

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

CHAPTER.....

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.

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

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

Sections 1-3. (Deleted by amendment.)

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

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

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



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

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

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

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

(a) Set forth in subsection 1;

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

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

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

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

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



school for which a variance was granted and the specific justification for the variance.

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

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

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

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

(a) The number of teachers employed;

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

(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 paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

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

Sec. 5. (Deleted by amendment.)

Sec. 5.5. 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, *counselor and licensed social worker* 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, *counselor or licensed social worker, 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 counselor and a ratio of pupils per licensed social worker for each kind of public school described in NRS 388.020;*

(c) Be based on evidence-based national standards; and

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

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

Secs. 6-10. (Deleted by amendment.)

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

