

Amendment No. 136

Assembly Amendment to Assembly Bill No. 42	(BDR 34-276)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 42 (§§ 3, 5).

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. 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)

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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 annual reports of accountability for public schools to include information relating to requests for variances from prescribed maximum pupil-teacher and pupil-school counselor 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 ~~and~~ and the maximum pupil-school counselor ratio for a school; revising the procedure to request a variance from requirements concerning maximum ~~pupil-teacher~~ ratios; revising certain reporting requirements relating to pupil-teacher and pupil-school counselor 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 and pupil-school counselor ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the maximum ratio of pupils per teacher in classes where core curriculum is taught in kindergarten and grades 1, 2 and 3. Existing law requires any school district that includes one or more elementary schools which 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~~ 3-5 and 6-9 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 5.5 of this bill expands such maximum ratios of pupils per licensed teacher to include science and social science teachers. Section 5 also prescribes the maximum ratio of pupils per school counselor in a school or campus to 250 to 1 and requires a school district to request a variance to exceed such a ratio.** **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 or pupils per school counselor that occurred throughout the school year. **Sections 5 and 9** of this bill revise various reporting requirements concerning pupil-teacher ratios and pupil-school counselor ratios and requests for a variance from provisions establishing maximum pupil-teacher ratios ~~and pupil-school counselor 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 ~~and pupil-school counselor 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.]~~ **and requires a similar plan be submitted if the pupil-school counselor ratio exceeds the maximum pupil-school counselor ratio prescribed in section 5.**

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

Existing law requires the State Board to develop nonbinding recommendations for the ratio of pupils per teacher and specialized instructional support personnel in public schools in this State. (NRS 388.890) Section 9.2 of this bill requires the State Board to prescribe a suggested ratio of pupils per school counselor in the nonbinding recommendations that does not exceed the ratio set forth in section 5.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to develop a plan

to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board and submit a report to the Department on the implementation of the plan. (NRS 388.892) Section 9.5 of this bill requires the board of trustees of each school district to develop such a plan and submit such a report.

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

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

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

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

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

3. The total number of:

(a) Requests for a variance filed with the State Board pursuant to subsection ~~6~~ of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~6~~ 7 of NRS 388.700.

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

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

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

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

3. The total number of:

(a) Requests for a variance filed with the State Board pursuant to subsection ~~6~~ of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~6~~ 7 of NRS 388.700.

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

387.1234 1. Except as otherwise provided in ~~subsection 3 and~~ NRS 388.700, the State Board shall establish by regulation 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, *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 recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

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

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

(c) Deficit cash balances in any fund;

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

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

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

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

Sec. 5. 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 , *charter school or university school for profoundly gifted pupils* 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 ~~{18}~~ to 1 ~~{ }~~ *and in grade ~~fund~~*

~~{ }~~ *(b) In grades 1, 2 and 3*, must not exceed 18 ~~{20}~~ 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.

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

(a) In grades 4, 5 and 6, must not exceed 25 to 1 ~~1:1~~ and

~~1:1~~ in grades 7 to 12, inclusive, must not exceed 30 to 1 ~~1:1~~; 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.

3. In determining ~~this~~ the ratio ~~1:1~~ of pupils per licensed teacher pursuant to subsection 1 or 2, all licensed educational personnel who teach a grade level specified in ~~paragraph (a)~~ subsection 1 or 2, as applicable, 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, 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.

~~2.1~~ 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~~.

~~3.1~~ 7. 5. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.

6. 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 or pupils per school counselor during any ~~quarter of a~~ school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1 ~~1~~:

~~(b) Prescribed in conjunction with a legislative appropriation for the support of the class size reduction program; or, 2 1:1 or 5; 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 name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance, 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. 7.~~ 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 *or pupils per school counselor* set forth in paragraph (a) ~~{,}~~ or (b) ~~{or (c)}~~ of subsection ~~{3-5}~~ 6 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,}~~ *persons* applying for open ~~{teaching}~~ positions.

~~{7-}~~ 8. 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-}~~ 7, 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 *or pupils per school counselor* during the school year and the reasons for those changes.

~~{5-8-}~~ 9. 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}~~ 6 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}~~ *or 5*, 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}~~ ;

(I) *Pupil-teacher* ratios per class in the grade levels specified in ~~{paragraph (a) of subsection}~~ subsections 1 *and 2* ~~{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. ; and~~

(II) *Pupil-school counselor ratio specified in subsection 5.*

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

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

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

5 ~~10.7~~ 11. The Department shall, on or before ~~[November 15]~~ January 1 of
6 each year, report to the Chief of the Budget Division of the Office of Finance and
7 the Fiscal Analysis Division of the Legislative Counsel Bureau ~~[4]~~ the number of
8 school counselors employed at each school or campus during the current school
9 year and:

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

11 (b) ~~[The number of teachers employed in order to attain the ratio required by~~
12 ~~subsection 4;~~

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

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

15 ~~[(e)]~~ (d) The number of teachers assigned to teach in the same classroom with
16 another teacher or in any other arrangement other than one teacher assigned to one
17 classroom of pupils,

18 ~~—~~ during the current school year in the grade levels specified in ~~[paragraph (a) of~~
19 ~~subsection]~~ subsections 1 and 2 or the grade levels specified in a plan that is
20 approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school
21 district.

22 ~~[(8. The provisions of this section do not apply to a charter school or to a~~
23 ~~program of distance education provided pursuant to NRS 388.820 to 388.874,~~
24 ~~inclusive, and 2.)]~~

25 **Sec. 5.5. NRS 388.700 is hereby amended to read as follows:**

26 1. Except as otherwise provided in this section, for each school year, the ratio
27 in each school district, charter school or university school for profoundly gifted
28 pupils of pupils per licensed teacher designated to teach, on a full-time basis, in
29 classes where core curriculum is taught:

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

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

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

39 (a) In grades 4, 5 and 6, must not exceed 25 to 1, and in grades 7 to 12,
40 inclusive, must not exceed 30 to 1; or

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

43 3. In determining the ratio of pupils per licensed teacher pursuant to
44 subsection 1 or 2, all licensed educational personnel who teach a grade level
45 specified in subsection 1 or 2, as applicable, or a grade level specified in a plan that
46 is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school
47 district, must be counted except teachers of art, music, physical education or special
48 education, teachers who teach one or two specific subject areas to more than one
49 classroom of pupils, counselors, librarians, administrators, deans, specialists, any
50 administrators or other licensed educational personnel, including, without
51 limitation, counselors, coaches and special education teachers, who may be present
52 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.

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 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 7.

5. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.

6. Each school district, charter school or university school for profoundly gifted pupils that includes one or more schools or campuses which exceed the ratio of pupils per class or pupils per school counselor during any school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1, 2 or 5; or

(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, 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 current school year by providing a written statement that includes the reasons for the request, the name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance, the justification for exceeding the applicable prescribed ratio and a plan of actions that the school district, charter school or university school for profoundly gifted pupils will take to reduce the ratio.

7. 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 or pupils per school counselor set forth in paragraph (a) or (b) of subsection 6 for good cause, including the lack of available financial support or difficulties in hiring due to lack of qualified persons applying for open positions.

8. 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 7, 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 or pupils per school counselor during the school year and the reasons for those changes.

9. The State Board shall annually compile a report on each variance requested by a school district, charter school or university school for profoundly gifted pupils pursuant to subsection 6 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 filed;

(b) A list of each school or campus for which a variance was granted;

(c) The specific justification for each variance;

(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, 2 or 5, as applicable; and

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

- (1) An explanation of that data; and
- (2) The current:

(I) Pupil-teacher ratios per class in the grade levels specified in subsections 1 and 2 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; and

(II) Pupil-school counselor ratio specified in subsection 5.

10. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection 9 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.

11. The Department shall, on or before 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 the number of school counselors employed at each school or campus during the current school year and:

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

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

(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 subsections 1 and 2 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.

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 or pupil-school counselor ratio, as applicable, 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 or pupils per school counselor 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~~ or pupil-school counselor, as applicable, 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 ~~1~~ 1 or 2 if the plan ~~is~~

~~—(a) Reduces~~ reduces the district's pupil-teacher ratio or pupil-school counselor ratio in the ~~elementary~~ schools or campuses within the school district ~~is~~ 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 or pupil-school counselor ratio 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 and the pupil-school counselor 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 and pupil-school counselor ratio 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. ~~and pupil-school counselor ratios.~~

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios ~~and pupil-school counselor 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 ~~;~~

~~2. 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.~~ ~~and pupil-school counselor ratios.~~

(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. ~~and the pupil-school counselor 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) :~~

~~1. The~~ average daily enrollment of pupils ~~and the~~ ;

~~2. 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 ~~or subsection 2 of NRS 388.720 ; and~~~~

~~3. The average ratio of pupils per school counselors pursuant to NRS 388.700.~~

Sec. 9.2. ~~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) Prescribe a suggested ratio of pupils per school counselor for each school that does not exceed the ratio set forth in NRS 388.700;

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

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

~~((f))~~ (f) 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; and

~~((g))~~ (g) 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 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. 9.5. NRS 388.892 is hereby amended to read as follows:

388.892 1. The board of trustees of ~~(a)~~ each school district ~~(in a county whose population is 100,000 or more)~~ shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended

1 by the State Board pursuant to NRS 388.890. The plan must include, without
2 limitation:

3 (a) Strategies to recruit and retain school counselors, school psychologists and
4 school social workers and other specialized instructional support personnel; and

5 (b) Annual targets to meet the ratio of pupils to specialized instructional
6 support personnel recommended by the State Board pursuant to NRS 388.890.

7 2. On or before October 1 of each year, the board of trustees of ~~for~~ **each**
8 school district ~~in a county whose population is 100,000 or more~~ shall submit to
9 the Department a report on the implementation of the plan developed pursuant to
10 subsection 1 for the immediately preceding school year. The report must include,
11 without limitation:

12 (a) The ratio of pupils to specialized instructional support personnel for the
13 immediately preceding school year, disaggregated by type of specialized
14 instructional support personnel, and any progress made to meet the recommended
15 ratio;

16 (b) An evaluation of the strategies to recruit and retain specialized instructional
17 support personnel implemented pursuant to paragraph (a) of subsection 1; and

18 (c) A strategy to be implemented over the next school year to meet the annual
19 targets identified pursuant to paragraph (b) of subsection 1.

20 3. On or before February 1 of each year, the Department shall submit a
21 compilation of the reports submitted to the Department pursuant to subsection 2 to:

22 (a) The Governor;

23 (b) In odd-numbered years, the Director of the Legislative Counsel Bureau for
24 transmittal to the Senate and Assembly Standing Committees on Education;

25 (c) In even-numbered years, the Joint Interim Standing Committee on
26 Education; and

27 (d) The State Board.

28 4. The compilation prepared by the Department pursuant to subsection 3 must
29 allow the information included in the report to be disaggregated by school district.
30 The Department shall post a copy of the compilation on its Internet website.

31 5. As used in this section, "specialized instructional support personnel" has
32 the meaning ascribed to it in NRS 388.890.

33 **Sec. 10.** ~~NRS 388G.120 is hereby amended to read as follows:~~

34 ~~388G.120 1. Each empowerment plan for a school must:~~

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

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

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

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

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

50 ~~(f) Prescribe the manner by which all other staff for the school will be selected~~
51 ~~and hired, which must be determined and negotiated pursuant to chapter 288 of~~
52 ~~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 ; [or 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 or local sources that the school or the pupils enrolled in the school are eligible to receive.~~
~~(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.] (Deleted by amendment.)~~

Sec. 11. 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. 12. 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. 13. ~~[This act becomes]~~

1. This section and sections 1 to 5, inclusive, and sections 6 to 12, inclusive, of this act become effective on July 1, 2023.

2. Section 5.5 of this act becomes effective on July 1, 2025.