

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

MARCH 18, 2019

Referred to Committee on Education

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

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

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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 a request for a variance from maximum pupil-teacher ratios in elementary schools to include a plan to reduce class sizes; requiring the State Board of Education to adopt maximum ratios of pupils to certain school employees; requiring the board of trustees of a school district to annually publish certain information concerning class size; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) prescribes maximum ratios of pupils per class in kindergarten through third grade; and (2) authorizes a school district to request a variance from those maximum prescribed ratios from the State Board of Education. (NRS 388.700) **Section 4** of this bill requires each such request to include a plan of actions that the school district will take to reduce the ratio of pupils per class.

Existing law requires the State Board to develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State. The nonbinding recommendations are required to be based on evidence-based national standards; and take into account the unique needs of certain pupils, including pupils who are English learners. (NRS 388.890) **Section 5.5** of this bill additionally requires the State Board to develop nonbinding recommendations for the ratio of pupils per counselor or licensed social worker in the public schools of this State. **Section 5.5** also requires the board of trustees of each school district to annually 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.



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

1       **Section 1.** (Deleted by amendment.)

2       **Sec. 2.** (Deleted by amendment.)

3       **Sec. 3.** (Deleted by amendment.)

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

5       388.700 1. Except as otherwise provided in this section, for  
6 each school quarter of a school year, the ratio in each school district  
7 of pupils per licensed teacher designated to teach, on a full-time  
8 basis, in classes where core curriculum is taught:

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

11       (b) If a plan is approved pursuant to subsection 3 of NRS  
12 388.720, must not exceed the ratio set forth in that plan for the grade  
13 levels specified in the plan.

14       ↪ In determining this ratio, all licensed educational personnel who  
15 teach a grade level specified in paragraph (a) or a grade level  
16 specified in a plan that is approved pursuant to subsection 3 of NRS  
17 388.720, as applicable for the school district, must be counted  
18 except teachers of art, music, physical education or special  
19 education, teachers who teach one or two specific subject areas to  
20 more than one classroom of pupils, and counselors, librarians,  
21 administrators, deans and specialists.

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

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

32       (a) Set forth in subsection 1;

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

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

37       ↪ must request a variance for each such school for the next quarter  
38 of the current school year if a quarter remains in that school year or  
39 for the next quarter of the succeeding school year, as applicable,  
40 from the State Board by providing a written statement that includes  
41 the reasons for the request, ~~and~~ the justification for exceeding the  
42 applicable prescribed ratio of pupils per class ~~and~~ *and a plan of*



1 *actions that the school district will take to reduce the ratio of*  
2 *pupils per class.*

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

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

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

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

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

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

30 (a) The number of teachers employed;

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

33 (c) The number of pupils enrolled; and

34 (d) The number of teachers assigned to teach in the same  
35 classroom with another teacher or in any other arrangement other  
36 than one teacher assigned to one classroom of pupils,

37 ↪ during the current school year in the grade levels specified in  
38 paragraph (a) of subsection 1 or the grade levels specified in a plan  
39 that is approved pursuant to subsection 3 of NRS 388.720, as  
40 applicable, for each school district.

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

44 **Sec. 5.** (Deleted by amendment.)



1     **Sec. 5.5.** NRS 388.890 is hereby amended to read as follows:  
2     388.890 1. The State Board shall develop nonbinding  
3     recommendations for the ratio of pupils per licensed teacher ,  
4     *counselor and licensed social worker* in the public schools of this  
5     State for kindergarten and grades 1 to 12, inclusive. The board of  
6     trustees of each school district shall consider the recommendations  
7     in establishing the ratio of pupils per licensed teacher , *counselor or*  
8     *licensed social worker, as applicable,* in the school district.

9     2. The recommendations developed by the State Board must:  
10    (a) Prescribe a suggested ratio of pupils per licensed teacher for  
11    each classroom and course of instruction, except choir, orchestra  
12    and band, in kindergarten and grades 1 to 12, inclusive;

13    (b) *Prescribe a suggested ratio of pupils per counselor and a*  
14    *ratio of pupils per licensed social worker for each kind of public*  
15    *school described in NRS 388.020;*

16    (c) Be based on evidence-based national standards; and  
17    ~~(e)~~ (d) Take into account the unique needs of certain pupils,  
18    including, without limitation, pupils who are English learners.

19    3. Nothing in this section shall be deemed to relieve a school  
20    district of its obligation to comply with the requirements of NRS  
21    388.700 and 388.720, as applicable to the school district.

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

27    5. As used in this section, “English learner” has the meaning  
28    ascribed to it in 20 U.S.C. § 7801(20).

29    **Sec. 6.** (Deleted by amendment.)

30    **Sec. 7.** (Deleted by amendment.)

31    **Sec. 8.** (Deleted by amendment.)

32    **Sec. 9.** (Deleted by amendment.)

33    **Sec. 10.** (Deleted by amendment.)

34    **Sec. 11.** This act becomes effective on July 1, 2019.

