumer Sciences Certification Examination,” prepared and administered by the American Association of Family and Consumer Sciences.

6. If a competency test in a subject matter has been reviewed by the Commission for less than 1 year but is not yet approved, an applicant must take the test, but is not required to pass the test at a level of competence specified by the Commission.

7. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

8. The tests required by subsection 1 will be administered three times each year at locations and times established by the Commission.

Sec. 3. 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 as a teacher's aide, teacher's assistant, unlicensed instructor of pupils in a Junior Reserve Officers' Training Corps program or substitute teacher does not meet the requirement for teaching experience or student teaching.

4. 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, ~~for~~ a license to teach middle school or junior high school education *or a license to teach pupils in a program of*

early childhood 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. 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 *or a license to teach pupils in a program of childhood 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.

Sec. 4. NAC 391.087 is hereby amended to read as follows:

391.087 1. Except as otherwise provided in this section, a person must hold a ~~special~~ license ~~for endorsement~~ *to teach pupils in a program of early childhood education* issued pursuant to NAC 391.089 before teaching in a program of instruction for prekindergarten pupils conducted by a public school or a private school licensed pursuant to chapter 394 of NRS.

2. The provisions of this section do not apply to a person who:

- (a) Holds an elementary license pursuant to the provisions of NAC 391.095;
- (b) On July 1, 2002, is employed full-time teaching pupils in such a program; and
- (c) After July 1, 2002, is continuously employed full-time teaching pupils in such a program.

Sec. 5. NAC 391.089 is hereby amended to read as follows:

391.089 To receive a ~~{special}~~ license ~~{or endorsement}~~ to teach pupils ~~{from birth through the second grade,}~~ *in a program of early childhood education*, a person must hold a bachelor's degree or graduate degree from an accredited college or university and must:

1. Have completed a program of preparation to teach such pupils that is approved by the ~~{Board;}~~ *Department;*
2. Hold a license to teach such pupils that was issued by another state and approved by the Commission; *or*
3. Hold an elementary license ~~{a secondary license, or a license to teach middle school or junior high school education, that is endorsed with a major in child care,}~~ and:
 - (a) Have experience teaching pupils under 6 years of age that consists of:
 - (1) Eight semester hours of student teaching;
 - (2) One year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment; or
 - (3) An equivalent field experience or practicum conducted by an accredited college or university;
 - (b) Have completed at least 6 semester hours of courses in early childhood education consisting of courses in any of the following subjects:
 - (1) Early childhood curriculum;
 - (2) Emergent language and literacy; or
 - (3) Play theory and creativity; and

(c) Have completed at least 6 additional semester hours of courses in any of the courses described in paragraph (b) or in any of the following subjects:

- (1) Child development from birth to 8 years of age;
- (2) Diversity in young children;
- (3) Introduction to early childhood education;
- (4) Positive discipline and guidance for young children; or
- (5) Working with families with young children; or

4. Have completed at least 35 semester hours of courses in early childhood education for children who are developing typically and atypically consisting of:

(a) Six semester hours in child development and learning, with the content of the courses covering diversity in culture, language and ability;

(b) Twelve semester hours in early childhood curriculum and program implementation that include at least one course in each of the following subjects:

- (1) Language and literacy;
- (2) Mathematics and science;
- (3) Social studies; and
- (4) Strategies for working with children with disabilities;

(c) Three additional semester hours in early childhood curriculum and program implementation consisting of courses in any of the following subjects:

- (1) Curriculum for infants and toddlers;
- (2) Early childhood classroom management;
- (3) Integrated curriculum;

- (4) Play theory and creativity;
 - (5) Positive discipline and guidance for young children; or
 - (6) Technology;
- (d) Three semester hours in family and community relations, including working with families;
- (e) Three semester hours in assessment and evaluation for early childhood education; and
- (f) Except as otherwise provided in this paragraph, 8 semester hours of student teaching involving pupils in at least two different age groups, one of which must have included pupils in the first or second grade and one of which must have included pupils of any age from birth through kindergarten. At least one of the groups must have included pupils with and without disabilities. In lieu of completing 8 semester hours of student teaching, a person may have 1 year of verifiable experience teaching pupils under 6 years of age in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment.

Sec. 6. NAC 391.171 is hereby amended to read as follows:

391.171 1. The Superintendent of Public Instruction shall issue a conditional endorsement as a professional administrator of a school to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

- (a) Holds a master's degree from a postsecondary institution that is regionally accredited;
- (b) Holds a valid renewable elementary, secondary or special license, a valid license to teach special education, ~~or~~ a valid license to teach middle school or junior high school education ~~or~~ *or a valid license to teach pupils in a program of early childhood education;*

(c) Has completed 3 years of teaching experience in kindergarten or grades 1 through 12 in schools approved by the State;

(d) Has been accepted by a qualified provider for enrollment in a program for an alternative route to licensure; and

(e) Complies with the instructional and training policies and procedures of the qualified provider relating to professional education administration.

2. A conditional endorsement as a professional administrator of a school issued pursuant to this section:

(a) Authorizes the holder of the conditional endorsement to be employed as an administrator in a school district, a charter school or a private school;

(b) Becomes valid on the date on which the holder of the conditional endorsement satisfies all the requirements of subsection 1;

(c) Except as otherwise provided in subsection 3, is valid for not more than 3 years; and

(d) Is not renewable.

3. A conditional endorsement as a professional administrator issued pursuant to this section is automatically revoked if the holder of the conditional endorsement withdraws from or is no longer enrolled in a program for an alternative route to licensure.

4. A person who is issued a conditional endorsement as a professional administrator pursuant to this section may apply for an unconditional endorsement as a professional administrator if the applicant:

(a) Successfully completes the education and training required by the qualified provider for the program for an alternative route to licensure, including, without limitation, the supervised, school-based experience provided by the qualified provider; and

(b) Pays the appropriate fee.

Sec. 7. NAC 391.557 is hereby amended to read as follows:

391.557 1. An institution which wishes to offer a course of study and training for the education of teachers or other educational personnel which is designed to provide the education required for the issuance of an elementary, secondary or special license, ~~or~~ a license to teach special education ~~or~~ *or a license to teach pupils in a program of early childhood education,* renewal of such a license or an endorsement in a field of specialization must file with the Superintendent of Public Instruction, at least 180 calendar days before the first date of instruction, an application for approval of the course of study and training. The application must include:

(a) The name and location of the institution;

(b) A copy of the articles of incorporation or charter for the institution;

(c) Proof of the financial solvency of the institution, including financial resources available to the institution in this State;

(d) If the institution is accredited, as that term is defined in NRS 394.006, information concerning the accreditation;

(e) The proposed operating budget for the course of study and training;

(f) A description of the governance of the institution, including the name of the chief administrative officer of the institution, and the system established for accountability of the course of study and training at the institution;

(g) A description of the course of study and training, including:

(1) If the course is designed for teachers:

(I) A description of the course's compliance with the standards for new teachers developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556; and

(II) Documentation which verifies that the course uses a performance-based assessment of its candidates;

(2) If the course is designed for educational personnel other than teachers, a description of the course's compliance with the standards established by a nationally recognized association for the professional specialization for which the applicant seeks the approval of the Board; and

(3) If applicable, a description of the course's compliance with subsection 9 of NAC 391.558;

(h) The qualifications a person must hold to provide instruction for the course of study and training;

(i) The proposed course work for the course of study and training;

(j) A written statement that describes the manner in which the course of study and training addresses the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(k) Except as otherwise provided in this paragraph, a written assessment plan that describes the:

- (1) Conceptual framework for the course of study and training;
- (2) Knowledge and skills that a student who is enrolled in the course of study and training must demonstrate;
- (3) Manner by which the course of study and training will be assessed and evaluated;
- (4) Field experience and clinical practice offered by the course of study and training;
- (5) Diversity of the population of students who participate in the course of study and training; and
- (6) Performance and development of the faculty who provide instruction for the course of study and training.

If an institution is accredited by the National Council for Accreditation of Teacher Education, the institution may submit written proof of such accreditation in lieu of the written assessment plan required by this paragraph.

2. Upon receipt of an application for approval of a course of study and training which is designed to provide the education required for issuance of an elementary, secondary or special license, ~~or~~ a license to teach special education ~~or~~ *or a license to teach pupils in a program of childhood education*, renewal of such a license or an endorsement in a field of specialization, the Superintendent of Public Instruction shall notify the Board that an application has been received.

3. The Department shall develop a manual that:

(a) Assists in the development of a written assessment plan required by paragraph (k) of subsection 1;

(b) Describes the process for approval of a course of study and training; and

(c) Includes:

(1) The procedures acceptable to the Department to assess the results of students in a course of study and training based upon the standards developed by the Interstate Teacher Assessment and Support Consortium, as set forth in the *Model Core Teaching Standards: A Resource for State Dialogue* adopted pursuant to NAC 391.556;

(2) The standards of nationally recognized professional associations of educational personnel other than teachers, as applicable; and

(3) The program standards adopted by the National Council for Accreditation of Teacher Education.

The Department shall maintain a copy of the manual and, upon the request of an institution, the Department shall provide a copy of the manual to the institution.

Sec. 8. A person who, on the effective date of this regulation, holds a special license or endorsement to teach pupils from birth through the second grade as described in NAC 391.089 shall be deemed to hold a license to teach pupils in a program of early childhood education as described in NAC 391.089, as amended by section 5 of this regulation, on and after the effective date of this regulation.

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: April 2, 2018

Re: **NAC 391.089 Qualifications for teaching pupils from birth through second grade.**
([NRS 391.019](#), [391.032](#)).

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 391.089 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