

ASSEMBLY BILL NO. 266—ASSEMBLYWOMEN
BRITTNEY MILLER AND ANDERSON

MARCH 15, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to class size.
(BDR 34-704)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring only certain personnel be counted in determining the ratio of pupils per licensed teacher; establishing provisions relating to job vacancies in a school district; requiring the board of trustees of a school district to post certain information on its Internet website; revising provisions relating to the statewide performance evaluation system for teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the ratio of pupils per licensed teacher in certain classes not exceed certain ratios. (NRS 388.700) Under existing law, the State Board of Education is required to develop nonbinding recommendations for the ratio of pupils per licensed teacher for kindergarten and grades 1 to 12, inclusive. (NRS 388.890) **Sections 1 and 2** of this bill prohibit administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching during a class period from being counted in determining the ratio of pupils per licensed teacher. **Section 3** of this bill requires the board of trustees of a school district, to the extent that money is available, to determine the number of job vacancies in the school district based on the number of teachers that would be required to achieve the ratio of pupils per licensed teacher recommended by the State Board. **Section 3** also requires the board of trustees of a school district to post on its Internet website the number of positions in the school district that are held by full-time substitutes and teachers who are licensed or working towards obtaining a license through an alternative route to licensure. **Section 3** also requires the board of trustees of a school district to report certain information regarding teachers participating in an alternative route to licensure to the Legislative Committee on Education.



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Existing law requires the State Board to adopt regulations establishing a statewide performance evaluation system. Under existing law, the statewide performance evaluation system must consider whether the classes for which an employee is responsible exceed the recommended ratio of pupils per licensed teacher. (NRS 391.465) **Section 4** of this bill requires a person who, under the statewide performance evaluation system, evaluates a teacher who is responsible for a class that exceeds the recommended ratio of pupils per licensed teacher to award the teacher additional weight on certain specified criteria.

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

Section 1. 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, ~~any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.~~

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:



1 (a) Set forth in subsection 1;

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

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

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

14 4. The State Board may grant to a school district a variance
15 from the limitation on the number of pupils per class set forth in
16 paragraph (a), (b) or (c) of subsection 3 for good cause, including
17 the lack of available financial support specifically set aside for the
18 reduction of pupil-teacher ratios.

19 5. The State Board shall, on a quarterly basis, submit a report
20 to the Interim Finance Committee on each variance requested by a
21 school district pursuant to subsection 4 during the preceding quarter
22 and, if a variance was granted, an identification of each elementary
23 school for which a variance was granted and the specific
24 justification for the variance.

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

27 (a) Each variance requested by a school district pursuant to
28 subsection 4 during the preceding biennium and, if a variance was
29 granted, an identification of each elementary school for which
30 variance was granted and the specific justification for the variance.

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

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

41 (a) The number of teachers employed ~~full-time~~ **full-time;**

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

44 (c) **The number of substitute teachers filling vacancies or**
45 **long-term positions;**



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

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

12 **Sec. 2.** NRS 388.890 is hereby amended to read as follows:

13 388.890 1. The State Board shall develop nonbinding
14 recommendations for the ratio of pupils per licensed teacher and
15 specialized instructional support personnel in the public schools of
16 this State for kindergarten and grades 1 to 12, inclusive. The board
17 of trustees of each school district shall consider the
18 recommendations in establishing the ratio of pupils per licensed
19 teacher or specialized instructional support personnel, as applicable,
20 in the school district.

21 2. The recommendations developed by the State Board must:

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

25 (b) Prescribe a suggested ratio of pupils per each type of
26 specialized instructional support personnel for each kind of public
27 school described in NRS 388.020;

28 (c) Be based on evidence-based national standards ~~and~~ *set*
29 *forth by the licensing body for teachers and the licensing body for*
30 *each type of specialized instructional support personnel;*

31 (d) Take into account the unique needs of certain pupils,
32 including, without limitation, pupils who are English learners ~~and~~ ;

33 (e) *Require that administrators and other licensed educational*
34 *personnel, including, without limitation, counselors, coaches and*
35 *special education teachers, who may be present in a classroom but*
36 *do not teach every pupil in the classroom may not be counted in*
37 *determining the ratio of pupils per licensed teacher; and*

38 (f) *Count only teachers who are actively teaching pupils*
39 *during a class period and teach a subject, and are the teacher of*
40 *record assigned to the classroom of pupils, for which the ratio of*
41 *pupils per licensed teacher is being determined.*

42 3. Nothing in this section shall be deemed to relieve a school
43 district of its obligation to comply with the requirements of NRS
44 388.700 and 388.720, as applicable to the school district.



4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of ~~each~~ a school district *with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel* shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. *On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.*

7. As used in this section:

(a) “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) “Specialized instructional support personnel” includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (1) A school counselor;
- (2) A school psychologist;
- (3) A school social worker;
- (4) A school nurse;
- (5) A speech-language pathologist;
- (6) A school library media specialist; and
- (7) Any other qualified professional.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, the board of trustees of a school district shall determine the number of job vacancies based on the number of licensed teachers needed to achieve the recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890. A position held by a full-time substitute teacher shall be considered vacant for the purposes of this section.*

2. *The board of trustees of each school district shall post on the Internet website maintained by the school district the number of positions within the school district that are held by full-time*



1 *substitute teachers and teachers licensed or working towards*
2 *obtaining a license through an alternative route to licensure.*

3 3. *On or before February 1 of each even-numbered year, the*
4 *board of trustees of each school district shall report to the*
5 *Legislative Committee on Education the:*

6 (a) *Number of teachers employed by the school district who*
7 *are working towards obtaining a license by participating in a*
8 *program for an alternative route to licensure;*

9 (b) *The name of each program for an alternative route to*
10 *licensure in which teachers employed by the school district are*
11 *participating;*

12 (c) *The number of teachers employed by the school district*
13 *who are participating in each program for an alternative route to*
14 *licensure identified pursuant to paragraph (b);*

15 (d) *The demographic information of teachers employed by the*
16 *school district who are participating in each program for an*
17 *alternative route to licensure;*

18 (e) *The rate of completion of teachers employed by the school*
19 *district in each program for an alternative route to licensure*
20 *identified pursuant to paragraph (b); and*

21 (f) *The rate of retention by the school district of teachers who*
22 *participate in each program for an alternative route to licensure.*

23 **Sec. 4.** NRS 391.465 is hereby amended to read as follows:

24 391.465 1. The State Board shall, based upon the
25 recommendations of the Teachers and Leaders Council of Nevada
26 submitted pursuant to NRS 391.460, adopt regulations establishing a
27 statewide performance evaluation system which incorporates
28 multiple measures of an employee's performance. Except as
29 otherwise provided in subsection 3, the State Board shall prescribe
30 the tools to be used by a school district for obtaining such measures.

31 2. The statewide performance evaluation system must:

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

34 (1) Highly effective;

35 (2) Effective;

36 (3) Developing; or

37 (4) Ineffective.

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

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



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1 (2) The instructional practices of the employee.

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

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

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

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

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

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

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

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

42 *(5) The perception of pupils of the performance of the*
43 *teacher,*

44 *↳ that is equivalent to the percentage by which the ratio of pupils*
45 *for which the teacher is responsible exceeds the recommended*



ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

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

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

Sec. 4.5. The provisions of paragraph (f) of subsection 2 of NRS 391.465, as amended by section 4 of this act, must be applied to any evaluation of the performance of an applicable teacher during the 2021-2022 school year and each subsequent school year.

Sec. 5. 1. This section and section 4.5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

3. Section 4 of this act becomes effective:

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

(b) On January 1, 2022, for all other purposes.

