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SECOND REPRINT

A.B. 323

ASSEMBLY BILL NO. 323—ASSEMBLYMEN TORRES, MOSCA, D’SILVA, GONZÁLEZ, BILBRAY-AXELROD; ANDERSON, GORELOW, HANSEN, KOENIG, LA RUE HATCH, MARZOLA, NEWBY, ORENTLICHER, TAYLOR, THOMAS AND WATTS

MARCH 16, 2023

JOINT SPONSORS: SENATORS DONATE, BUCK; FLORES AND NGUYEN

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-114)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 6) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; revising the membership of the Commission on Professional Standards in Education; requiring the Commission to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; eliminating the requirement that pupil growth account for 15 percent of certain teacher and administrator evaluations; revising provisions governing the review of the statewide performance evaluation system; revising provisions relating to the evaluations that certain teachers are required to receive; authorizing a school district and the governing body of a charter school to provide certain professional development training; making an appropriation to the Department of Education; repealing provisions containing certain requirements relating to learning goals for pupils and the measurement of pupil growth; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law prescribes the duties of the Superintendent of Public Instruction.
2 (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a
3 strategic plan for the recruitment of teachers and other licensed educational
4 personnel and establishes requirements for the contents of the strategic plan.

5 Existing law: (1) creates the Commission on Professional Standards in
6 Education to prescribe qualifications for the licensure of teachers and other
7 educational personnel; and (2) provides that the Commission consists of 11
8 members who are appointed by the Governor, including a person who has expertise
9 and experience in the operation of a business. (NRS 391.011, 391.019) **Section 1.5**
10 of this bill: (1) removes the member who has expertise and experience in the
11 operation of a business; and (2) adds three additional members, including the dean
12 of the School of Education at Nevada State College or the dean representing the
13 Teacher Education Program at Great Basin College, as well as two human
14 resources professionals from school districts of different enrollment sizes. **Section**
15 **1.8** of this bill makes a conforming change to refer to provisions that have been
16 renumbered by this bill.

17 Existing law requires the Commission to adopt regulations prescribing the
18 qualifications for licensing teachers and other educational personnel, including
19 regulations governing examinations for the initial licensing of teachers and other
20 educational personnel and the procedures for the issuance and renewal of those
21 licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to
22 adopt regulations that authorize an applicant to be exempt from any requirement to
23 pass a competency test in basic reading, writing and mathematics prescribed by the
24 Commission if the applicant completes a course of study approved by the
25 Department of Education with a grade of B or better in each subject area of
26 the competency test that the applicant previously did not pass.

27 Existing law requires the Commission to adopt regulations prescribing course
28 work on parental involvement and family engagement and multicultural education.
29 (NRS 391.019, 391.0347) **Sections 2 and 4.5** of this bill require the Commission to
30 establish standards for professional development training which may be used to
31 satisfy such course work requirements. **Section 6** of this bill requires a school
32 district and the governing body of a charter school to provide professional
33 development training on: (1) parental involvement and family engagement in
34 accordance with the standards adopted by the Commission; and (2) multicultural
35 education in accordance with the standards adopted by the Commission. **Section 6**
36 requires that such training be provided at no cost to the employee. **Section 7** of this
37 bill makes a conforming change to indicate the proper placement of **section 6** in the
38 Nevada Revised Statutes.

39 Existing law requires the Commission to adopt regulations which provide for
40 the issuance of provisional licenses to teachers and other educational personnel
41 before completion of all courses of study or other requirements for a license in this
42 State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt
43 regulations that require the Superintendent of Public Instruction to issue a
44 provisional license to teach if a person has graduated with a bachelor's or higher
45 degree and is awaiting conferment of the degree and is otherwise qualified for a
46 license.

47 Existing law requires the Board of Regents of the University of Nevada to
48 establish a program of student teaching and practicum which allows students to be
49 assigned to a school district as student teachers, counselors or trainees in a library.
50 (NRS 396.519) Existing law authorizes school districts to enter into agreements
51 with certain institutions of higher education for the assignment of students to
52 schools as student teachers, counselors or trainees in a library. (NRS 391.095)
53 **Section 5** of this bill authorizes: (1) a governing body of a charter school or
54 university school for profoundly gifted pupils to similarly enter into agreements;



55 and (2) a school district or governing body of a charter school or university school
56 for profoundly gifted pupils to compensate a student who is assigned within the
57 school district for training purposes as a student teacher, counselor, student social
58 worker or trainee in a library.

59 Existing law requires that pupil growth account for 15 percent of the evaluation
60 of a teacher or administrator who provides direct instructional services to pupils.
61 (NRS 391.465) **Section 5.3** of this bill eliminates this requirement. **Sections 5.1**
62 **and 5.5** of this bill make conforming changes to eliminate references to this
63 requirement.

64 Existing law: (1) requires the State Board of Education to annually review the
65 statewide performance evaluation system to ensure accuracy and reliability; and (2)
66 sets forth certain items which are required to be analyzed in such a review. (NRS
67 391.485) **Section 5.7** of this bill: (1) eliminates from that analysis certain data used
68 to evaluate pupil growth; and (2) eliminates a requirement that the Department of
69 Education, in reviewing the manner in which the statewide performance evaluation
70 is carried out by each school district, include a review of the manner in which
71 learning goals for pupils are established and evaluated.

72 Existing law requires each postprobationary teacher to receive certain
73 evaluations that are based upon a certain number of observation cycles of that
74 teacher. (NRS 391.690) **Section 5.9** of this bill revises the circumstances under
75 which a postprobationary teacher is required to, and may request to, be evaluated.
76 **Section 5.9** also prohibits an administrator from: (1) directly or indirectly requiring
77 such a teacher to participate in an observation cycle or receive an evaluation; or (2)
78 conducting an observation cycle or evaluation of such a teacher without the consent
79 of that teacher under certain circumstances. **Section 11** of this bill makes these
80 provisions retroactively applicable to include evaluations received for the 2021-
81 2022 and 2022-2023 school years.

82 **Section 10.1** of this bill makes an appropriation to the Department of Education
83 for: (1) certain costs relating to an interim study concerning the Praxis II and
84 pedagogy examinations required by **section 10.3** of this act; and (2) other personnel
85 and legal costs to carry out the provisions of this bill.

86 **Section 13** of this bill repeals provisions requiring: (1) the development of
87 learning goals for pupils; (2) the establishment of assessments to measure pupil
88 growth; and (3) the evaluation of certain teachers and administrators to determine
89 the extent to which learning goals were achieved.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 385.175 is hereby amended to read as follows:

2 385.175 The Superintendent of Public Instruction is the
3 educational leader for the system of K-12 public education in this
4 State. The Superintendent of Public Instruction shall:

5 1. Execute, direct or supervise all administrative, technical and
6 procedural activities of the Department in accordance with policies
7 prescribed by the State Board.

8 2. Employ personnel for the positions approved by the State
9 Board and necessary for the efficient operation of the Department.

10 3. Organize the Department in a manner which will assure
11 efficient operation and service.



1 4. Maintain liaison and coordinate activities with other state
2 agencies performing educational functions.

3 5. Enforce the observance of this title and all other statutes and
4 regulations governing K-12 public education.

5 6. Request a plan of corrective action from the board of
6 trustees of a school district or the governing body of a charter school
7 if the Superintendent of Public Instruction determines that the
8 school district or charter school, or any other entity which provides
9 education to a pupil with a disability for a school district or charter
10 school, has not complied with a requirement of this title or any other
11 statute or regulation governing K-12 public education. The plan of
12 corrective action must provide a timeline approved by the
13 Superintendent of Public Instruction for compliance with the statute
14 or regulation.

15 7. Report to the State Board on a regular basis the data on the
16 discipline of pupils and trends in the data on the discipline of pupils
17 collected pursuant to NRS 385A.840.

18 8. *Develop a strategic plan for the recruitment of teachers*
19 *and other licensed educational personnel which includes, without*
20 *limitation:*

21 (a) *A strategy to decrease the processing times of applications*
22 *for licensure pursuant to chapter 391 of NRS.*

23 (b) *A plan to provide for the translation of academic*
24 *transcripts which are in a language other than English of*
25 *applicants for licensure pursuant to chapter 391 of NRS. The*
26 *Department shall post the process for the translation of academic*
27 *transcripts on its Internet website.*

28 9. Perform such other duties as are prescribed by law.

29 **Sec. 1.5.** NRS 391.011 is hereby amended to read as follows:

30 391.011 1. The Commission on Professional Standards in
31 Education, consisting of ~~eleven~~ 13 members appointed by the
32 Governor, is hereby created.

33 2. Five members of the Commission must be teachers who
34 teach in the classroom as follows:

35 (a) One who holds a license to teach secondary education and
36 teaches in a secondary school.

37 (b) One who holds a license to teach middle school or junior
38 high school education and teaches in a middle school or junior high
39 school.

40 (c) One who holds a license to teach elementary education and
41 teaches in an elementary school.

42 (d) One who holds a license to teach special education and
43 teaches special education.



1 (e) One who holds a license to teach pupils in a program of early
2 childhood education and teaches in a program of early childhood
3 education.

4 3. The remaining members of the Commission must include:

5 (a) One school counselor, psychologist, speech-language
6 pathologist, audiologist, or social worker who is licensed pursuant
7 to this chapter and employed by a school district or charter school.

8 (b) One administrator of a school who is employed by a school
9 district or charter school to provide administrative service at an
10 individual school. Such an administrator must not provide service at
11 the district level.

12 (c) The dean of the College of Education at one of the
13 universities in the Nevada System of Higher Education, or a
14 representative of one of the Colleges of Education nominated by
15 such a dean for appointment by the Governor.

16 (d) *The dean of the School of Education at Nevada State*
17 *College, or a representative of the dean, or a representative of the*
18 *Teacher Education Program at Great Basin College.*

19 (e) *The chief human resources officer or a representative of*
20 *the department of human resources of a school district in which*
21 *more than 40,000 pupils are enrolled.*

22 (f) *The chief human resources officer or a representative of*
23 *the department of human resources of a school district in which*
24 *40,000 or fewer pupils are enrolled.*

25 (g) One member who is the parent or legal guardian of a pupil
26 enrolled in a public school.

27 ~~[(e) One member who has expertise and experience in the~~
28 ~~operation of a business.~~

29 ~~—(f)]~~ (h) One member who is the superintendent of schools of a
30 school district.

31 4. Three of the five appointments made pursuant to subsection
32 2 must be made from a list of names of at least three persons for
33 each position that is submitted to the Governor by an employee
34 organization representing the majority of teachers in the State who
35 teach in the educational level from which the appointment is being
36 made.

37 5. The appointment made pursuant to:

38 (a) Paragraph (a) of subsection 3 must be made from a list of
39 names of at least three persons that is submitted to the Governor by
40 an employee organization representing the majority of school
41 counselors, psychologists, speech-language pathologists,
42 audiologists or social workers in this State who are not
43 administrators.

44 (b) Paragraph (b) of subsection 3 must be made from a list of
45 names of at least three persons that is submitted to the Governor by



1 the organization of administrators for schools in which the majority
2 of administrators of schools in this State have membership.

3 (c) *Paragraphs (e), (f) and (h) of subsection 3 must be made*
4 *from lists of names of persons submitted to the Governor by the*
5 *Nevada Association of School Superintendents or its successor*
6 *organization.*

7 (d) Paragraph ~~[(d)]~~ (g) of subsection 3 must be made from a list
8 of names of persons submitted to the Governor by the Nevada
9 Parent Teacher Association or its successor organization.

10 ~~[(d) Paragraph (f) of subsection 3 must be made from a list of~~
11 ~~names of persons submitted to the Governor by the Nevada~~
12 ~~Association of School Superintendents.]~~

13 **Sec. 1.8.** NRS 391.017 is hereby amended to read as follows:

14 391.017 1. The Commission may meet at least once each
15 month.

16 2. A majority of the Commission constitutes a quorum for the
17 transaction of business.

18 3. The members of the Commission are entitled to the travel
19 expenses and subsistence allowances provided by law for state
20 officers and employees generally while attending meetings of the
21 Commission.

22 4. Any costs associated with employing a substitute teacher
23 while a member of the Commission who is a teacher attends a
24 meeting of the Commission must be:

25 (a) Paid by the school district or charter school that employs the
26 member; or

27 (b) Reimbursed to the school district or charter school that
28 employs the member by the organization that submitted the name of
29 the member to the Governor for appointment pursuant to paragraph
30 (a), (b) or ~~[(e)]~~ (d) of subsection 5 of NRS 391.011.

31 **Sec. 2.** NRS 391.019 is hereby amended to read as follows:

32 391.019 1. Except as otherwise provided in NRS 391.027,
33 the Commission shall adopt regulations:

34 (a) Prescribing the qualifications for licensing teachers and other
35 educational personnel and the procedures for the issuance and
36 renewal of those licenses. The regulations:

37 (1) Must include, without limitation, the qualifications for
38 licensing teachers and administrators pursuant to an alternative route
39 to licensure which provides that the required education and training
40 may be provided by any qualified provider which has been approved
41 by the Commission, including, without limitation, institutions of
42 higher education and other providers that operate independently of
43 an institution of higher education. The regulations adopted pursuant
44 to this subparagraph must:



1 (I) Establish the requirements for approval as a qualified
2 provider;

3 (II) Require a qualified provider to be selective in its
4 acceptance of students;

5 (III) Require a qualified provider to provide in-person or
6 virtual supervised, school-based experiences and ongoing support
7 for its students, such as mentoring and coaching;

8 (IV) Significantly limit the amount of course work
9 required or provide for the waiver of required course work for
10 students who achieve certain scores on tests;

11 (V) Allow for the completion in 2 years or less of the
12 education and training required under the alternative route to
13 licensure;

14 (VI) Provide that a person who has completed the
15 education and training required under the alternative route to
16 licensure and who has satisfied all other requirements for licensure
17 may apply for a regular license pursuant to sub-subparagraph (VII)
18 regardless of whether the person has received an offer of
19 employment from a school district, charter school or private school;
20 and

21 (VII) Upon the completion by a person of the education
22 and training required under the alternative route to licensure and the
23 satisfaction of all other requirements for licensure, provide for the
24 issuance of a regular license to the person pursuant to the provisions
25 of this chapter and the regulations adopted pursuant to this chapter.

26 (2) Must require an applicant for a license to teach middle
27 school or junior high school education or secondary education to
28 demonstrate proficiency in a field of specialization or area of
29 concentration by successfully completing course work prescribed by
30 the Department or completing a subject matter competency
31 examination prescribed by the Department with a score deemed
32 satisfactory.

33 (3) Must not prescribe qualifications which are more
34 stringent than the qualifications set forth in NRS 391.0315 for a
35 licensed teacher who applies for an additional license in accordance
36 with that section.

37 (b) Identifying fields of specialization in teaching which require
38 the specialized training of teachers.

39 (c) Except as otherwise provided in NRS 391.125, requiring
40 teachers to obtain from the Department an endorsement in a field of
41 specialization to be eligible to teach in that field of specialization.

42 (d) Setting forth the educational requirements a teacher must
43 satisfy to qualify for an endorsement in each field of specialization.

44 (e) Setting forth the qualifications and requirements for
45 obtaining a license or endorsement to teach American Sign



1 Language, including, without limitation, being registered with the
2 Aging and Disability Services Division of the Department of Health
3 and Human Services pursuant to NRS 656A.100 to engage in the
4 practice of sign language interpreting in a primary or secondary
5 educational setting.

6 (f) Requiring teachers and other educational personnel to be
7 registered with the Aging and Disability Services Division pursuant
8 to NRS 656A.100 to engage in the practice of sign language
9 interpreting in a primary or secondary educational setting if they:

10 (1) Provide instruction or other educational services; and

11 (2) Concurrently engage in the practice of sign language
12 interpreting, as defined in NRS 656A.060.

13 (g) Prescribing course work on parental involvement and family
14 engagement. The Commission shall ~~work~~:

15 (1) *Work* in cooperation with the Office of Parental
16 Involvement and Family Engagement created by NRS 385.630 in
17 developing the regulations required by this paragraph.

18 (2) *Establish standards for professional development*
19 *training which may be used to satisfy any course work*
20 *requirement prescribed pursuant to this paragraph.*

21 (h) Establishing the requirements for obtaining an endorsement
22 on the license of a teacher, administrator or other educational
23 personnel in cultural competency.

24 (i) Authorizing the Superintendent of Public Instruction to issue
25 a license by endorsement to an applicant who holds an equivalent
26 license or authorization issued by a governmental entity in another
27 country if the Superintendent determines that the qualifications for
28 the equivalent license or authorization are substantially similar to
29 those prescribed pursuant to paragraph (a).

30 (j) Establishing the requirements for obtaining an endorsement
31 on the license of a teacher, administrator or other educational
32 personnel in teaching courses relating to financial literacy.

33 (k) Authorizing a person who is employed as a paraprofessional
34 and enrolled in a program to become a teacher to complete an
35 accelerated program of student teaching in the same or a
36 substantially similar area in which the person is employed as a
37 paraprofessional while remaining employed as a paraprofessional.

38 (l) Requiring the Department to accept a program of student
39 teaching or other teaching experience completed in another state or
40 foreign country by an applicant for a license if the Department
41 determines that the program or experience substantially fulfills the
42 standards of a program of student teaching in this State.

43 (m) Authorizing a person who is employed by a public school to
44 provide support or other services relating to school psychology, if
45 the person does not hold a license or endorsement as a school



1 psychologist but is enrolled in a program that would allow the
2 person to obtain such a license or endorsement, to complete a
3 program of internship in school psychology while remaining
4 employed in such a position.

5 2. Except as otherwise provided in NRS 391.027, the
6 Commission may adopt such other regulations as it deems necessary
7 for its own government or to carry out its duties.

8 3. Any regulation which increases the amount of education,
9 training or experience required for licensing:

10 (a) Must, in addition to the requirements for publication in
11 chapter 233B of NRS, be publicized before its adoption in a manner
12 reasonably calculated to inform those persons affected by the
13 change.

14 (b) Must not become effective until at least 1 year after the date
15 it is adopted by the Commission.

16 (c) Is not applicable to a license in effect on the date the
17 regulation becomes effective.

18 **Sec. 3.** NRS 391.021 is hereby amended to read as follows:

19 391.021 1. Except as otherwise provided in NRS 391.027,
20 the Commission shall adopt regulations governing examinations for
21 the initial licensing of teachers and other educational personnel. The
22 regulations adopted by the Commission must ensure that the
23 examinations test the ability of the applicant to teach and the
24 applicant's knowledge of each specific subject he or she proposes to
25 teach.

26 2. When adopting regulations pursuant to subsection 1, the
27 Commission shall consider including any alternative means of
28 demonstrating competency for persons with a disability or health-
29 related need that the Commission determines are necessary and
30 appropriate.

31 3. *The regulations adopted by the Commission pursuant to*
32 *subsection 1 must authorize an applicant to be exempt from any*
33 *requirement to pass a competency test in basic reading, writing*
34 *and mathematics if the applicant submits to the Department*
35 *evidence that, after not passing a competency test in basic reading,*
36 *writing and mathematics at the level of competence specified by*
37 *the Commission, the applicant began and completed, with a grade*
38 *of B or better, a course of study approved by the Department in*
39 *each subject area of the competency test that the applicant did not*
40 *pass at the level of competence specified by the Commission.*

41 4. Teachers and educational personnel from another state who
42 obtain a reciprocal license pursuant to NRS 391.032 are not required
43 to take the examinations for the initial licensing of teachers and
44 other educational personnel described in this section or any other



1 examination for initial licensing required by the regulations adopted
2 by the Commission.

3 **Sec. 4.** NRS 391.032 is hereby amended to read as follows:

4 391.032 1. Except as otherwise provided in NRS 391.027,
5 the Commission shall:

6 (a) Adopt regulations which provide for the issuance of
7 provisional licenses to teachers and other educational personnel
8 before completion of all courses of study or other requirements for a
9 license in this State.

10 (b) Adopt regulations which provide for the reciprocal licensure
11 of educational personnel from other states including, without
12 limitation, for the reciprocal licensure of persons who hold a license
13 to teach special education. Such regulations must include, without
14 limitation, provisions for the reciprocal licensure of persons who
15 obtained a license pursuant to an alternative route to licensure which
16 the Department determines is as rigorous or more rigorous than the
17 alternative route to licensure prescribed pursuant to subparagraph
18 (1) of paragraph (a) of subsection 1 of NRS 391.019.

19 2. A person who is a member of the Armed Forces of the
20 United States, a veteran of the Armed Forces of the United States or
21 the spouse of such a member or veteran of the Armed Forces of the
22 United States and who has completed the equivalent of an
23 alternative route to licensure program in another state may obtain a
24 license as if such person has completed the alternative route to
25 licensure program of this State.

26 3. *The Commission shall adopt regulations requiring the*
27 *Superintendent of Public Instruction to issue a provisional license*
28 *to teach if:*

29 (a) *The Superintendent determines that the applicant is*
30 *otherwise qualified for the license; and*

31 (b) *The applicant:*

32 (1) *Graduated with a bachelor's or higher degree but is*
33 *awaiting conferment of the degree; or*

34 (2) *Satisfies the requirements for conditional licensure*
35 *through an alternative route to licensure.*

36 4. A person who is issued a provisional license must complete
37 all courses of study and other requirements for a license in this State
38 which is not provisional within 3 years after the date on which a
39 provisional license is issued.

40 **Sec. 4.5.** NRS 391.0347 is hereby amended to read as follows:

41 391.0347 1. Any licensed teacher who is initially licensed on
42 or after July 1, 2019, except for a teacher who is licensed only as a
43 substitute teacher, must submit with his or her first application for
44 renewal of his or her license to teach proof of the completion of a
45 course in multicultural education. If the licensed teacher is initially



1 issued a nonrenewable license, he or she must submit such proof
2 with his or her first application for a renewable license to teach.

3 2. The Commission shall adopt regulations:

4 (a) That prescribe the required contents of a course in
5 multicultural education which must be completed pursuant to this
6 section;

7 (b) That prescribe the number of credits which must be earned
8 by a licensed teacher in a course in multicultural education; ~~and~~

9 (c) *That establish standards for professional development*
10 *training which may be used to satisfy any course work*
11 *requirement prescribed pursuant to this section; and*

12 (d) As otherwise necessary to carry out the requirements of this
13 section.

14 **Sec. 5.** NRS 391.095 is hereby amended to read as follows:

15 391.095 1. A school district *or a governing body of a charter*
16 *school or university school for profoundly gifted pupils* may enter
17 into an agreement with a branch of the Nevada System of Higher
18 Education or an accredited postsecondary educational institution
19 which is licensed by the Commission on Postsecondary Education
20 and which offers courses of study and training for the education of
21 teachers which are approved or recognized by the Commission
22 pursuant to NRS 391.038, for the assignment of students for training
23 purposes as student teachers, counselors or trainees in a library, or
24 for experience in a teaching laboratory. Students so assigned within
25 the school district , *charter school or university school for*
26 *profoundly gifted pupils, as applicable*, for training purposes may,
27 under the direction and supervision of a licensed teacher, instruct
28 and supervise pupils in the school, on the school grounds or on
29 authorized field trips. The students so assigned are employees of the
30 school district *or governing body of a charter school or university*
31 *school for profoundly gifted pupils, as applicable*, for purposes of
32 NRS 41.038 and 41.039, while performing such authorized duties,
33 whether or not the duties are performed entirely in the presence of
34 the licensed teacher.

35 2. *Except as otherwise provided in the agreement entered into*
36 *pursuant to subsection 1 and to the extent not inconsistent with*
37 *NRS 391.096, a school district or governing body of a charter*
38 *school or university school for profoundly gifted pupils, as*
39 *applicable, may compensate a student assigned within the school*
40 *district charter school or university school for profoundly gifted*
41 *pupils for training purposes as a student teacher, counselor,*
42 *student social worker or trainee in a library.*

43 3. As used in this section:

44 (a) "Accredited" has the meaning ascribed to it in NRS 394.006.



1 (b) "Postsecondary educational institution" has the meaning
2 ascribed to it in NRS 394.099.

3 **Sec. 5.1.** NRS 391.460 is hereby amended to read as follows:

4 391.460 1. The Council shall:

5 (a) Make recommendations to the State Board concerning the
6 adoption of regulations for establishing a statewide performance
7 evaluation system to ensure that teachers, administrators who
8 provide primarily administrative services at the school level,
9 administrators at the district level who provide direct supervision of
10 the principal of a school, and who do not provide primarily direct
11 instructional services to pupils, and other licensed educational
12 personnel, regardless of whether licensed as a teacher or
13 administrator, including, without limitation, a principal and vice
14 principal are:

15 (1) Evaluated using multiple, fair, timely, rigorous and valid
16 methods ; ~~[, which includes evaluations based upon pupil growth as~~
17 ~~required by NRS 391.465;]~~

18 (2) Afforded a meaningful opportunity to improve their
19 effectiveness through professional development that is linked to
20 their evaluations; and

21 (3) Provided with the means to share effective educational
22 methods with other teachers, administrators and other licensed
23 educational personnel throughout this State.

24 (b) Develop and recommend to the State Board a plan, including
25 duties and associated costs, for the development and implementation
26 of the performance evaluation system by the Department and school
27 districts.

28 (c) Consider the role of professional standards for teachers,
29 administrators and other licensed educational personnel, to which
30 paragraph (a) applies and, as it determines appropriate, develop a
31 plan for recommending the adoption of such standards by the State
32 Board.

33 (d) Develop and recommend to the State Board a process for
34 peer observations of teachers by qualified educational personnel
35 which is designed to provide assistance to teachers in meeting the
36 standards of effective teaching, and includes, without limitation,
37 conducting observations, participating in conferences before and
38 after observations of the teacher and providing information and
39 resources to the teacher about strategies for effective teaching.

40 2. The performance evaluation system recommended by the
41 Council must ensure that:

42 (a) Data derived from the evaluations is used to create
43 professional development programs that enhance the effectiveness
44 of teachers, administrators and other licensed educational personnel;
45 and



1 (b) A timeline is included for monitoring the performance
2 evaluation system at least annually for quality, reliability, validity,
3 fairness, consistency and objectivity.

4 3. The Council may establish such working groups, task forces
5 and similar entities from within or outside its membership as
6 necessary to address specific issues or otherwise to assist in its
7 work.

8 4. The State Board shall consider the recommendations made
9 by the Council pursuant to this section and shall adopt regulations
10 establishing a statewide performance evaluation system as required
11 by NRS 391.465.

12 **Sec. 5.3.** NRS 391.465 is hereby amended to read as follows:

13 391.465 1. The State Board shall, based upon the
14 recommendations of the Teachers and Leaders Council of Nevada
15 submitted pursuant to NRS 391.460, adopt regulations establishing a
16 statewide performance evaluation system which incorporates
17 multiple measures of an employee's performance. Except as
18 otherwise provided in subsection 3, the State Board shall prescribe
19 the tools to be used by a school district for obtaining such measures.

20 2. The statewide performance evaluation system must:

21 (a) Require that an employee's overall performance is
22 determined to be:

- 23 (1) Highly effective;
24 (2) Effective;
25 (3) Developing; or
26 (4) Ineffective.

27 (b) Include the criteria for making each designation identified in
28 paragraph (a), which must include, without limitation, consideration
29 of whether the classes for which the employee is responsible exceed
30 the applicable recommended ratios of pupils per licensed teacher
31 prescribed by the State Board pursuant to NRS 388.890 and, if so,
32 the degree to which the ratios affect:

33 (1) The ability of the employee to carry out his or her
34 professional responsibilities; and

35 (2) The instructional practices of the employee.

36 (c) ~~Except as otherwise provided in subsections 2 and 3 of NRS~~
37 ~~391.695 and subsections 2 and 3 of NRS 391.715, require that pupil~~
38 ~~growth, as determined pursuant to NRS 391.480, account for 15~~
39 ~~percent of the evaluation of a teacher or administrator who provides~~
40 ~~direct instructional services to pupils at a school in a school district.~~

41 ~~—(d)~~ Include an evaluation of whether the teacher, or
42 administrator who provides primarily administrative services at the
43 school level or administrator at the district level who provides direct
44 supervision of the principal of a school, and who does not provide
45 primarily direct instructional services to pupils, regardless of



1 whether the probationary administrator is licensed as a teacher or
2 administrator, including, without limitation, a principal and vice
3 principal or licensed educational employee, other than a teacher or
4 administrator, employs practices and strategies to involve and
5 engage the parents and families of pupils.

6 ~~(e)~~ (d) Include a process for peer observations of teachers by
7 qualified educational personnel which is designed to provide
8 assistance to teachers in meeting the standards of effective teaching,
9 and includes, without limitation, conducting observations,
10 participating in conferences before and after observations of the
11 teacher and providing information and resources to the teacher about
12 strategies for effective teaching. The regulations must include the
13 criteria for school districts to determine which educational personnel
14 are qualified to conduct peer observations pursuant to the process.

15 ~~(f)~~ (e) Require a person who evaluates a teacher who is
16 responsible for a number of pupils that exceeds the applicable
17 recommended ratio of pupils per licensed teacher prescribed by the
18 State Board pursuant to NRS 388.890, who is a postprobationary
19 employee as defined in NRS 391.650 and whose performance on
20 that evaluation is designated as effective or highly effective to,
21 under the statewide performance evaluation system, award the
22 teacher an additional weight for criteria relating to:

23 (1) The manner in which the teacher structures a classroom
24 environment;

25 (2) The manner in which the teacher provides an opportunity
26 for extended discourse;

27 (3) The manner in which the teacher employs the cognitive
28 abilities and skills of all pupils;

29 (4) The manner in which the teacher engages with the
30 families of pupils; and

31 (5) The perception of pupils of the performance of the
32 teacher,

33 ↪ that is equivalent to the percentage by which the ratio of pupils
34 for which the teacher is responsible exceeds the recommended ratio
35 of pupils per licensed teacher. Any additional weight awarded to a
36 teacher pursuant to this paragraph must not cause the score on a
37 criterion to exceed the maximum score that would otherwise be
38 possible on the criterion for a teacher rated as highly effective.

39 ~~(g)~~ (f) If an employee knowingly and willfully failed to
40 comply with the provisions of NRS 388.1351, indicate any
41 disciplinary actions taken against the employee pursuant to NRS
42 388.1354.

43 3. A school district may apply to the State Board to use a
44 performance evaluation system and tools that are different than the
45 evaluation system and tools prescribed pursuant to subsection 1. The



1 application must be in the form prescribed by the State Board and
2 must include, without limitation, a description of the evaluation
3 system and tools proposed to be used by the school district. The
4 State Board may approve the use of the proposed evaluation system
5 and tools if it determines that the proposed evaluation system and
6 tools apply standards and indicators that are equivalent to those
7 prescribed by the State Board.

8 4. An administrator at the district level who provides direct
9 supervision of the principal of a school and who also serves as the
10 superintendent of schools of a school district must not be evaluated
11 using the statewide performance evaluation system.

12 **Sec. 5.5.** NRS 391.470 is hereby amended to read as follows:

13 391.470 On or before August 1 of each year, the board of
14 trustees of each school district shall submit a report to the State
15 Board and the Teachers and Leaders Council of Nevada created by
16 NRS 391.455 concerning the implementation and effectiveness of
17 the process for peer observations of teachers set forth in the
18 regulations adopted by the State Board pursuant to paragraph ~~(e)~~
19 (d) of subsection 2 of NRS 391.465, including, without limitation,
20 any recommendations for revisions to the process of peer
21 observations.

22 **Sec. 5.7.** NRS 391.485 is hereby amended to read as follows:

23 391.485 1. The State Board shall annually review the
24 statewide performance evaluation system to ensure accuracy and
25 reliability. Such a review must include, without limitation, an
26 analysis of the:

27 (a) Number and percentage of teachers, administrators and other
28 licensed educational personnel who receive each designation
29 identified in paragraph (a) of subsection 2 of NRS 391.465 in each
30 school, school district, and the State as a whole; *and*

31 ~~(b) Data used to evaluate pupil growth in each school, school
32 district and the State as a whole, including, without limitation, any
33 observations; and~~

34 ~~—(c) Effect of the evaluations conducted pursuant to the
35 statewide system of accountability for public schools on the
36 academic performance of pupils enrolled in the school district in
37 each school and school district, and the State as a whole.~~

38 2. The board of trustees of each school district shall annually
39 review the manner in which schools in the school district carry out
40 the evaluation of teachers, administrators and other licensed
41 educational personnel pursuant to the statewide performance
42 evaluation system.

43 3. The Department may review the manner in which the
44 statewide performance evaluation system is carried out by each
45 school district. ~~including, without limitation, the manner in which~~



~~the learning goals for pupils are established and evaluated pursuant to NRS 391.480.]~~

Sec. 5.9. NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. ~~[(H)]~~ *Except as otherwise provided in subsection 3, if a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~[(H)]~~ or highly effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.*

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as *effective or* highly effective for 2 consecutive ~~[school—years.]~~ *evaluations, the postprobationary teacher : ~~[must:]~~*

(a) ~~[Participate]~~ *May request to participate* in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as *effective or* highly effective . ~~[-and]~~ *If a postprobationary teacher requests to participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher.*



(b) ~~[Receive]~~ *Must receive* one evaluation in the *second* school year immediately following the school year in which the postprobationary teacher ~~[participated in the observation cycle pursuant to paragraph (a).]~~ *receives a second consecutive evaluation designating his or her performance as effective or highly effective.* The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

4. An administrator may not:

(a) *Directly or indirectly threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3; or*

(b) *Conduct an observation cycle or evaluation of a postprobationary teacher pursuant to paragraph (a) of subsection 3 without the consent of the postprobationary teacher.*

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) *Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.*

(b) *Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.*

2. Any professional development training provided pursuant to subsection 1:

(a) *May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.*

(b) *Must be provided at no cost to the employee.*

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, **and section 6 of this act**, unless the context otherwise requires, “professional development training” has the meaning ascribed to “professional development” in 20 U.S.C. § 7801(42).

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)



1 **Sec. 10.1.** 1. There is hereby appropriated from the State
2 General Fund to the Department of Education for the costs of
3 contracting with a qualified person to conduct the study required by
4 section 10.3 of this act and personnel and legal expenses to carry out
5 the provisions of this act the following sums:

6 For the Fiscal Year 2023-2024..... \$2,786

7 For the Fiscal Year 2024-2025..... \$200,000

8 2. Any balance of the sums appropriated by subsection 1
9 remaining at the end of the respective fiscal years must not be
10 committed for expenditure after June 30 of the respective fiscal
11 years by the entity to which the appropriation is made or any entity
12 to which money from the appropriation is granted or otherwise
13 transferred in any manner, and any portion of the appropriated
14 money remaining must not be spent for any purpose after September
15 20, 2024, and September 19, 2025, respectively, by either the entity
16 to which the money was appropriated or the entity to which the
17 money was subsequently granted or transferred, and must be
18 reverted to the State General Fund on or before September 20, 2024,
19 and September 19, 2025, respectively.

20 **Sec. 10.3.** The Commission on Professional Standards in
21 Education shall:

22 1. Conduct a study during the 2023-2024 interim concerning
23 the Praxis II and pedagogy examinations;

24 2. Present its recommendations to the Senate and Assembly
25 Standing Committees on Education during the 83rd Session of the
26 Nevada Legislature; and

27 3. Adopt regulations pursuant to NRS 391.019, 391.021 and
28 391.023 as it deems necessary and appropriate based on its findings
29 and recommendations as they relate to the Praxis II and pedagogy
30 examinations.

31 **Sec. 10.6.** The Department of Education and the Nevada
32 System of Higher Education shall jointly:

33 1. Develop a plan to expand awareness of and eliminate
34 barriers for access to any scholarship programs that are intended to
35 increase the number of persons licensed pursuant to chapter 391 of
36 NRS; and

37 2. Present the plan to the Joint Interim Standing Committee on
38 Education on or before June 30, 2024.

39 **Sec. 10.9.** 1. The term of the member of the Commission on
40 Professional Standards in Education appointed to the Commission
41 pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that
42 section exists on June 30, 2024, expires on July 1, 2024.

43 2. As soon as practicable after July 1, 2024, the Governor shall
44 appoint to the Commission on Professional Standards in Education
45 the members described in paragraphs (d), (e) and (f) of



1 NRS 391.011, as amended by section 1.5 of this act. In making
2 those appointments, the Governor shall appoint members to
3 staggered initial terms of 1, 2 and 3 years.

4 **Sec. 11.** 1. The amendatory provisions of NRS 391.690, as
5 amended by section 5.9 of this act, apply to any evaluation,
6 observation cycle and other conduct of postprobationary teachers
7 and administrators described in NRS 391.690, as amended by
8 section 5.9 of this act, that occurs on or after July 1, 2021.

9 2. As used in this section:

10 (a) "Evaluation" means an evaluation of a postprobationary
11 teacher as described in NRS 391.690, as amended by section 5.9 of
12 this act.

13 (b) "Observation cycle" means an observation cycle that a
14 postprobationary teacher participates in or requests to participate in
15 as described in NRS 391.690, as amended by section 5.9 of this act.

16 **Sec. 12.** Any administrative regulations relating to learning
17 goals or pupil growth which were adopted pursuant to NRS 391.480
18 by a regulatory body before July 1, 2023, and which conflict with or
19 are inconsistent with the provisions of this act are void.

20 **Sec. 13.** NRS 391.480 is hereby repealed.

21 **Sec. 14.** 1. This section becomes effective upon passage and
22 approval.

23 2. Sections 5.1 to 5.9, inclusive, 11, 12 and 13 of this act
24 become effective:

25 (a) Upon passage and approval for the purpose of adopting any
26 regulations and performing any other preparatory administrative
27 tasks that are necessary to carry out the provisions of this act; and

28 (b) On July 1, 2023, for all other purposes.

29 3. Section 10.1 of this act becomes effective on July 1, 2023.

30 4. Sections 1 to 10, inclusive, 10.3, 10.6 and 10.9 of this act
31 become effective:

32 (a) Upon passage and approval for the purpose of adopting any
33 regulations and performing any other preparatory administrative
34 tasks that are necessary to carry out the provisions of this act; and

35 (b) On July 1, 2024, for all other purposes.



TEXT OF REPEALED SECTION

391.480 Development of learning goals for pupils; Department to establish list of assessments to measure achievement of learning goals; evaluation of educational personnel based on achievement of learning goals; regulations.

1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

