

Amendment No. 302

Assembly Amendment to Assembly Bill No. 266	(BDR 34-704)
<b>Proposed by:</b> Assembly Committee on Education	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 266—ASSEMBLYWOMEN  
BRITTNEY MILLER AND ANDERSON

MARCH 15, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing 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 ~~[teachers employed through Teach for America]~~ 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.**

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 ~~[if the teacher conducts a self-evaluation under the statewide performance~~

evaluation system,] award the teacher [the score the teacher awarded to himself or herself]  
additional weight on applicable 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. ~~[and]~~ *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~~ 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:

(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, the justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. 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.

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

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

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

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class 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 the school district.

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

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

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

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

(d) The number of pupils enrolled; and

~~(e)~~ (e) 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. 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. 2.** NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel 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 or specialized instructional support personnel, as applicable, 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) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

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

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

(e) *Require that 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 may not be counted in determining the ratio of pupils per licensed teacher ~~for~~; and*

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

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. 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 substitute teachers ~~for teachers employed through Teach for America, or its successor organization,~~ and teachers licensed or working towards obtaining a license through an alternative route to licensure.*

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

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

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

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

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

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

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

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

20 391.465 1. The State Board shall, based upon the recommendations of the  
21 Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460,  
22 adopt regulations establishing a statewide performance evaluation system which  
23 incorporates multiple measures of an employee's performance. Except as otherwise  
24 provided in subsection 3, the State Board shall prescribe the tools to be used by a  
25 school district for obtaining such measures.

26 2. The statewide performance evaluation system must:

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

- 28 (1) Highly effective;  
29 (2) Effective;  
30 (3) Developing; or  
31 (4) Ineffective.

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

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

39 (2) The instructional practices of the employee.

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

45 (d) Include an evaluation of whether the teacher, or administrator who provides  
46 primarily administrative services at the school level or administrator at the district  
47 level who provides direct supervision of the principal of a school, and who does not  
48 provide primarily direct instructional services to pupils, regardless of whether the  
49 probationary administrator is licensed as a teacher or administrator, including,  
50 without limitation, a principal and vice principal or licensed educational employee,  
51 other than a teacher or administrator, employs practices and strategies to involve  
52 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 responsible for a ~~class~~ number of pupils that exceeds the applicable recommended ~~ratio~~ ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 to, ~~if the teacher conducts a self-evaluation~~ under the statewide performance evaluation system, award the teacher ~~the score the teacher awarded to himself or herself on any criteria that are directly affected by class size. A teacher who conducts a self-evaluation shall describe the reasoning of the teacher for awarding the score the teacher awarded to himself or herself for any criteria that are directly affected by class size.~~ an additional weight for criteria relating to learning and engagement by pupils 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.*

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. 5.** This act becomes effective on July 1, 2021.