

SENATE BILL NO. 151—SENATORS BUCK; KRASNER AND STONE

FEBRUARY 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-287)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; revising various provisions relating to the statewide system of accountability for public schools; revising requirements to receive a standard high school diploma; revising provisions relating to teacher evaluations; directing the Department of Education to develop a mentorship program for school personnel; directing the State Board of Education to create a program to award certain incentives to schools and teachers; revising provisions governing school attendance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires a state that wishes to receive certain federal grants to file with the Secretary of Education a plan which includes a statewide accountability system for education. (20 U.S.C. § 6311) Existing federal law requires such a statewide accountability system to identify schools for certain levels of support and improvement. (20 U.S.C. § 6311(c), (d)) Existing state law requires: (1) the board of trustees of each school district, in consultation with the Department of Education, to issue ratings for each public school in the district and each charter school sponsored by the district in accordance with the statewide system of accountability; and (2) the Department to issue such ratings for other charter schools in this State. (NRS 385A.720) **Sections 1 and 2** of this bill prohibit the statewide system of accountability, the board of trustees of each school district and the Department from using information concerning whether a school is identified for any level of support and improvement in accordance with federal law to affect the rating of a school according to the statewide system of accountability.

Existing law requires the board of trustees of each school district to prepare an annual report of accountability which contains certain information, including information concerning: (1) the attendance, truancy and transiency of pupils; and (2) the progression of pupils who are English learners. (NRS 385A.070, 385A.240,



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385A.280) **Sections 1 and 2** prohibit the information which is collected regarding attendance and truancy from: (1) contributing to the rating of a public school according to the statewide system of accountability; or (2) being used as an indicator of school quality or student success according to the statewide system of accountability and federal law. **Section 1** also requires the statewide performance targets established for pupils who are English learners as part of the statewide system of accountability to: (1) account for the length of time each pupil has been enrolled in a particular school; and (2) include performance targets for transitioning such pupils from the status of English learner to proficient in the English language each year.

Existing law requires: (1) the State Board of Education to adopt regulations prescribing the requirements for a pupil to receive a standard high school diploma; and (2) any child between the ages of 7 and 18 years to attend public school, with certain exceptions. (NRS 390.600, 392.040) **Section 4** of this bill authorizes a pupil to receive a standard high school diploma if the pupil submits evidence satisfactory to the State Board that the pupil has earned an associate's degree or higher at any university, state college or community college, regardless of whether the pupil satisfies the requirements for a standard high school diploma prescribed by the State Board. **Sections 3 and 9** of this bill excuse a child from attendance in school or in a program of distance education if the child has received a standard high school diploma on the basis of having received an associate's degree or higher. **Sections 10 and 11** of this bill make conforming changes to indicate the proper placement of **section 9** in the Nevada Revised Statutes.

Existing law requires: (1) each teacher and administrator who provides direct instructional services to pupils at a school to develop learning goals for such pupils; and (2) pupil growth, as measured using those learning goals, to account for 15 percent of the performance evaluation of a teacher or administrator who provides such direct instructional services to pupils. (NRS 391.465, 391.480) **Section 5** of this bill increases the percentage of such performance evaluation that is based on pupil growth from 15 percent to 50 percent. **Section 8** of this bill requires the State Board, to the extent money is available, to establish a program to award grants to provide incentives for schools and teachers that achieve high levels of pupil growth. **Section 7** of this bill requires the State Board and the Department to develop and implement a mentorship program for school personnel which includes a method for pairing personnel from schools that achieve higher ratings according to the statewide system of accountability with personnel who perform similar duties from schools that achieve lower ratings.

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

Section 1. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.



2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must, except as otherwise provided in subsection 3 of NRS 385A.720:

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the school achievement targets and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish school achievement targets and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are English learners. The school achievement targets and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105; and

(2) For high schools, include the rate of graduation and the rate of attendance.

3. Except as otherwise provided in subsection 3 of NRS 385A.720, the statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the school achievement targets and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

4. The statewide system of accountability for public schools must not consider or assign any weight to the information on the attendance and truancy of pupils collected and reported pursuant to NRS 385A.240 as an indicator of school quality or student success pursuant to 20 U.S.C. § 6311(c)(4)(B)(v).

5. The statewide system of accountability for public schools may include information on whether a public school has been identified for any level of support and improvement pursuant to 20 U.S.C. § 6311(c) or (d), but the method for rating public schools



pursuant to subsection 2 must not consider or assign any weight to that information.

6. The performance targets established for pupils who are English learners pursuant to paragraph (d) of subsection 2 must:

(a) Account for the length of time each pupil who is an English learner has been enrolled in a particular school; and

(b) Include performance targets for transitioning such pupils from the status of English learner to proficient in the English language each year.

Sec. 2. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education.

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).



4. *In making a preliminary or final rating for a public school pursuant to this section, the Department or the board of trustees of the school district, as applicable, shall not consider or assign any weight to:*

(a) *Information on the attendance and truancy of pupils collected and reported pursuant to NRS 385A.240; or*

(b) *Whether the public school has been identified for any level of support and improvement pursuant to 20 U.S.C. § 6311(c) or (d).*

5. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 3. NRS 388.862 is hereby amended to read as follows:

388.862 1. If a pupil is enrolled full-time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district with which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~§~~, and *section 9 of this act*; and

(d) Discipline of pupils.

2. A pupil who is enrolled full-time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~§~~, and *section 9 of this act*; and

(d) Discipline of pupils.



3. If a pupil is enrolled part-time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~§~~, and *section 9 of this act*; and

(d) Discipline of pupils.

Sec. 4. NRS 390.600 is hereby amended to read as follows:

390.600 1. The State Board shall adopt regulations that, except as otherwise provided in ~~subsection~~ *subsections 3 ~~§~~ and 5*, prescribe the criteria for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(a) A pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610; and

(b) Commencing with the graduating class of 2022 and each graduating class thereafter, a pupil successfully complete a course of study designed to prepare the pupil for graduation from high school and for readiness for college and career.

2. The criteria prescribed by the State Board pursuant to subsection 1 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

3. A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if the pupil demonstrates, through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

4. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an:

(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program; or

(b) Alternative diploma if the pupil:

(1) Has a significant cognitive disability; and



(2) Participates in an alternate assessment prescribed by the State Board.

5. *A pupil who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if the pupil submits evidence satisfactory to the Department that the pupil has been awarded an associate's degree or higher at any accredited university, state college or community college.*

6. If a pupil does not satisfy the requirements to receive a standard high school diploma prescribed by subsection 3 *or 5* or by the State Board pursuant to subsection 1, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma or an alternative diploma pursuant to subsection 4.

~~6.7~~ 7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 5. NRS 391.465 is hereby amended to read as follows:

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

2. The statewide performance evaluation system must:

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

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

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

- (1) The ability of the employee to carry out his or her professional responsibilities; and
- (2) The instructional practices of the employee.



(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for ~~15~~ 50 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

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

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

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

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

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

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

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

↳ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a



1 teacher pursuant to this paragraph must not cause the score on a
2 criterion to exceed the maximum score that would otherwise be
3 possible on the criterion for a teacher rated as highly effective.

4 (g) If an employee knowingly and willfully failed to comply
5 with the provisions of NRS 388.1351, indicate any disciplinary
6 actions taken against the employee pursuant to NRS 388.1354.

7 3. A school district may apply to the State Board to use a
8 performance evaluation system and tools that are different than the
9 evaluation system and tools prescribed pursuant to subsection 1. The
10 application must be in the form prescribed by the State Board and
11 must include, without limitation, a description of the evaluation
12 system and tools proposed to be used by the school district. The
13 State Board may approve the use of the proposed evaluation system
14 and tools if it determines that the proposed evaluation system and
15 tools apply standards and indicators that are equivalent to those
16 prescribed by the State Board.

17 4. An administrator at the district level who provides direct
18 supervision of the principal of a school and who also serves as the
19 superintendent of schools of a school district must not be evaluated
20 using the statewide performance evaluation system.

21 **Sec. 6.** Chapter 391A of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 7 and 8 of this act.

23 **Sec. 7. 1. *The State Board and the Department shall***
24 ***develop and implement a mentorship program for school***
25 ***personnel which must include, without limitation, a method for***
26 ***pairing personnel from schools that achieve higher ratings***
27 ***according to the statewide system of accountability for public***
28 ***schools with personnel who perform similar duties at schools that***
29 ***achieve lower ratings according to the statewide system of***
30 ***accountability for public schools.***

31 **2. *The State Board may adopt regulations necessary to carry***
32 ***out the provisions of this section.***

33 **Sec. 8. 1. *To the extent that money is available, the State***
34 ***Board shall establish by regulation a program to award grants of***
35 ***money to school districts and charter schools to provide incentives***
36 ***for schools and teachers that achieve high levels of pupil growth,***
37 ***as determined pursuant to NRS 391.480.***

38 **2. *A school district or charter school that wishes to obtain a***
39 ***grant pursuant to subsection 1 must submit to the Department an***
40 ***application in the form prescribed by the Department. The***
41 ***application must include, without limitation, a description of the***
42 ***incentives that the applicant intends to establish using the grant of***
43 ***money.***



Sec. 9. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

Attendance of a child required by the provisions of NRS 392.040 must be excused if a child has earned an associate's degree or higher at any university, state college or community college and received a standard high school diploma pursuant to subsection 5 of NRS 390.600.

Sec. 10. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to 392.110, inclusive, *and section 9 of this act* or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 11. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, *and section 9 of this act* or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165, of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On July 1, 2024, for all other purposes.

