

ASSEMBLY BILL NO. 42—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to class sizes.
(BDR 34-276)

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

CONTAINS UNFUNDED MANDATE (§§ 3, 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring annual reports of accountability for public schools to include information relating to requests for variances from prescribed maximum pupil-teacher ratios; making certain requirements relating to pupil-teacher ratios applicable to charter schools and university schools for profoundly gifted pupils; revising or prescribing the maximum pupil-teacher ratios for certain classes and grades; revising the procedure to request a variance from requirements concerning maximum pupil-teacher ratios; revising certain reporting requirements relating to pupil-teacher ratios; removing authorization for certain smaller school districts to comply with the alternative maximum pupil-teacher ratios; eliminating certain requirements relating to the distribution of money for the reduction of pupil-teacher ratios; requiring the development of certain guidance concerning the reduction of pupil-teacher ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law prescribes the maximum ratio of pupils per teacher in classes
- 2 where core curriculum is taught in kindergarten and grades 1, 2 and 3. Existing law
- 3 requires any school district that includes one or more elementary schools which



* A B 4 2 *

exceed those maximum ratios or certain other maximum pupil-teacher ratios approved by the Legislature to request a variance from the State Board of Education for the next quarter of the school year. Existing law requires each school district to submit to the State Board a plan to reduce teacher-pupil ratios within the district. (NRS 388.700) Existing law requires the State Board to establish by regulation maximum pupil-teacher ratios for each grade other than kindergarten and grades 1, 2 and 3. (NRS 387.1234)

Sections 3-9 of this bill make provisions relating to pupil-teacher ratios additionally applicable to charter schools and university schools for profoundly gifted pupils. **Section 5** of this bill makes requirements governing maximum pupil-teacher ratios apply to each campus of a school that operates at different campuses. **Section 5** also increases the maximum ratio of pupils per licensed teacher in classes where core curriculum is taught: (1) from 16 to 1 to 18 to 1 in kindergarten; (2) from 16 to 1 to 20 to 1 in grades 1 and 2; and (3) from 18 to 1 to 20 to 1 in grade 3. **Section 5** additionally prescribes the maximum ratios of pupils per licensed teacher in English language arts and mathematics of: (1) 25 to 1 in grades 4, 5 and 6; and (2) 30 to 1 in grades 7-12. **Section 5** reduces from quarterly to annually the frequency with which a school district, charter school or university school for profoundly gifted pupils is required to request a variance. **Section 5** additionally requires a school district, charter school or university school for profoundly gifted pupils that is granted a variance to submit a report on or before April 15 explaining the changes in the ratio of pupils per licensed teacher that occurred throughout the school year. **Sections 5 and 9** of this bill revise various reporting requirements concerning pupil-teacher ratios and requests for a variance from provisions establishing maximum pupil-teacher ratios.

Existing law requires: (1) each board of trustees of a school district or sponsor of a charter school to prepare an annual report of accountability for the schools within the district or the charter schools sponsored by the sponsor, as applicable; and (2) the State Board of Education to prepare an annual report of accountability for the public schools in this State. (NRS 385A.070, 385A.400) **Sections 1 and 2** of this bill require such reports to include certain information related to requests for variances from requirements governing pupil-teacher ratios.

Existing law requires each school district to submit to the State Board a plan to reduce the district's pupil-teacher ratio. (NRS 388.720) **Section 7** of this bill revises this requirement to apply to each school district, charter school or university school for profoundly gifted pupils that operates one or more schools or campuses for which the pupil-teacher ratio exceeds a maximum pupil-teacher ratio prescribed by **section 5**.

Existing law authorizes a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit to the State Board a plan to comply with alternative pupil-teacher ratios, which are larger than the pupil-teacher ratios that are otherwise required. (NRS 388.720) **Section 7** eliminates the ability for such a school district to comply with such an alternative ratio, thereby requiring all school districts in this State to comply with the same maximum pupil-teacher ratios. **Sections 3, 9 and 10** of this bill remove references and other language relating to such alternative ratios.

Existing law requires the Department of Education to develop certain policies, procedures and guidance concerning the reduction of class sizes and compliance with prescribed pupil-teacher ratios. (NRS 388.723) **Section 8** of this bill requires such guidance to include guidance concerning the use of money over which school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios. **Section 8** also eliminates requirements that the Department: (1) develop policies and procedures for the distribution of money to each school district for the reduction of



58 pupil-teacher ratios; and (2) communicate with the board of trustees of each school
59 district regarding the expectations of the Department for the use of such money.

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

1 **Section 1.** NRS 385A.210 is hereby amended to read as
2 follows:

3 385A.210 The annual report of accountability prepared
4 pursuant to NRS 385A.070 must include information on class sizes,
5 including, without limitation:

6 1. The ratio of pupils to teachers in kindergarten and at each
7 grade level for each elementary school in the district and the district
8 as a whole, including, without limitation, each charter school
9 sponsored by the district; ~~and~~

10 2. The average class size for each core academic subject, as set
11 forth in NRS 389.018, for each secondary school in the district and
12 the district as a whole, including, without limitation, each charter
13 school sponsored by the district ~~and~~; *and*

14 3. *The total number of:*

15 (a) *Requests for a variance filed with the State Board pursuant*
16 *to subsection 5 of NRS 388.700; and*

17 (b) *Pupils affected by the variances granted by the State Board*
18 *pursuant to subsection 6 of NRS 388.700.*

19 **Sec. 2.** NRS 385A.420 is hereby amended to read as follows:

20 385A.420 The annual report of accountability prepared by the
21 State Board pursuant to NRS 385A.400 must include information on
22 class sizes, including, without limitation:

23 1. The ratio of pupils to teachers in kindergarten and at each
24 grade level for all elementary schools, reported for each school
25 district, including, without limitation, each charter school in the
26 district, and for this State as a whole; ~~and~~

27 2. The average class size for each core academic subject, as set
28 forth in NRS 389.018, for each secondary school, reported for each
29 school district and for this State as a whole ~~and~~; *and*

30 3. *The total number of:*

31 (a) *Requests for a variance filed with the State Board pursuant*
32 *to subsection 5 of NRS 388.700; and*

33 (b) *Pupils affected by the variances granted by the State Board*
34 *pursuant to subsection 6 of NRS 388.700.*

35 **Sec. 3.** NRS 387.1234 is hereby amended to read as follows:

36 387.1234 1. Except as otherwise provided in ~~subsection 3~~
37 ~~and~~ NRS 388.700, the State Board shall establish by regulation the
38 maximum pupil-teacher ratio in each grade, and for each subject
39 matter wherever different subjects are taught in separate classes, for



each school district , *charter school and university school for profoundly gifted pupils* of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district , *or at the charter school or university school for profoundly gifted pupils*, with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include ~~educational television,]~~ , *without limitation, virtual learning models, hybrid learning, competency-based education*, team teaching or new teaching systems or techniques.

2. If the Superintendent of Public Instruction finds that any school district , *charter school or university school for profoundly gifted pupils* 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 *or governing body of the charter school or university school, as applicable*, 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 ~~[,]~~ *or school, as applicable*, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

~~[3.— The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils, a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, or a challenge school.]~~

Sec. 4. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported each quarter by ~~[each]~~ school ~~[district]~~ *districts, charter schools and university schools for profoundly gifted pupils* pursuant to NRS 387.123 and the data reported by ~~[each]~~ school ~~[district]~~ *districts, charter schools and university schools for profoundly gifted pupils* pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by ~~[each]~~ *a* school district , *charter school or university school for profoundly gifted pupils* to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Joint Interim Standing Committee on Education, with any



1 recommendations for legislation, revisions to regulations or training
2 needed by school district employees. The report by the Department
3 must identify school districts which failed to comply with any
4 statutes or administrative regulations of this State or which had any:

5 (a) Long-term obligations in excess of the general obligation
6 debt limit;

7 (b) Deficit fund balances or retained earnings in any fund;

8 (c) Deficit cash balances in any fund;

9 (d) Variances of more than 10 percent between total general
10 fund revenues and budgeted general fund revenues; or

11 (e) Variances of more than 10 percent between total actual
12 general fund expenditures and budgeted total general fund
13 expenditures.

14 3. In preparing its biennial budgetary request for the State
15 Education Fund, consult with the superintendent of schools of each
16 school district or a person designated by the superintendent.

17 4. Provide, in consultation with the Budget Division of the
18 Office of Finance and the Fiscal Analysis Division of the
19 Legislative Counsel Bureau, training to the financial officers of
20 school districts in matters relating to financial accountability.

21 **Sec. 5.** NRS 388.700 is hereby amended to read as follows:

22 388.700 1. Except as otherwise provided in this section, for
23 each ~~[school quarter of a]~~ school year, the ratio in each school
24 district, *charter school or university school for profoundly gifted*
25 *pupils* of pupils per licensed teacher designated to teach, on a full-
26 time basis, in classes where core curriculum is taught:

27 (a) In kindergarten, ~~[and grades 1 and 2,]~~ must not exceed ~~[16]~~
28 *18 to 1*; ~~[; in grade]~~ and

29 (b) *In grades 1, 2 and 3*, must not exceed ~~[18]~~ *20* to 1. ~~;~~ ~~or~~

30 ~~—(b) If a plan is approved pursuant to subsection 3 of NRS~~
31 ~~388.720, must not exceed the ratio set forth in that plan for the grade~~
32 ~~levels specified in the plan.~~

33 ~~↪~~

34 2. *Except as otherwise provided in this section, for each*
35 *school year, the ratio in each school district, charter school or*
36 *university school for profoundly gifted pupils of pupils per*
37 *licensed teacher designated to teach, on a full-time basis, in*
38 *classes where English language arts or mathematics is taught:*

39 (a) *In grades 4, 5 and 6, must not exceed 25 to 1; and*

40 (b) *In grades 7 to 12, inclusive, must not exceed 30 to 1.*

41 3. In determining ~~[this]~~ the ratio ~~[;]~~ of pupils per licensed
42 teacher pursuant to subsection 1 or 2, all licensed educational
43 personnel who teach a grade level specified in ~~[paragraph (a) or a~~
44 ~~grade level specified in a plan that is approved pursuant to~~
45 ~~subsection 3 of NRS 388.720, as applicable for the school district,]~~



subsection 1 or 2, as applicable, 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, counselors, librarians, administrators, deans, 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.]~~ 4. A school district, *charter school or university school for profoundly gifted pupils* 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]~~ *an instructional period* during the school year to any existing class regardless of the number of pupils in the class if the school district, *charter school or university school for profoundly gifted pupils* requests and is approved for a variance from the State Board pursuant to subsection ~~[4.]~~ 6.

~~[3.]~~ 5. Each school district, *charter school or university school for profoundly gifted pupils* that includes one or more ~~[elementary]~~ schools *or campuses* 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)]~~ ~~—(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program;]~~ or 2; or

~~[(c)]~~ (b) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district, *charter school or university school for profoundly gifted pupils*,

↪ must ~~[request]~~, *not later than October 15 of that school year, file with the State Board a request for a* variance for each such school *or campus* 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, *charter school or university school for profoundly gifted pupils* will take to reduce the ratio of pupils per class.

~~[4.]~~ 6. The State Board may grant to a school district, *charter school or university school for profoundly gifted pupils* a variance from the limitation on the number of pupils per class set forth in paragraph (a) ~~[(a)]~~ or (b) ~~[(b)]~~ of subsection ~~[3.]~~ 5 for good cause,



including the lack of available financial support ~~[specifically set aside for the reduction of pupil teacher ratios.]~~ or difficulties in hiring due to lack of qualified teachers applying for open teaching positions.

7. On or before April 15 of a school year in which a school district, charter school or university school for profoundly gifted pupils receives a variance pursuant to subsection 6, the school district, charter school or university school for profoundly gifted pupils shall submit to the State Board a report of any changes in the number of pupils per class during the school year and the reasons for those changes.

~~[5.]~~ 8. The State Board shall ~~[, on a quarterly basis, submit]~~ annually compile a report ~~[to the Interim Finance Committee]~~ on each variance requested by a school district, charter school or university school for profoundly gifted pupils pursuant to subsection ~~[4 during the preceding quarter and, if]~~ 5 for the current school year. The report must include, without limitation:

(a) A list of each school or campus for which a request for a variance ~~[was granted, an identification]~~ was filed;

(b) A list of each ~~[elementary]~~ school or campus for which a variance was granted ~~[and the]~~ ;

(c) The specific justification for ~~[the]~~ each 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)] ;~~

(d) The total number of pupils affected by each variance;

(e) The approximate financial cost to each school district, charter school and university school for profoundly gifted pupils to bring schools and campuses for which a variance was granted into compliance with subsection 1 or 2, as applicable; and

(f) The data reported to it by the various school districts, charter schools and university schools for profoundly gifted pupils pursuant to subsection 2 of NRS 388.710, including ~~[an]~~, without limitation:

(1) An explanation of that data ~~[, and the]~~ ; and

(2) The current pupil-teacher ratios per class in the grade levels specified in ~~[paragraph (a) of subsection]~~ subsections 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.] and 2.



9. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection 8 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and:

(a) In an odd-numbered year, the next regular session of the Legislature; and

(b) In an even-numbered year, the Joint Interim Standing Committee on Education.

10. The Department shall, on or before ~~[November—15]~~ January 1 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;

(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)]~~ (c) The number of pupils enrolled; and

~~[(e)]~~ (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]~~ subsections 1 ~~[for 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.] and 2.~~

Sec. 6. NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with ~~[the trustees of the]~~ school districts, *charter schools, university schools for profoundly gifted pupils* and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district, *charter school or university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720* and used to measure the effectiveness of the implementation of a plan developed by ~~[each]~~ a school district, *charter school or university school for profoundly gifted pupils* to reduce the pupil-teacher ratio pursuant to NRS 388.720.

2. Each school district, *charter school and university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720* shall report the data to the State Board as required by the State Board.



Sec. 7. NRS 388.720 is hereby amended to read as follows:

388.720 1. ~~[Except as otherwise provided in subsection 2, each]~~ *Each* school district, *charter school and university school for profoundly gifted pupils that has one or more schools or campuses which exceed the ratio of pupils per class pursuant to NRS 388.700,* 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]~~ *to conform with the maximum pupil-teacher ratios prescribed by NRS 388.700* 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]~~ *1* if the plan ~~[:~~

~~—(a) Reduces]~~ *reduces* the district's pupil-teacher ratio in the ~~[elementary]~~ schools *or campuses* 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.] , charter school or university school for profoundly gifted pupils.~~

Sec. 8. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of ~~[each]~~ *a* school district, *charter school or university school for profoundly gifted pupils* to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~[quarterly]~~ reports concerning the average daily enrollment of pupils and the pupil-teacher ratios in each school



district, *charter school or university school for profoundly gifted pupils* submitted by the ~~[board of trustees of the]~~ school district, *charter school or university school for profoundly gifted pupils* pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

~~[(d) The distribution of money to each school district for the reduction of pupil teacher ratios, which must include, without limitation, provisions for:~~

~~—— (1) The retention of all documents and records related to the distribution; and~~

~~—— (2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.]~~

2. Provide guidance to the school districts, *charter schools and university schools for profoundly gifted pupils* on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by ~~[each]~~ a school district, *charter school or university school for profoundly gifted pupils* and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

~~[(3) Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.]~~

(d) The use of money over which the school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios.

Sec. 9. NRS 388.725 is hereby amended to read as follows:

388.725 ~~[(1)]~~ On or before ~~[August 1, November 1, February 1 and May 1]~~ *October 15 and April 15* of each year, ~~[the~~



~~board of trustees of~~ each school district , *charter school and university school for profoundly gifted pupils* shall report to the Department for the ~~preceding quarter:~~

~~—(a) Except as otherwise provided in paragraph (b),~~ *current school year* the average daily enrollment of pupils and the ratio of pupils per licensed teacher for ~~[grades 1, 2 and 3 for]~~ each ~~elementary school in the school district.~~

~~—(b) If the State Board has approved an alternative class size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class size reduction plan for each elementary school in the school district.~~

~~—2. The board of trustees of each school district shall post on the Internet website maintained by the school district:~~

~~—(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and~~

~~—(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.]~~ *grade or class that is required to have a certain ratio of pupils per licensed teacher pursuant to NRS 388.700.*

Sec. 10. NRS 388G.120 is hereby amended to read as follows:
388G.120 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the college and career readiness assessment administered pursuant to NRS 390.610;

(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;



(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 ;
~~for 388.720, as applicable;~~

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, and its proportionate share of any other money available from federal, state



1 or local sources that the school or the pupils enrolled in the school
2 are eligible to receive.

3 (b) Public school, other than a charter school, the empowerment
4 team for the school shall have discretion of 90 percent of the amount
5 of money from the state financial aid and local funds that the school
6 district apportions for the school, without regard to any line-item
7 specifications or specific uses determined advisable by the school
8 district, unless the empowerment team determines that a lesser
9 amount is necessary to carry out the empowerment plan.

10 **Sec. 11.** The provisions of subsection 1 of NRS 218D.380 do
11 not apply to any provision of this act which adds or revises a
12 requirement to submit a report to the Legislature.

13 **Sec. 12.** The provisions of NRS 354.599 do not apply to any
14 additional expenses of a local government that are related to the
15 provisions of this act.

16 **Sec. 13.** This act becomes effective on July 1, 2023.

