

ASSEMBLY BILL NO. 341—ASSEMBLYMAN D’SILVA

MARCH 20, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing the selection of members to certain state boards, networks and councils performing duties related to education. (BDR 34-950)

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

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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 provisions governing the selection of members to certain boards, networks and councils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Governor is required to appoint teachers at public
2 schools to the State Board of Education, the Teachers and Leaders Council of
3 Nevada and the Statewide Council for the Coordination of the Regional Training
4 Programs from lists of candidates or nominees submitted by the Nevada State
5 Education Association. (NRS 385.021, 391.455, 391A.130) **Sections 1, 3 and 4** of
6 this bill maintain the number of teachers appointed to these committees but instead
7 require the Governor to appoint teachers from: (1) a list of nominees submitted by
8 the employee organization representing the majority of teachers who are employed
9 by a large school district; and (2) a list of nominees submitted by the employee
10 organization representing the majority of teachers who are employed by school
11 districts in this State other than a large school district. Under existing law, a “large
12 school district” is defined as any school district in this State which has more than
13 100,000 pupils enrolled in its public schools (currently only the Clark County
14 School District). (NRS 388G.530)

15 Existing law requires the Department of Education to establish a pilot program
16 in certain schools to provide competency-based education, which is defined as a
17 system of instruction by which a pupil advances to a higher level of learning when
18 the pupil demonstrates mastery of a concept or skill, regardless of the time, place or
19 pace at which the pupil progresses. (NRS 389.200, 389.210) Existing law also
20 requires the Department to establish a Competency-Based Education Network,
21 which studies and makes recommendations concerning implementation of a system
22 of competency-based education. The Network is required to consist of certain
23 members, including, without limitation, one teacher who does not teach in a school



24 participating in the pilot program and who is selected by the Nevada State
25 Education Association to represent the Association. (NRS 389.220) **Section 2** of
26 this bill increases from one to two the number of members of the Network who
27 must be teachers who are not teaching in a school participating in the pilot program,
28 with one such member selected by the employee organization representing the
29 majority of teachers employed by a large school district and the other such member
30 selected by the employee organization representing the employee organization
31 representing the majority of teachers employed by a school district other than a
32 large school district.

33 Existing law requires the Governor to appoint to the Teachers and Leaders
34 Council of Nevada one school counselor, psychologist, speech-language
35 pathologist, audiologist or social worker who is licensed as educational personnel.
36 The Governor is required to appoint this member of the Teachers and Leaders
37 Council from a list of nominees submitted by the Nevada State Education
38 Association. (NRS 391.455) **Section 3** instead requires the Governor to appoint this
39 member from: (1) a list of nominees submitted by the employee organization
40 representing the majority of school counselors, psychologists, speech-language
41 pathologists, audiologists or social workers who are not administrators and who are
42 employed by a large school district; and (2) a list of nominees submitted by the
43 employee organization representing the majority of school counselors,
44 psychologists, speech-language pathologists, audiologists or social workers who are
45 not administrators and who are employed by school districts other than a large
46 school district.

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

1 **Section 1.** NRS 385.021 is hereby amended to read as follows:

2 385.021 1. The State Board of Education is hereby created.

3 The State Board consists of the following voting members:

4 (a) One member elected by the registered voters of each
5 congressional district described in the shapefile adopted by
6 NRS 304.095;

7 (b) One member appointed by the Governor;

8 (c) One member appointed by the Governor, nominated by the
9 Majority Leader of the Senate; and

10 (d) One member appointed by the Governor, nominated by the
11 Speaker of the Assembly.

12 2. In addition to the voting members described in subsection 1,
13 the State Board consists of the following four nonvoting members:

14 (a) One member appointed by the Governor who is a member of
15 a board of trustees of a school district, nominated by the Nevada
16 Association of School Boards;

17 (b) One member appointed by the Governor who is the
18 superintendent of schools of a school district, nominated by the
19 Nevada Association of School Superintendents;



1 (c) One member appointed by the Governor who represents the
2 Nevada System of Higher Education, nominated by the Board of
3 Regents of the University of Nevada; and

4 (d) One member appointed by the Governor who is a pupil
5 enrolled in a public school in this State, nominated by the Nevada
6 Association of Student Councils or its successor organization and in
7 consultation with the Nevada Youth Legislature. After the initial
8 term, the term of the member appointed pursuant to this paragraph
9 commences on June 1 and expires on May 31 of the following year.

10 3. Each member of the State Board elected pursuant to
11 paragraph (a) of subsection 1 must be a qualified elector of the
12 district from which that member is elected.

13 4. Each member appointed pursuant to paragraphs (b), (c) and
14 (d) of subsection 1 and each member appointed pursuant to
15 subsection 2 must be a resident of this State.

16 5. Except as otherwise provided in paragraphs (a) and (c) of
17 subsection 2, a person who is elected to serve as an officer of this
18 State or any political subdivision thereof or a person appointed to
19 serve for the unexpired term of such an office may not serve or
20 continue to serve on the State Board.

21 6. The Governor shall ensure that the members appointed
22 pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the
23 geographic diversity of this State and that:

24 (a) One member is a teacher at a public school selected from a
25 list of *six candidates consisting of* three candidates provided by ~~the~~
26 ~~Nevada State Education Association~~ *the employee organization*
27 *representing the majority of teachers employed by a large school*
28 *district and three candidates provided by an employee organization*
29 *representing the majority of teachers employed by school districts*
30 *in this State other than a large school district.*

31 (b) One member is the parent or legal guardian of a pupil
32 enrolled in a public school.

33 (c) One member is a person active in a private business or
34 industry of this State.

35 7. After the initial terms, each member:

36 (a) Elected pursuant to paragraph (a) of subsection 1 serves a
37 term of 4 years. A member may be elected to serve not more than
38 three terms but may be appointed to serve pursuant to paragraph (b),
39 (c) or (d) of subsection 1 or subsection 2 after service as an elected
40 member, notwithstanding the number of terms the member served as
41 an elected member.

42 (b) Appointed pursuant to paragraphs (b), (c) and (d) of
43 subsection 1 serves a term of 2 years, except that each member
44 continues to serve until a successor is appointed. A member may be



1 reappointed for additional terms of 2 years in the same manner as
2 the original appointment.

3 (c) Appointed pursuant to subsection 2 serves a term of 1 year.
4 A member may be reappointed for additional terms of 1 year in the
5 same manner as the original appointment.

6 8. If a vacancy occurs during the term of:

7 (a) A member who was elected pursuant to paragraph (a) of
8 subsection 1, the Governor shall appoint a member to fill the
9 vacancy until the next general election, at which election a member
10 must be chosen for the balance of the unexpired term. The appointee
11 must be a qualified elector of the district where the vacancy occurs.

12 (b) A voting member appointed pursuant to paragraph (b), (c) or
13 (d) of subsection 1 or a nonvoting member appointed pursuant to
14 subsection 2, the vacancy must be filled in the same manner as the
15 original appointment for the remainder of the unexpired term.

16 *9. As used in this section, "large school district" has the*
17 *meaning ascribed to it in NRS 388G.530.*

18 **Sec. 2.** NRS 389.220 is hereby amended to read as follows:

19 389.220 1. The Department of Education shall establish a
20 Competency-Based Education Network.

21 2. The Competency-Based Education Network must consist of
22 the following members:

23 (a) The principal of each school selected to participate in the
24 pilot program established pursuant to NRS 389.210.

25 (b) At least one teacher who teaches in each school selected to
26 participate in the pilot program established pursuant to NRS
27 389.210, selected by the principal of the school.

28 (c) The Chancellor of the Nevada System of Higher Education
29 or his or her designee.

30 (d) The Chancellor of Western Governors University Nevada or
31 his or her designee.

32 (e) ~~One teacher~~ *Two teachers* who ~~does~~ *do* not teach in a
33 school selected to participate in the pilot program established
34 pursuant to NRS 389.210, *who must be one teacher* selected by ~~the~~
35 ~~Nevada State Education Association to represent the Association.~~
36 *the employee organization representing the majority of teachers*
37 *employed by a large school district and one teacher selected by the*
38 *employee organization representing the majority of teachers*
39 *employed by school districts in this State other than a large school*
40 *district.*

41 (f) One parent or guardian of a pupil who is enrolled in a school
42 selected to participate in the pilot program established pursuant to
43 NRS 389.210, selected by the Nevada Parent Teacher Association to
44 represent the Association.



1 (g) One parent or guardian of a pupil who is not enrolled in a
2 school selected to participate in the pilot program established
3 pursuant to NRS 389.210, selected by the Nevada Parent Teacher
4 Association to represent the Association.

5 3. The Competency-Based Education Network shall:

6 (a) Study approaches to converting requirements regarding the
7 amount of time a pupil is required to spend in a classroom into
8 competency measures;

9 (b) Study tools for use in personalized learning and competency-
10 based education;

11 (c) Study approaches to ensure appropriate examinations are
12 prescribed by the State Board pursuant to NRS 389.171;

13 (d) Study strategies for improving competency-based education
14 through the use of technology;

15 (e) Study professional development relating to competency-
16 based education and other support to assist educators in transitioning
17 to a system of competency-based education;

18 (f) Provide support and share data and best practices among
19 schools participating in the pilot program established pursuant to
20 NRS 389.210;

21 (g) Identify barriers and possible solutions to implementing a
22 statewide system of competency-based education;

23 (h) Develop evidence-based recommendations for the continued
24 implementation of a system of competency-based education; and

25 (i) On or before January 31 of every even-numbered year,
26 submit a report to the Governor and the Legislature on the
27 implementation of a system of competency-based education in this
28 State.

29 4. The Competency-Based Education Network shall initially
30 meet at the call of the Superintendent of Public Instruction. After the
31 first meeting, the Network shall meet at the call of the Chair.

32 5. At the first meeting of the Competency-Based Education
33 Network, the members of the Network shall elect a Chair by
34 majority vote.

35 6. A majority of the members of the Competency-Based
36 Education Network constitutes a quorum for the transaction of
37 business, and a majority of those members present at any meeting is
38 sufficient for any official action taken by the Network.

39 7. The Department of Education shall provide the
40 Competency-Based Education Network with such staff as is
41 necessary to carry out the duties of the Network.

42 8. Members of the Competency-Based Education Network
43 serve without compensation, and travel and per diem expenses may
44 not be reimbursed.



1 **9. As used in this section, “large school district” has the**
2 **meaning ascribed to it in NRS 388G.530.**

3 **Sec. 3.** NRS 391.455 is hereby amended to read as follows:

4 391.455 1. There is hereby created the Teachers and Leaders
5 Council of Nevada consisting of the following 16 members:

6 (a) The Superintendent of Public Instruction, or his or her
7 designee, who serves as an ex officio member of the Council.

8 (b) The Chancellor of the Nevada System of Higher Education,
9 or his or her designee, who serves as an ex officio member of the
10 Council.

11 (c) Four teachers in public schools appointed by the Governor
12 from a list of *six* nominees *consisting of three nominees* submitted
13 by ~~[the Nevada State Education Association.]~~ *the employee*
14 *organization representing the majority of teachers employed by a*
15 *large school district and three nominees submitted by the*
16 *employee organization representing the majority of teachers*
17 *employed by school districts in this State other than a large school*
18 *district.* The members appointed pursuant to this paragraph must
19 represent the geographical diversity of the school districts in this
20 State.

21 (d) One school counselor, psychologist, speech-language
22 pathologist, audiologist or social worker who is licensed pursuant to
23 chapter 391 of NRS appointed by the Governor from a list of *six*
24 nominees *consisting of three nominees* submitted by ~~[the Nevada~~
25 ~~State Education Association.]~~ *the employee organization*
26 *representing the majority of school counselors, psychologists,*
27 *speech-language pathologists, audiologists or social workers who*
28 *are not administrators and who are employed by a large school*
29 *district and three nominees submitted by the employee*
30 *organization representing the majority of school counselors,*
31 *psychologists, speech-language pathologists, audiologists or social*
32 *workers who are not administrators and who are employed by*
33 *school districts in this State other than a large school district.* The
34 persons nominated pursuant to this paragraph must represent the
35 geographical diversity of school districts in this State.

36 (e) Two administrators in public schools appointed by the
37 Governor from a list of nominees submitted by the Nevada
38 Association of School Administrators and one superintendent of
39 schools of a school district appointed by the Governor from a list of
40 nominees submitted by the Nevada Association of School
41 Superintendents. The members appointed pursuant to this paragraph
42 must represent the geographical diversity of the school districts in
43 this State.

44 (f) Two persons who are members of boards of trustees of
45 school districts and who are appointed by the Governor from a list



1 of nominees submitted by the Nevada Association of School
2 Boards.

3 (g) One representative of the regional training programs for the
4 professional development of teachers and administrators created by
5 NRS 391A.120 appointed by the Governor from a list of nominees
6 submitted by the Nevada Association of School Superintendents.

7 (h) One parent or legal guardian of a pupil enrolled in public
8 school appointed by the Governor from a list of nominees submitted
9 by the Nevada Parent Teacher Association.

10 (i) Two persons with expertise in the development of public
11 policy relating to education appointed by the Superintendent of
12 Public Instruction. The members appointed pursuant to this
13 paragraph must not otherwise be eligible for appointment pursuant
14 to paragraphs (a) to (h), inclusive.

15 2. After the initial terms, each appointed member of the
16 Council serves a term of 3 years commencing on July 1 and may be
17 reappointed to one additional 3-year term following his or her initial
18 term. If any appointed member of the Council ceases to be qualified
19 for the position to which he or she was appointed, the position shall
20 be deemed vacant and the appointing authority shall appoint a
21 replacement for the remainder of the unexpired term. A vacancy
22 must be filled in the same manner as the original appointment.

23 3. The Council shall, at its first meeting and annually
24 thereafter, elect a Chair from among its members.

25 4. The Council shall meet at least semiannually and may meet
26 at other times upon the call of the Chair or a majority of the
27 members of the Council. Nine members of the Council constitute a
28 quorum, and a quorum may exercise all the power and authority
29 conferred on the Council.

30 5. Members of the Council serve without compensation, except
31 that for each day or portion of a day during which a member of the
32 Council attends a meeting of the Council or is otherwise engaged in
33 the business of the Council, the member is entitled to receive the per
34 diem allowance and travel expenses provided for state officers and
35 employees generally.

36 6. A member of the Council who is a public employee must be
37 granted administrative leave from the member's duties to engage in
38 the business of the Council without loss of his or her regular
39 compensation. Such leave does not reduce the amount of the
40 member's other accrued leave.

41 7. Any costs associated with employing a substitute teacher
42 while a member of the Council who is a teacher attends a meeting of
43 the Council must be:

44 (a) Paid by the school district or charter school that employs the
45 member; or



1 (b) Reimbursed to the school district or charter school that
2 employs the member by the organization that submitted the name of
3 the member to the Governor for appointment pursuant to paragraph
4 (c), (d), (e), (f), (g) or (h) of subsection 1.

5 8. The Department shall provide administrative support to the
6 Council.

7 9. The Council may apply for and accept gifts, grants,
8 donations and contributions from any source for the purpose of
9 carrying out its duties pursuant to NRS 391.460.

10 *10. As used in this section, "large school district" has the*
11 *meaning ascribed to it in NRS 388G.530.*

12 **Sec. 4.** NRS 391A.130 is hereby amended to read as follows:

13 391A.130 1. The Statewide Council for the Coordination of
14 the Regional Training Programs, consisting of nine members, is
15 hereby created. The membership of the Council consists of:

16 (a) The Superintendent of Public Instruction or his or her
17 designee.

18 (b) One member, who is not a Legislator, appointed by the
19 Majority Leader of the Senate.

20 (c) One member, who is not a Legislator, appointed by the
21 Speaker of the Assembly.

22 (d) One member who is a teacher *at a public school* appointed
23 by the Governor from a list of *six* nominees *consisting of three*
24 *nominees* submitted by ~~the Nevada State Education Association.~~
25 *the employee organization representing the majority of teachers*
26 *employed by a large school district and three nominees submitted*
27 *by an employee organization representing the majority of teachers*
28 *employed by school districts in this State other than a large school*
29 *district.*

30 (e) One member who is an administrator at a public school
31 employed to provide administrative services at the school level and
32 not to provide administrative services at the district level, appointed
33 by the Governor from a list of nominees submitted by the Nevada
34 Association of School Administrators.

35 (f) One member appointed by the Governor.

36 (g) Three members, each of whom is a superintendent of
37 schools, or his or her designee, appointed by the governing body of
38 each regional training program to represent the school districts
39 served by the regional training program.

40 2. In making the appointments pursuant to paragraphs (b) to
41 (g), inclusive, of subsection 1, the appointing authorities shall
42 consider whether the appointments provide a geographical balance
43 between urban and rural areas of this State and represent the cultural
44 diversity of this State.



1 3. The Statewide Council shall elect a Chair from among its
2 members.

3 4. After the initial terms, the appointed members of the
4 Statewide Council serve a term of 2 years, commencing on July 1 of
5 the year of appointment. A member may not be appointed to serve
6 more than 3 consecutive terms.

7 5. A vacancy on the Statewide Council must be filled for the
8 remainder of the unexpired term in the same manner as the original
9 appointment.

10 6. Members of the Statewide Council serve without salary for
11 their service on the Council. The members who are appointed by the
12 Majority Leader of the Senate and the Speaker of the Assembly are
13 entitled to receive the per diem allowance and travel expenses
14 provided for state officers and employees generally for each day or
15 portion of a day during which a member attends a meeting of the
16 Statewide Council or is otherwise engaged in the work of the
17 Statewide Council. The per diem allowance and travel expenses for
18 the members who are appointed by the Majority Leader of the
19 Senate and the Speaker of the Assembly must be paid from the
20 Legislative Fund. To the extent that money is appropriated for this
21 purpose, all other members of the Statewide Council are entitled to
22 receive the per diem allowance and travel expenses provided for
23 state officers and employees generally for each day or portion of a
24 day during which a member attends a meeting of the Statewide
25 Council or is otherwise engaged in the work of the Statewide
26 Council. The per diem allowance and travel expenses for such
27 members must be paid by the Department.

28 7. Any costs associated with employing a substitute teacher
29 while a member of the Statewide Council who is a teacher attends a
30 meeting of the Statewide Council must be:

31 (a) Paid by the school district or charter school that employs the
32 member; or

33 (b) Reimbursed to the school district or charter school that
34 employs the member by the organization that submitted the name of
35 the member to the Governor for appointment pursuant to paragraph
36 (d), (e), (f) or (g) of subsection 1.

37 8. The Department shall provide administrative support to the
38 Statewide Council.

39 9. The governing bodies of the regional training programs may
40 mutually agree to expend a portion of their respective budgets to pay
41 for any administrative support of the Statewide Council that is
42 required in addition to that provided pursuant to subsection 8.



1 ***10. As used in this section, “large school district” has the***
2 ***meaning ascribed to it in NRS 388G.530.***

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