

ASSEMBLY BILL NO. 304—ASSEMBLYMEN MILLER, FUMO, ASSEFA,
BILBRAY-AXELROD, CARRILLO; BACKUS, BENITEZ-
THOMPSON, CARLTON, DALY, DURAN, FLORES, GORELOW,
JAUREGUI, MONROE-MORENO, MUNK, NGUYEN, PETERS,
SWANK, TORRES AND YEAGER

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Revises requirements relating to class sizes in public schools. (BDR 34-930)

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

CONTAINS UNFUNDED MANDATE (§§ 1, 4)
(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; providing for the establishment of uniform maximum ratios of pupils to certain school employees in public schools; requiring each public school to achieve those ratios within a prescribed time; requiring a school district to provide additional compensation to a teacher who teaches a class that exceeds those ratios; revising provisions concerning variances from maximum pupil-teacher ratios in elementary schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish by regulation the maximum pupil-teacher ratio for each school district in this State. If a school district maintains one or more classes whose pupil-teacher ratio exceeds the applicable maximum, existing law authorizes the Superintendent of Public Instruction to withhold a part or all of the apportionment of money due to the district. (NRS 387.1234) Existing law also requires the State Board to develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State. The nonbinding recommendations are required to: (1) be based on evidence-based national standards; and (2) take into account the unique needs of certain pupils, including pupils who are English learners. (NRS 388.890) **Section 1** of this bill requires the State Board to establish uniform



maximum pupil-teacher ratios, pupil-counselor ratios and pupil-librarian ratios that must be achieved without exception by the beginning of the 2028-2029 school year. **Section 1** requires those uniform maximum ratios to be developed based on the same criteria as the nonbinding recommendations. **Section 1** additionally requires each school to make proportional reductions in the pupil-teacher, pupil-counselor and pupil-librarian ratios at the school toward those uniform maximum ratios every 2 years. In addition to the existing financial penalties that the Superintendent of Public Instruction is authorized to impose against a school district that maintains a class that exceeds the applicable maximum, **section 1** requires a district to provide additional compensation to a teacher who is required to teach such a class. **Section 2** of this bill removes language that will become obsolete at the beginning of the 2028-2029 school year. **Section 10** of this bill repeals the requirement to develop nonbinding recommendations for pupils per licensed teacher.

Existing law: (1) prescribes maximum ratios of pupils per class in kindergarten through third grade; and (2) authorizes a school district to request a variance from those maximum prescribed ratios from the State Board of Education. (NRS 388.700) **Section 4** of this bill requires each such request to include a plan of actions that the school district will take to reduce the ratio of pupils per class. **Section 4** also requires the State Board to adopt regulations prescribing the maximum percentage of classrooms in an elementary school that are authorized to exceed the maximum ratios of pupils per class prescribed in existing law. **Section 4** prohibits the State Board from granting a request for a variance if: (1) approving the variance will result in the school exceeding that maximum percentage; or (2) the State Board determines that the plan of actions submitted as part of the request for the variance is not likely to reduce the number of pupils per class at the school below the maximum ratios prescribed in existing law. **Section 4** additionally requires the biennial report concerning variances submitted by the State Board to the Legislature to include certain information concerning rejected variances. **Section 3** of this bill requires the board of trustees of each school district to annually report the average number of pupils per licensed teacher in each class in the district to the Department of Education. **Section 3** also requires the Department to compile that information into a report and submit the report to the Legislature. **Sections 6 and 7** of this bill make conforming changes.

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

Section 1. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. Except as otherwise provided in subsection ~~3~~ 8 and NRS 388.700, the State Board shall establish by regulation *for the 2019-2020 and 2020-2021 school years* the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
- (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.



2. *Except as otherwise provided in subsection 8 and NRS 388.700, the State Board shall establish by regulation the uniform maximum pupil-teacher ratios for each grade, and for each subject matter wherever different subjects are taught in separate classes, that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2021-2022 school year, the State Board shall establish for each school in this State to which such ratios apply the amount by which the pupil-teacher ratio in each grade and for each subject matter where different subjects are taught in separate classes, must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.*

3. *When establishing the uniform maximum pupil-teacher ratios pursuant to subsection 2, the State Board shall establish the maximum pupil-teacher ratio for a classroom in which the teacher provides instruction for a program of special education.*

4. *The State Board shall establish by regulation the uniform maximum ratios of pupils to counselors and pupils to librarians for each elementary school, middle school or junior high school and high school in this State that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2022-2023 school year, the State Board shall establish for each such school the amount by which the ratio must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.*

5. *The maximum ratios established pursuant to subsections 2, 3 and 4 must:*

(a) *Be based on evidence-based national standards; and*
(b) *Take into consideration the unique needs of the different types of pupils at each school, including, without limitation, English learners.*

6. *The board of trustees of a school district shall provide to any teacher who teaches one or more classes in the school district in which the pupil-teacher ratio exceeds the applicable maximum additional compensation in an amount prescribed by regulation of the State Board.*

7. *If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the*



State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

~~§3.1~~ 8. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 2. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. ~~{Except as otherwise provided in subsection 8 and NRS 388.700, the State Board shall establish by regulation for the 2019-2020 and 2020-2021 school years the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:~~

~~—(a) The maintenance of an acceptable standard of instruction;~~
~~—(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~
~~—(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~—2.1~~ Except as otherwise provided in subsection ~~{8}~~ 7 and NRS 388.700, the State Board shall establish by regulation the uniform maximum pupil-teacher ratios for each grade ~~{1}~~ and for each subject matter wherever different subjects are taught in separate classes . ~~{that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2021-2022 school year, the State Board shall establish for each school in this State to which such ratios apply the amount by which the pupil-teacher ratio in each grade and for each subject matter where different subjects are taught in separate classes, must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.~~

~~—3.1~~ 2. When establishing the uniform maximum pupil-teacher ratios pursuant to subsection ~~{2.1}~~ 1, the State Board shall establish the maximum pupil-teacher ratio for a classroom in which the teacher provides instruction for a program of special education.

~~{4.1}~~ 3. The State Board shall establish by regulation the uniform maximum ratios of pupils to counselors and pupils to librarians for each elementary school, middle school or junior high school and high school in this State . ~~{that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2022-2023 school year, the State Board shall establish for each such school the amount by which the ratio must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.~~

~~—5.1~~ 4. The maximum ratios established pursuant to subsections 1, 2 ~~{1}~~ and 3 ~~{and 4}~~ must:

(a) Be based on evidence-based national standards; and



(b) Take into consideration the unique needs of the different types of pupils at each school, including, without limitation, English learners.

~~16.1~~ 5. The board of trustees of a school district shall provide to any teacher who teaches one or more classes in the school district in which the pupil-teacher ratio exceeds the applicable maximum additional compensation in an amount prescribed by regulation of the State Board.

~~17.1~~ 6. If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

~~18.1~~ 7. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

At the conclusion of each school year, the board of trustees of each school district shall report to the Department the average number of pupils per licensed teacher that will be in each class in the district for each grade, and for each subject matter wherever different subjects are taught in separate classes, for that school year. The Department shall compile into a report the information received pursuant to this section and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

1. The Legislative Committee on Education if the report is received during an odd-numbered year; or

2. The next regular session of the Legislature if the report is received during an even-numbered year.

Sec. 4. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or



(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➤ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, and counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➤ must request a variance for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board by providing a written statement that includes the reasons for the request, ~~[and]~~ the justification for exceeding the applicable prescribed ratio of pupils per class ~~[and]~~ *and a plan of actions that the school district will take to reduce the ratio of pupils per class.*

4. ~~[The]~~ *Except as otherwise provided in this subsection, the* State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios. *The State Board shall not grant such a variance if:*

(a) Granting the variance will place the school in violation of the regulations adopted pursuant to subsection 5; or

(b) The State Board determines that the actions prescribed in the plan of actions submitted with the request for the variance are



1 *not likely to reduce the number of pupils per class to a number*
2 *that does not exceed the number of pupils per class set forth in*
3 *paragraph (a), (b) or (c) of subsection 3, as applicable, within a*
4 *reasonable time.*

5 5. *The State Board shall prescribe by regulation the*
6 *maximum percentage of classrooms in an elementary school that*
7 *may exceed the number of pupils per class set forth in paragraph*
8 *(a), (b) or (c) of subsection 3.*

9 6. The State Board shall, on a quarterly basis, submit a report
10 to the Interim Finance Committee on each variance requested by a
11 school district pursuant to subsection 4 during the preceding quarter
12 and ~~it~~:

13 (a) *If* a variance was granted, an identification of each
14 elementary school for which a variance was granted and the specific
15 justification for the variance ~~it~~.

16 ~~6.1~~ ; or

17 (b) *If a variance was denied, an identification of each*
18 *elementary school for which a variance was rejected and the*
19 *reason for the rejection.*

20 7. The State Board shall, on or before February 1 of each odd-
21 numbered year, submit a report to the Legislature on:

22 (a) Each variance requested by a school district pursuant to
23 subsection 4 during the preceding biennium and ~~it~~:

24 (1) *If* a variance was granted, an identification of each
25 elementary school for which a variance was granted and the specific
26 justification for the variance ~~it~~ ; or

27 (2) *If a variance was denied, an identification of each*
28 *elementary school for which a variance was denied and the reason*
29 *for the rejection.*

30 (b) The data reported to it by the various school districts
31 pursuant to subsection 2 of NRS 388.710, including an explanation
32 of that data, and the current pupil-teacher ratios per class in the
33 grade levels specified in paragraph (a) of subsection 1 or the grade
34 levels specified in a plan that is approved pursuant to subsection 3
35 of NRS 388.720, as applicable for the school district.

36 ~~7.1~~ 8. The Department shall, on or before November 15 of
37 each year, report to the Chief of the Budget Division of the Office of
38 Finance and the Fiscal Analysis Division of the Legislative Counsel
39 Bureau:

40 (a) The number of teachers employed;

41 (b) The number of teachers employed in order to attain the ratio
42 required by subsection 1;

43 (c) The number of pupils enrolled; and



(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils, during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~8-1~~ 9. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 5. NRS 388.720 is hereby amended to read as follows:

388.720 1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection 2 if the plan:

(a) Reduces the district's pupil-teacher ratio in the elementary schools within the school district; ~~and~~

(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700 ~~and~~; and

(c) Will not place the school in violation of the regulations adopted pursuant to subsection 5 of NRS 388.700.

Sec. 6. NRS 218E.615 is hereby amended to read as follows:

218E.615 The Committee may:

1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(a) Programs to enhance accountability in education;

(b) Legislative measures regarding education;



(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;

(d) Methods of financing public education;

(e) The condition of public education in the elementary and secondary schools;

(f) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720

~~§~~ *and section 3 of this act;*

(g) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(h) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which public education may be improved.

Sec. 7. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of chapter 385A of NRS in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720 ~~§~~ *and section 3 of this act;*

(3) The statewide program to educate persons with disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 390.830; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.



(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➤ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. NRS 388.890 is hereby repealed.

Sec. 11. 1. This section and sections 1 and 3 to 10, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On January 1, 2020, for all other purposes.
5 2. Section 2 of this act becomes effective on July 1, 2028.

TEXT OF REPEALED SECTION

388.890 State Board to establish recommendations for ratio of pupils per teacher in each grade.

1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Be based on evidence-based national standards; and

(c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. As used in this section, "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

