

ASSEMBLY BILL NO. 335—ASSEMBLYMEN LA RUE HATCH, BRITNEY MILLER; BROWN-MAY, CARTER, CONSIDINE, GORELOW, ORENTLICHER, SUMMERS-ARMSTRONG AND YUREK

MARCH 17, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-927)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 1-6) (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; revising and prescribing the maximum pupil-teacher ratios for certain classes and grades requiring additional compensation for certain teachers who teach one or more classes where the pupil-teacher ratio exceeds the maximum ratio; requiring the employment of at least two administrators for schools with a certain amount of enrolled pupils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prescribes the maximum ratio of pupils per licensed teacher in
2 classes where core curriculum is taught in kindergarten and grades 1, 2 and 3.
3 Existing law requires any school district that includes one or more elementary
4 schools which exceed those maximum ratios or certain other maximum pupil-
5 teacher ratios approved by the Legislature to request a variance from the State
6 Board of Education for the next quarter of the school year. Existing law requires
7 each such school district to submit to the State Board a plan to reduce teacher-pupil
8 ratios within the district. (NRS 388.700) Existing law requires the State Board to
9 establish by regulation maximum pupil-teacher ratios for each grade other than
10 kindergarten and grades 1, 2 and 3. (NRS 387.1234)

11 **Section 2** of this bill decreases the maximum ratio of pupils per licensed
12 teacher in classes where core curriculum is taught from 18:1 to 16:1 in grade 3,
13 which is the same pupil-teacher ratio prescribed by existing law for kindergarten
14 and grades 1 and 2. **Section 1** of this bill removes the requirement for the State



15 Board to establish by regulation maximum pupil-teacher ratios for each grade other
16 than kindergarten and grades 1, 2 and 3 and, instead, **section 2** prescribes the
17 maximum ratios of pupils per licensed teacher in those grades. Under **section 2**: (1)
18 the maximum ratio of pupils per licensed teacher in classes where core curriculum
19 is taught in grades 4 and 5 is 22:1; and (2) the maximum ratio of pupils per licensed
20 teacher in classes where mathematics, English language arts, science or social
21 studies is taught in grades 6 to 12, inclusive, is 25:1.

22 **Section 3** of this bill eliminates the ability of a school district in a county whose
23 population is less than 100,000 (currently all counties other than Clark and Washoe
24 Counties) to establish alternative maximum ratios of pupils per licensed teacher,
25 thereby requiring all school districts in this State to comply with the same
26 maximum pupil-teacher ratios. **Sections 4 and 5** of this bill eliminate a reference to
27 such an alternative maximum pupil-teacher ratio.

28 Under **section 2**, if a school district is not in compliance with a maximum
29 pupil-teacher ratio, the school district is required to pay any teacher who teaches a
30 class during a calendar quarter that exceeds the applicable maximum pupil-teacher
31 ratio additional compensation in an amount prescribed by the applicable collective
32 bargaining agreement. **Section 6** of this bill requires the board of trustees of a
33 school district to hire at least two administrators for each school in the school
34 district that has an enrollment of 200 pupils or more.

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

1 **Section 1.** NRS 387.1234 is hereby amended to read as
2 follows:

3 387.1234 1. ~~Except as otherwise provided in subsection 3~~
4 ~~and NRS 388.700, the State Board shall establish by regulation the~~
5 ~~maximum pupil teacher ratio in each grade, and for each subject~~
6 ~~matter wherever different subjects are taught in separate classes, for~~
7 ~~each school district of this State which is consistent with:~~

- 8 ~~—(a) The maintenance of an acceptable standard of instruction;~~
9 ~~—(b) The conditions prevailing in the school district with respect~~
10 ~~to the number and distribution of pupils in each grade; and~~
11 ~~—(c) Methods of instruction used, which may include educational~~
12 ~~television, team teaching or new teaching systems or techniques.~~

13 ~~—2.]~~ If the Superintendent of Public Instruction finds that any
14 school district is maintaining one or more classes whose pupil-
15 teacher ratio exceeds the applicable maximum ~~[.]~~ **pursuant to NRS**
16 **388.700**, and unless the Superintendent finds that the board of
17 trustees of the school district has made every reasonable effort in
18 good faith to comply with the applicable standard, the
19 Superintendent shall, with the approval of the State Board, reduce
20 the count of pupils for apportionment purposes by the percentage
21 which the number of pupils attending those classes is of the total
22 number of pupils in the district, and the State Board may direct the
23 Superintendent to withhold the quarterly apportionment entirely.



~~1.3.1~~ 2. 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. 2. 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 [1] and 3~~, 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 grades 4 and 5, must not exceed 22 to 1.~~

2. Except as otherwise provided in this section, for each school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where mathematics, English language arts, science or social studies is taught in grades 6 to 12, inclusive, must not exceed 25 to 1.

3. In determining ~~[this] the~~ ratio ~~[1] of pupils per licensed teacher pursuant to subsection 1 or 2, as applicable~~, 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.] subsection 1 or 2~~, 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, 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 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.] 6.~~

5. Each school district that includes one or more ~~[elementary]~~ schools which exceed the ratio of pupils per class during any quarter



1 of a school year, as reported to the Department pursuant to
2 NRS 388.725 ~~;~~

3 ~~—(a) Set~~ *set* forth in subsection 1 ~~;~~

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

6 ~~—(c) Defined by a legislatively approved alternative class size
7 reduction plan, if applicable to that school district;~~

8 ~~↪ must request~~ *or 2, as applicable, must:*

9 *(a) Pay any teacher who teaches one or more classes in the
10 school district in which the ratio of pupils per class during the
11 quarter exceeds the applicable maximum ratio of pupils per
12 teacher additional compensation in an amount prescribed by the
13 applicable collective bargaining agreement; and*

14 *(b) Request* a variance for each such school for the next quarter
15 of the current school year if a quarter remains in that school year or
16 for the next quarter of the succeeding school year, as applicable,
17 from the State Board by providing a written statement that includes
18 the reasons for the request, the justification for exceeding the
19 applicable prescribed ratio of pupils per ~~[class]~~ *teacher* and a plan of
20 actions that the school district will take to reduce the ratio of pupils
21 per ~~[class.]~~ *teacher*.

22 ~~[4.]~~ *6.* The State Board may grant to a school district a
23 variance from the limitation on the number of pupils per ~~[class]~~
24 *teacher* set forth in ~~[paragraph (a), (b) or (c) of]~~ subsection ~~[3]~~ *5* for
25 good cause, including the lack of available financial support
26 specifically set aside for the reduction of pupil-teacher ratios.

27 ~~[5.]~~ *7.* The State Board shall, on a quarterly basis, submit a
28 report to the Interim Finance Committee on each variance requested
29 by a school district pursuant to subsection ~~[4]~~ *6* during the preceding
30 quarter and, if a variance was granted, an identification of each
31 ~~[elementary]~~ school for which a variance was granted and the
32 specific justification for the variance.

33 ~~[6.]~~ *8.* The State Board shall, on or before February 1 of each
34 odd-numbered year, submit a report to the Legislature on:

35 (a) Each variance requested by a school district pursuant to
36 subsection ~~[4]~~ *6* during the preceding biennium and, if a variance
37 was granted, an identification of each ~~[elementary]~~ school for which
38 *a* variance was granted and the specific justification for the variance.

39 (b) The data reported to it by the various school districts
40 pursuant to subsection 2 of NRS 388.710, including an explanation
41 of that data, and the current pupil-teacher ratios per class in the
42 grade levels specified in ~~[paragraph (a) of subsection]~~ *subsections 1*
43 ~~[for the grade levels specified in a plan that is approved pursuant to~~
44 ~~subsection 3 of NRS 388.720,]~~ *and 2,* as applicable. ~~[for the school~~
45 ~~district.~~



1 ~~—7.]~~ 9. The Department shall, on or before November 15 of
2 each year, report to the Chief of the Budget Division of the Office of
3 Finance and the Fiscal Analysis Division of the Legislative Counsel
4 Bureau:

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

6 (b) The number of teachers employed in order to attain the
7 ~~[ratio]~~ *ratios* required by ~~[subsection 1:]~~ *subsections 1 and 2, as*
8 *applicable;*

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

11 (d) The number of pupils enrolled; and

12 (e) The number of teachers assigned to teach in the same
13 classroom with another teacher or in any other arrangement other
14 than one teacher assigned to one classroom of pupils,

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

19 ~~[8.]~~ 10. The provisions of this section do not apply to a charter
20 school or to a program of distance education provided pursuant to
21 NRS 388.820 to 388.874, inclusive.

22 **Sec. 3.** NRS 388.720 is hereby amended to read as follows:

23 388.720 1. ~~[Except as otherwise provided in subsection 2,~~
24 ~~each]~~ *Each* school district together with the recognized associations
25 representing licensed educational personnel shall develop a plan to
26 reduce the district's pupil-teacher ratio ~~[per class in kindergarten~~
27 ~~and grades 1, 2 and 3]~~ *to conform with the maximum pupil-teacher*
28 *ratios prescribed by NRS 388.700* within the limits of available
29 financial support specifically set aside for this purpose and submit
30 that plan to the State Board.

31 2. ~~[In lieu of complying with the pupil teacher ratio prescribed~~
32 ~~in paragraph (a) of subsection 1 of NRS 388.700, a school district in~~
33 ~~a county whose population is less than 100,000 may, in consultation~~
34 ~~with the recognized associations representing licensed educational~~
35 ~~personnel, develop a plan to reduce the district's pupil teacher ratios~~
36 ~~per class for specified grade levels in elementary schools.~~
37 ~~Alternative ratios for grade 6 may only be approved for those school~~
38 ~~districts that include grade 6 in elementary school. The alternative~~
39 ~~pupil teacher ratios must not:~~

40 ~~—(a) Exceed 22 to 1 in grades 1, 2 and 3; and~~

41 ~~—(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as~~
42 ~~applicable.~~

43 ~~—3.]~~ The State Board shall approve a plan submitted pursuant to
44 subsection ~~[2]~~ *1* if the plan ~~[:~~



1 ~~—(a) Reduces~~ *reduces* the district's pupil-teacher ratio in the
2 ~~[elementary]~~ schools within the school district ~~[-; and~~
3 ~~—(b) Is fiscally neutral such that the plan will not cost more to~~
4 ~~carry out than a plan that complies with the ratios prescribed in~~
5 ~~paragraph (a) of subsection 1 of NRS 388.700.] to conform with the~~
6 *maximum pupil-teacher ratios prescribed by NRS 388.700.*

7 **Sec. 4.** NRS 388.725 is hereby amended to read as follows:

8 388.725 1. On or before August 1, November 1, February 1
9 and May 1 of each year, the board of trustees of each school district
10 shall report to the Department for the preceding quarter: ~~{~~

11 ~~—(a) Except as otherwise provided in paragraph (b),]~~ the average
12 daily enrollment of pupils and the ratio of pupils per licensed
13 teacher for ~~[grades 1, 2 and 3 for]~~ each ~~[elementary]~~ school in the
14 school district ~~{~~

15 ~~—(b) If the State Board has approved an alternative class size~~
16 ~~reduction plan for the school district pursuant to NRS 388.720, the~~
17 ~~average daily enrollment of pupils and the ratio of pupils per~~
18 ~~licensed teacher for those grades which are required to comply with~~
19 ~~the alternative class size reduction plan for each elementary school~~
20 ~~in the school district.],~~ *grade or class that is required to have a*
21 *certain ratio of pupils per licensed teacher pursuant to*
22 *NRS 388.700.*

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

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

28 (b) An identification of each elementary school in the school
29 district, if any, for which a variance from the prescribed pupil-
30 teacher ratios was granted by the State Board pursuant to subsection
31 ~~[4]~~ 6 of NRS 388.700.

32 **Sec. 5.** NRS 388G.120 is hereby amended to read as follows:

33 388G.120 1. Each empowerment plan for a school must:

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

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

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

43 (d) Prescribe the manner by which the achievement of pupils
44 will be measured and reported for the school, including, without
45 limitation, the results of the pupils on the examinations administered



1 pursuant to NRS 390.105 and, if applicable for the grade levels of
2 the empowerment school, the college and career readiness
3 assessment administered pursuant to NRS 390.610;

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

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

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

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

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

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

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

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

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

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

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

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

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

37 3. An empowerment plan may:

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

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



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

4 (a) Charter school, the amount of the budget is the amount equal
5 to the apportionments and allowances from the State Education
6 Fund pursuant to NRS 387.121 to 387.12468, inclusive, and its
7 proportionate share of any other money available from federal, state
8 or local sources that the school or the pupils enrolled in the school
9 are eligible to receive.

10 (b) Public school, other than a charter school, the empowerment
11 team for the school shall have discretion of 90 percent of the amount
12 of money from the state financial aid and local funds that the school
13 district apportions for the school, without regard to any line-item
14 specifications or specific uses determined advisable by the school
15 district, unless the empowerment team determines that a lesser
16 amount is necessary to carry out the empowerment plan.

17 **Sec. 6.** NRS 391.100 is hereby amended to read as follows:

18 391.100 1. The board of trustees of a school district ~~[- may]~~ :

19 (a) *May* employ a superintendent of schools, teachers and all
20 other necessary employees ~~[-]~~; *and*

21 (b) *Must employ, for each school in the school district with an*
22 *enrollment of 200 pupils or more, at least two administrators.*

23 2. The board of trustees of a school district:

24 (a) May employ teacher aides and other auxiliary,
25 nonprofessional personnel to assist licensed personnel in the
26 instruction or supervision of children, either in the classroom or at
27 any other place in the school or on the grounds thereof. A person
28 who is employed as a paraprofessional by a school district to work
29 in a program supported with Title I money must possess the
30 requirements prescribed by the State Board pursuant to
31 NRS 391.094.

32 (b) Shall establish policies governing the duties and
33 performance of teacher aides.

34 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
35 additional expenses of a local government that are related to the
36 provisions of this act.

37 **Sec. 8.** 1. This section becomes effective upon passage and
38 approval.

39 2. Sections 1 to 7, inclusive, of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting any
41 regulations and performing any other preparatory tasks that are
42 necessary to carry out the provisions of this act; and

43 (b) On July 1, 2024, for all other purposes.

