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FIRST REPRINT

A.B. 42

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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.

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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 the maximum pupil-school counselor ratio for a school; revising the procedure to request a variance from requirements concerning maximum ratios; revising certain reporting requirements relating to pupil-teacher and pupil-school counselor 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:**

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

11 **Sections 3-5 and 6-9** of this bill make provisions relating to pupil-teacher  
12 ratios additionally applicable to charter schools and university schools for  
13 profoundly gifted pupils. **Section 5** of this bill makes requirements governing  
14 maximum pupil-teacher ratios apply to each campus of a school that operates at  
15 different campuses. **Section 5** additionally prescribes the maximum ratios of pupils  
16 per licensed teacher in English language arts and mathematics of: (1) 25 to 1 in  
17 grades 4, 5 and 6; and (2) 30 to 1 in grades 7-12. **Section 5.5** of this bill expands  
18 such maximum ratios of pupils per licensed teacher to include science and social  
19 science teachers. **Section 5** also prescribes the maximum ratio of pupils per school  
20 counselor in a school or campus to 250 to 1 and requires a school district to request  
21 a variance to exceed such a ratio. **Section 5** reduces from quarterly to annually the  
22 frequency with which a school district, charter school or university school for  
23 profoundly gifted pupils is required to request a variance. **Section 5** additionally  
24 requires a school district, charter school or university school for profoundly gifted  
25 pupils that is granted a variance to submit a report on or before April 15 explaining  
26 the changes in the ratio of pupils per licensed teacher or pupils per school counselor  
27 that occurred throughout the school year. **Sections 5 and 9** of this bill revise  
28 various reporting requirements concerning pupil-teacher ratios and pupil-school  
29 counselor ratios and requests for a variance from provisions establishing maximum  
30 pupil-teacher ratios and pupil-school counselor ratios.

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

39 Existing law requires each school district to submit to the State Board a plan to  
40 reduce the district's pupil-teacher ratio. (NRS 388.720) **Section 7** of this bill revises  
41 this requirement to apply to each school district, charter school or university school  
42 for profoundly gifted pupils that operates one or more schools or campuses for  
43 which the pupil-teacher ratio exceeds a maximum pupil-teacher ratio prescribed by  
44 **section 5** and requires a similar plan be submitted if the pupil-school counselor  
45 ratio exceeds the maximum pupil-school counselor ratio prescribed in **section 5**.

46 Existing law requires the Department of Education to develop certain policies,  
47 procedures and guidance concerning the reduction of class sizes and compliance  
48 with prescribed pupil-teacher ratios. (NRS 388.723) **Section 8** of this bill requires  
49 such guidance to include guidance concerning the use of money over which school  
50 districts, charter schools and university schools for profoundly gifted pupils have  
51 discretion for the purpose of reducing pupil-teacher ratios and pupil-school  
52 counselor ratios. **Section 8** also eliminates requirements that the Department: (1)  
53 develop policies and procedures for the distribution of money to each school  
54 district for the reduction of pupil-teacher ratios; and (2) communicate with the



55 board of trustees of each school district regarding the expectations of the  
56 Department for the use of such money.

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

62 Existing law requires the board of trustees of a school district in a county  
63 whose population is 100,000 or more (currently Clark and Washoe Counties) to  
64 develop a plan to improve the ratio of pupils to specialized instructional support  
65 personnel to meet the ratio recommended by the State Board and submit a report to  
66 the Department on the implementation of the plan. (NRS 388.892) **Section 9.5** of  
67 this bill requires the board of trustees of each school district to develop such a plan  
68 and submit such a report.

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

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

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

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

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

14 **3. The total number of:**

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

17 *(b) Pupils affected by the variances granted by the State Board*  
18 *pursuant to subsection 7 of NRS 388.700.*

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

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

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

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



1       **3. The total number of:**

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

4       (b) *Pupils affected by the variances granted by the State Board*  
5 *pursuant to subsection 7 of NRS 388.700.*

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

7       387.1234 1. Except as otherwise provided in ~~subsection 3~~  
8 ~~and~~ NRS 388.700, the State Board shall establish by regulation the  
9 maximum pupil-teacher ratio in each grade, and for each subject  
10 matter wherever different subjects are taught in separate classes, for  
11 each school district , *charter school and university school for*  
12 *profoundly gifted pupils* of this State which is consistent with:

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

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

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

22       2. If the Superintendent of Public Instruction finds that any  
23 school district , *charter school or university school for profoundly*  
24 *gifted pupils* is maintaining one or more classes whose pupil-teacher  
25 ratio exceeds the applicable maximum, and unless the  
26 Superintendent finds that the board of trustees of the school district  
27 *or governing body of the charter school or university school, as*  
28 *applicable,* has made every reasonable effort in good faith to  
29 comply with the applicable standard, the Superintendent shall, with  
30 the approval of the State Board, reduce the count of pupils for  
31 apportionment purposes by the percentage which the number of  
32 pupils attending those classes is of the total number of pupils in the  
33 district ~~or school, as applicable,~~ and the State Board may direct  
34 the Superintendent to withhold the quarterly apportionment entirely.

35       ~~{3. The provisions of this section do not apply to a charter~~  
36 ~~school, a university school for profoundly gifted pupils, a program~~  
37 ~~of distance education provided pursuant to NRS 388.820 to 388.874,~~  
38 ~~inclusive, or a challenge school.}~~

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

40       387.304 The Department shall:

41       1. Conduct an annual audit of the count of pupils for  
42 apportionment purposes reported each quarter by ~~each~~ school  
43 ~~district~~ *districts, charter schools and university schools for*  
44 *profoundly gifted pupils* pursuant to NRS 387.123 and the data  
45 reported by ~~each~~ school ~~district~~ *districts, charter schools and*



1 *university schools for profoundly gifted pupils* pursuant to NRS  
2 388.710 that is used to measure the effectiveness of the  
3 implementation of a plan developed by ~~each~~ a school district ,  
4 *charter school or university school for profoundly gifted pupils* to  
5 reduce the pupil-teacher ratio as required by NRS 388.720.

6 2. Review each school district's report of the annual audit  
7 conducted by a public accountant as required by NRS 354.624, and  
8 the annual report prepared by each district as required by NRS  
9 387.303, and report the findings of the review to the State Board and  
10 the Joint Interim Standing Committee on Education, with any  
11 recommendations for legislation, revisions to regulations or training  
12 needed by school district employees. The report by the Department  
13 must identify school districts which failed to comply with any  
14 statutes or administrative regulations of this State or which had any:

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

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

18 (c) Deficit cash balances in any fund;

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

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

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

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

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

32 388.700 1. Except as otherwise provided in this section, for  
33 each ~~school quarter of a~~ school year, the ratio in each school  
34 district , *charter school or university school for profoundly gifted*  
35 *pupils* of pupils per licensed teacher designated to teach, on a full-  
36 time basis, in classes where core curriculum is taught:

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

39 (b) If a plan is approved pursuant to subsection 3 of NRS  
40 388.720, must not exceed the ratio set forth in that plan for the grade  
41 levels specified in the plan.

42 ~~{→}~~

43 2. *Except as otherwise provided in this section, for each*  
44 *school year, the ratio in each school district, charter school or*  
45 *university school for profoundly gifted pupils of pupils per*



1 *licensed teacher designated to teach, on a full-time basis, in*  
2 *classes where English language arts or mathematics is taught:*

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

5 (b) *If a plan is approved pursuant to subsection 3 of NRS*  
6 *388.720, must not exceed the ratio set forth in that plan for the*  
7 *grade levels specified in the plan.*

8 3. In determining ~~[this]~~ the ratio ~~[:]~~ of pupils per licensed  
9 teacher pursuant to subsection 1 or 2, all licensed educational  
10 personnel who teach a grade level specified in ~~[paragraph (a)]~~  
11 *subsection 1 or 2, as applicable*, or a grade level specified in a plan  
12 that is approved pursuant to subsection 3 of NRS 388.720, as  
13 applicable for the school district, must be counted except teachers of  
14 art, music, physical education or special education, teachers who  
15 teach one or two specific subject areas to more than one classroom  
16 of pupils, counselors, librarians, administrators, deans, specialists,  
17 any administrators or other licensed educational personnel,  
18 including, without limitation, counselors, coaches and special  
19 education teachers, who may be present in a classroom but do not  
20 teach every pupil in the classroom and teachers who are not actively  
21 teaching pupils during a class period or who do not teach a subject  
22 area for which the ratio of pupils per licensed teacher is being  
23 determined.

24 ~~[2.]~~ 4. A school district, *charter school or university school*  
25 *for profoundly gifted pupils* may, within the limits of any plan  
26 adopted pursuant to NRS 388.720, assign a pupil whose enrollment  
27 in a grade occurs after the end of ~~[a quarter]~~ *an instructional period*  
28 during the school year to any existing class regardless of the number  
29 of pupils in the class if the school district, *charter school or*  
30 *university school for profoundly gifted pupils* requests and is  
31 approved for a variance from the State Board pursuant to subsection  
32 ~~[4.]~~ 7.

33 ~~[3.]~~ 5. *Except as otherwise provided in this section, for each*  
34 *school year, the ratio in each school district, charter school or*  
35 *university school for profoundly gifted pupils of pupils per school*  
36 *counselor in a school or campus must not exceed 250 to 1.*

37 6. Each school district, *charter school or university school for*  
38 *profoundly gifted pupils* that includes one or more ~~[elementary]~~  
39 *schools or campuses* which exceed the ratio of pupils per class *or*  
40 *pupils per school counselor* during any ~~[quarter of a]~~ school year,  
41 as reported to the Department pursuant to NRS 388.725:

42 (a) Set forth in subsection 1 ~~[:]~~;

43 ~~—(b) Prescribed in conjunction with a legislative appropriation for~~  
44 ~~the support of the class-size reduction program;], 2 or 5; or~~



1 ~~[(e)]~~ (b) Defined by a legislatively approved alternative class-  
2 size reduction plan, if applicable to that school district, *charter*  
3 *school or university school for profoundly gifted pupils*,  
4 must ~~request~~, *not later than October 15 of that school year,*  
5 *file with the State Board a request for a variance* for each such  
6 school *or campus* for the ~~next quarter of the~~ current school year ~~if~~  
7 ~~a quarter remains in that school year or for the next quarter of the~~  
8 ~~succeeding school year, as applicable, from the State Board~~ by  
9 providing a written statement that includes the reasons for the  
10 request, *the name of any school or campus within the school*  
11 *district, charter school or university school for profoundly gifted*  
12 *pupils that is requesting the class size variance*, the justification for  
13 exceeding the applicable prescribed ratio ~~of pupils per class~~ and a  
14 plan of actions that the school district, *charter school or university*  
15 *school for profoundly gifted pupils* will take to reduce the ratio. ~~of~~  
16 ~~pupils per class.~~

17 ~~—4.—~~ 7. The State Board may grant to a school district, *charter*  
18 *school or university school for profoundly gifted pupils* a variance  
19 from the limitation on the number of pupils per class *or pupils per*  
20 *school counselor* set forth in paragraph (a) ~~1~~ or (b) ~~for (e)~~ of  
21 subsection ~~3~~ 6 for good cause, including the lack of available  
22 financial support ~~specifically set aside for the reduction of pupil-~~  
23 ~~teacher ratios.~~ *or difficulties in hiring due to lack of qualified*  
24 *persons applying for open positions.*

25 8. *On or before April 15 of a school year in which a school*  
26 *district, charter school or university school for profoundly gifted*  
27 *pupils receives a variance pursuant to subsection 7, the school*  
28 *district, charter school or university school for profoundly gifted*  
29 *pupils shall submit to the State Board a report of any changes in*  
30 *the number of pupils per class or pupils per school counselor*  
31 *during the school year and the reasons for those changes.*

32 ~~5.~~ 9. The State Board shall ~~on a quarterly basis, submit~~  
33 *annually compile* a report ~~to the Interim Finance Committee~~ on  
34 each variance requested by a school district, *charter school or*  
35 *university school for profoundly gifted pupils* pursuant to  
36 subsection ~~4 during the preceding quarter and, if~~ 6 *for the current*  
37 *school year. The report must include, without limitation:*

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

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

42 (c) *The specific justification for* ~~the~~ *each variance* ~~1~~.

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



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

5 ~~—(b)}~~ ;

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

7 (e) *The approximate financial cost to each school district,*  
8 *charter school and university school for profoundly gifted pupils*  
9 *to bring schools and campuses for which a variance was granted*  
10 *into compliance with subsection 1, 2 or 5, as applicable; and*

11 (f) *The data reported to it by the various school districts ,*  
12 *charter schools and university schools for profoundly gifts pupils*  
13 *pursuant to subsection 2 of NRS 388.710, including ~~{an}~~ , without*  
14 *limitation:*

15 (1) *An explanation of that data ~~{, and the}~~ ; and*

16 (2) *The current ~~{pupil-teacher}~~ :*

17 (I) *Pupil-teacher* ratios per class in the grade levels  
18 specified in ~~{paragraph (a) of subsection}~~ *subsections 1 and 2* or the  
19 grade levels specified in a plan that is approved pursuant to  
20 subsection 3 of NRS 388.720, as applicable for the school district ~~{~~  
21 ~~—7.}~~ ; and

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

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

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

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

32 *11. The Department shall, on or before ~~{November 15}~~*  
33 *January 1* of each year, report to the Chief of the Budget Division  
34 of the Office of Finance and the Fiscal Analysis Division of the  
35 Legislative Counsel Bureau ~~{:}~~ *the number of school counselors*  
36 *employed at each school or campus during the current school year*  
37 *and:*

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

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

41 ~~—(c)}~~ *The number of substitute teachers filling vacancies or long-*  
42 *term positions;*

43 ~~{(d)}~~ (c) *The number of pupils enrolled; and*





1 ~~[(e)]~~ (d) The number of teachers assigned to teach in the same  
2 classroom with another teacher or in any other arrangement other  
3 than one teacher assigned to one classroom of pupils,  
4 ↪ during the current school year in the grade levels specified in  
5 ~~[paragraph (a) of subsection]~~ *subsections 1 and 2* or the grade levels  
6 specified in a plan that is approved pursuant to subsection 3 of NRS  
7 388.720, as applicable, for each school district.

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

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

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

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

19 (b) If a plan is approved pursuant to subsection 3 of NRS  
20 388.720, must not exceed the ratio set forth in that plan for the grade  
21 levels specified in the plan.

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

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

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

32 3. In determining the ratio of pupils per licensed teacher  
33 pursuant to subsection 1 or 2, all licensed educational personnel who  
34 teach a grade level specified in subsection 1 or 2, as applicable, or a  
35 grade level specified in a plan that is approved pursuant to  
36 subsection 3 of NRS 388.720, as applicable for the school district,  
37 must be counted except teachers of art, music, physical education or  
38 special education, teachers who teach one or two specific subject  
39 areas to more than one classroom of pupils, counselors, librarians,  
40 administrators, deans, specialists, any administrators or other  
41 licensed educational personnel, including, without limitation,  
42 counselors, coaches and special education teachers, who may be  
43 present in a classroom but do not teach every pupil in the classroom  
44 and teachers who are not actively teaching pupils during a class



1 period or who do not teach a subject area for which the ratio of  
2 pupils per licensed teacher is being determined.

3 4. A school district, charter school or university school for  
4 profoundly gifted pupils may, within the limits of any plan adopted  
5 pursuant to NRS 388.720, assign a pupil whose enrollment in a  
6 grade occurs after the end of an instructional period during the  
7 school year to any existing class regardless of the number of pupils  
8 in the class if the school district, charter school or university school  
9 for profoundly gifted pupils requests and is approved for a variance  
10 from the State Board pursuant to subsection 7.

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

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

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

21 (b) Defined by a legislatively approved alternative class-size  
22 reduction plan, if applicable to that school district, charter school or  
23 university school for profoundly gifted pupils,

24 ➤ must, not later than October 15 of that school year, file with the  
25 State Board a request for a variance for each such school or campus  
26 for the current school year by providing a written statement that  
27 includes the reasons for the request, the name of any school or  
28 campus within the school district, charter school or university  
29 school for profoundly gifted pupils that is requesting the class size  
30 variance, the justification for exceeding the applicable prescribed  
31 ratio and a plan of actions that the school district, charter school or  
32 university school for profoundly gifted pupils will take to reduce the  
33 ratio.

34 7. The State Board may grant to a school district, charter  
35 school or university school for profoundly gifted pupils a variance  
36 from the limitation on the number of pupils per class or pupils per  
37 school counselor set forth in paragraph (a) or (b) of subsection 6 for  
38 good cause, including the lack of available financial support or  
39 difficulties in hiring due to lack of qualified persons applying for  
40 open positions.

41 8. On or before April 15 of a school year in which a school  
42 district, charter school or university school for profoundly gifted  
43 pupils receives a variance pursuant to subsection 7, the school  
44 district, charter school or university school for profoundly gifted  
45 pupils shall submit to the State Board a report of any changes in the



1 number of pupils per class or pupils per school counselor during the  
2 school year and the reasons for those changes.

3 9. The State Board shall annually compile a report on each  
4 variance requested by a school district, charter school or university  
5 school for profoundly gifted pupils pursuant to subsection 6 for the  
6 current school year. The report must include, without limitation:

7 (a) A list of each school or campus for which a request for a  
8 variance was filed;

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

11 (c) The specific justification for each variance;

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

13 (e) The approximate financial cost to each school district,  
14 charter school and university school for profoundly gifted pupils to  
15 bring schools and campuses for which a variance was granted into  
16 compliance with subsection 1, 2 or 5, as applicable; and

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

20 (1) An explanation of that data; and

21 (2) The current:

22 (I) Pupil-teacher ratios per class in the grade levels  
23 specified in subsections 1 and 2 or the grade levels specified in a  
24 plan that is approved pursuant to subsection 3 of NRS 388.720, as  
25 applicable for the school district; and

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

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

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

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

35 11. The Department shall, on or before January 1 of each year,  
36 report to the Chief of the Budget Division of the Office of Finance  
37 and the Fiscal Analysis Division of the Legislative Counsel Bureau  
38 the number of school counselors employed at each school or campus  
39 during the current school year and:

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

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

43 (c) The number of pupils enrolled; and



1 (d) The number of teachers assigned to teach in the same  
2 classroom with another teacher or in any other arrangement other  
3 than one teacher assigned to one classroom of pupils,  
4 ↪ during the current school year in the grade levels specified in  
5 subsections 1 and 2 or the grade levels specified in a plan that is  
6 approved pursuant to subsection 3 of NRS 388.720, as applicable,  
7 for each school district.

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

9 388.710 1. The State Board, in consultation with ~~[the trustees~~  
10 ~~of the]~~ school districts , *charter schools, university schools for*  
11 *profoundly gifted pupils* and the recognized associations  
12 representing licensed educational personnel, after receiving  
13 comments from the general public, shall determine the data that  
14 must be monitored by each school district , *charter school or*  
15 *university school for profoundly gifted pupils that is subject to the*  
16 *requirements of NRS 388.720* and used to measure the  
17 effectiveness of the implementation of a plan developed by ~~[each]~~ a  
18 school district , *charter school or university school for profoundly*  
19 *gifted pupils* to reduce the pupil-teacher ratio *or pupil-school*  
20 *counselor ratio, as applicable,* pursuant to NRS 388.720.

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

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

26 388.720 1. ~~[Except as otherwise provided in subsection 2,~~  
27 ~~each]~~ *Each* school district , *charter school and university school*  
28 *for profoundly gifted pupils that has one or more schools or*  
29 *campuses which exceed the ratio of pupils per class or pupils per*  
30 *school counselor pursuant to NRS 388.700,* together with the  
31 recognized associations representing licensed educational personnel  
32 shall develop a plan to reduce the ~~[district's]~~ pupil-teacher ratio per  
33 class ~~[in kindergarten and grades 1, 2 and 3]~~ *or pupil-school*  
34 *counselor, as applicable, to conform with the maximum ratios*  
35 *prescribed by NRS 388.700* within the limits of available financial  
36 support specifically set aside for this purpose and submit that plan to  
37 the State Board.

38 2. In lieu of complying with the pupil-teacher ratio prescribed  
39 in paragraph (a) of subsection 1 of NRS 388.700, a school district in  
40 a county whose population is less than 100,000 may, in consultation  
41 with the recognized associations representing licensed educational  
42 personnel, develop a plan to reduce the district's pupil-teacher ratios  
43 per class for specified grade levels in elementary schools.  
44 Alternative ratios for grade 6 may only be approved for those school



1 districts that include grade 6 in elementary school. The alternative  
2 pupil-teacher ratios must not:

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

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

6 3. The State Board shall approve a plan submitted pursuant to  
7 subsection ~~[2] 1 or 2~~ if the plan ~~is~~:

8 ~~—(a) Reduces~~ *reduces* the district's pupil-teacher ratio *or pupil-*  
9 *school counselor ratio* in the ~~[elementary]~~ schools *or campuses*  
10 within the school district ~~;~~ *and*

11 ~~—(b) Is fiscally neutral such that the plan will not cost more to~~  
12 ~~carry out than a plan that complies with the ratios prescribed in~~  
13 ~~paragraph (a) of subsection 1 of NRS 388.700.]~~, *charter school or*  
14 *university school for profoundly gifted pupils.*

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

16 388.723 The Department shall:

17 1. Develop policies and procedures for:

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

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

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

27 (b) Monitoring the ~~[quarterly]~~ reports concerning the average  
28 daily enrollment of pupils, ~~[and]~~ the pupil-teacher ratios *and the*  
29 *pupil-school counselor ratios* in each school district, *charter*  
30 *school or university school for profoundly gifted pupils* submitted  
31 by the ~~[board of trustees of the]~~ school district, *charter school or*  
32 *university school for profoundly gifted pupils* pursuant to NRS  
33 388.725 to ensure the completeness and accuracy of such reports.

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

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

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

44 ~~—(2) The review of the work performed to determine the~~  
45 ~~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 ~~[ -~~

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



~~1 the alternative class size reduction plan for each elementary school  
2 in the school district.~~

~~3 —2. The board of trustees of each school district shall post on the  
4 Internet website maintained by the school district:~~

~~5 —(a) The information concerning average daily enrollment and  
6 class size for each elementary school in the school district, as  
7 reported to the Department pursuant to subsection 1; and~~

~~8 —(b) An identification of each elementary school in the school  
9 district, if any, for which a variance from the prescribed pupil-  
10 teacher ratios was granted by the State Board pursuant to subsection  
11 4 of NRS 388.700.] *grade or class that is required to have a certain  
12 ratio of pupils per licensed teacher pursuant to NRS 388.700 or  
13 subsection 2 of NRS 388.720; and*~~

*14 3. The average ratio of pupils per school counselors pursuant  
15 to NRS 388.700.*

**Sec. 9.2.** NRS 388.890 is hereby amended to read as follows:

17 388.890 1. The State Board shall develop nonbinding  
18 recommendations for the ratio of pupils per licensed teacher and  
19 specialized instructional support personnel in the public schools of  
20 this State for kindergarten and grades 1 to 12, inclusive. The board  
21 of trustees of each school district shall consider the  
22 recommendations in establishing the ratio of pupils per licensed  
23 teacher or specialized instructional support personnel, as applicable,  
24 in the school district.

25 2. The recommendations developed by the State Board must:

26 (a) Prescribe a suggested ratio of pupils per licensed teacher for  
27 each classroom and course of instruction, except choir, orchestra  
28 and band, in kindergarten and grades 1 to 12, inclusive;

29 (b) Prescribe a suggested ratio of pupils per each type of  
30 specialized instructional support personnel for each kind of public  
31 school described in NRS 388.020;

32 (c) *Prescribe a suggested ratio of pupils per school counselor  
33 for each school that does not exceed the ratio set forth in  
34 NRS 388.700;*

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

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

40 ~~(e)~~ (f) Require that administrators and other licensed  
41 educational personnel, including, without limitation, counselors,  
42 coaches and special education teachers, who may be present in a  
43 classroom but do not teach every pupil in the classroom may not be  
44 counted in determining the ratio of pupils per licensed teacher; and



1 ~~(f)~~ (g) Count only teachers who are actively teaching pupils  
2 during a class period and teach a subject, and are the teacher of  
3 record assigned to the classroom of pupils, for which the ratio of  
4 pupils per licensed teacher is being determined.

5 3. Nothing in this section shall be deemed to relieve a school  
6 district of its obligation to comply with the requirements of NRS  
7 388.700 and 388.720, as applicable to the school district.

8 4. Not later than 30 days after the beginning of each school  
9 year, the board of trustees of each school district shall post on an  
10 Internet website maintained by the school district the ratio of pupils  
11 per licensed teacher that has been approved for each class in the  
12 district.

13 5. The board of trustees of a school district with one or more  
14 schools that exceed the recommended ratio of pupils to specialized  
15 instructional support personnel shall develop a 15-year strategic  
16 plan to achieve the ratio of pupils to specialized instructional  
17 support personnel in the district.

18 6. On or before February 1 of each odd-numbered year, the  
19 board of trustees of each school district shall submit a report on the  
20 progress of the school district in obtaining the ratio of pupils per  
21 licensed teacher and specialized instructional support personnel  
22 recommended pursuant to this section to the Director of the  
23 Legislative Counsel Bureau for transmittal to the Senate and  
24 Assembly Standing Committees on Education.

25 7. As used in this section:

26 (a) "English learner" has the meaning ascribed to it in 20 U.S.C.  
27 § 7801(20).

28 (b) "Specialized instructional support personnel" includes  
29 persons employed by each school to provide necessary services such  
30 as assessment, diagnosis, counseling, educational services,  
31 therapeutic services and related services, as defined in 20 U.S.C. §  
32 1401(26), to pupils. Such persons employed by a school include,  
33 without limitation:

- 34 (1) A school counselor;
- 35 (2) A school psychologist;
- 36 (3) A school social worker;
- 37 (4) A school nurse;
- 38 (5) A speech-language pathologist;
- 39 (6) A school library media specialist; and
- 40 (7) Any other qualified professional.

41 **Sec. 9.5.** NRS 388.892 is hereby amended to read as follows:

42 388.892 1. The board of trustees of ~~fa~~ **each** school district  
43 ~~[in a county whose population is 100,000 or more]~~ shall develop a  
44 plan to improve the ratio of pupils to specialized instructional  
45 support personnel to meet the ratio recommended by the State Board





1 pursuant to NRS 388.890. The plan must include, without  
2 limitation:

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

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

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

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

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

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

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

28 (a) The Governor;

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

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

34 (d) The State Board.

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

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

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

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



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

4     **Sec. 13.** 1. This section and sections 1 to 5, inclusive, and  
5 sections 6 to 12, inclusive, of this act become effective on July 1,  
6 2023.

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

