
Senate Committee on Education

This measure may be considered for action during today's work session.

ASSEMBLY BILL 266 (R1)

Revises provisions governing class size. (BDR 34-704)

Sponsored By: Assembly Members B. Miller and Anderson
Date Heard: May 5, 2021
Fiscal Notes: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

Assembly Bill 266 prohibits administrators, other licensed educational personnel who may be present in a classroom but do not teach every pupil in the classroom, teachers not actively teaching during a class period, and teachers who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined, from being counted in determining the pupil-teacher ratio.

The bill also requires the board of trustees of a school district, to the extent money is available, to determine the number of job vacancies in the school district based on the number of licensed teachers that would be needed to achieve the recommended pupil-teacher ratio and requires that related information be posted on the board's website. The board of trustees must also submit to the Legislative Committee on Education a report containing certain information about teachers participating in an alternative route to licensure program.

Finally, the bill requires a person evaluating a teacher responsible for a class that exceeds the ratio recommendations to award the teacher additional weight on applicable criteria under the statewide performance evaluation system.

Amendments:

Assemblywoman Miller proposed the following amendments (see attached):

1. Revise the language in subsection 2(f) of Section 4 to:
 - a. Apply the additional weight for a teacher with a number of pupils that exceeds the applicable class size ratio only if the teacher is postprobationary and was rated as effective or better;
 - b. Prohibit the additional weight from raising the score on any criterion above the maximum score that would otherwise be possible for a teacher rated as highly effective; and
 - c. More clearly describe the factors to which the additional weight should apply.
2. Add a new transitory provision requiring that the provisions of subsection 2(f) of *Nevada Revised Statutes* 391.465—as amended by Section 4 of AB 266—be applied to any evaluation of an applicable teacher during the 2021–2022 school year and each subsequent school year; and
3. Revise the effective date of the bill to make the provisions of Section 4 effective upon passage and approval for purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2022, for all other purposes.

Special Note: See fiscal notes attached.

Proposed Conceptual Amendment for Assembly Bill No. 266

(Prepared by the Legal Division for Assemblywoman Miller)

1. Revise the language in section 4, subsection 2, paragraph (f) of the bill (amending NRS 391.465) as follows to: (1) apply the additional weight for a teacher with a number of pupils that exceeds the applicable class size ratio only if the teacher is postprobationary and was rated as effective or better; (2) prohibit the additional weight from raising the score on any criterion above the maximum score that would otherwise be possible for a teacher rated as highly effective; and (3) more clearly describe the factors to which the additional weight should apply:

(f) Require a person who evaluates a teacher who is responsible for a ~~[class]~~ number of pupils that exceeds the applicable recommended ~~[ratios]~~ ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance is designated as effective or highly effective to, [if the teacher conducts a self-evaluation] under the statewide performance evaluation system, award the teacher [the score the teacher awarded to himself or herself on any criteria that are directly affected by class size. A teacher who conducts a self-evaluation shall describe the reasoning of the teacher for awarding the score the teacher awarded to himself or herself for any criteria that are directly affected by class size.] an additional weight for criteria relating to ~~[learning and engagement by]~~ :

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils ;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception by pupils of the performance of the teacher,

↳ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

2. Add a new transitory provision requiring that the provisions of NRS 391.465, sub. 2, para. (f), as amended by section 4 of this bill, be applied to any evaluation of an applicable teacher during the 2021-22 school year.

Sec. 4.5. The provisions of paragraph (f) of subsection 2 of NRS 391.465, as amended by section 4 of this act, must be applied to any evaluation of the performance of an applicable teacher during the 2021-2022 school year and each subsequent school year.

3. Revise the effective date of the bill to make the provisions of sec. 4 effective upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2022, for all other purposes.

Sec. 5. 1. This section and section 4.5 of this act ~~[becomes]~~ become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

3. Section 4 of this act becomes effective:

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

(b) On January 1, 2022, for all other purposes.

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 25, 2021

Agency Submitting: Department of Education

Items of Revenue or Expense, or Both	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

If enacted, the proposed legislation clarifies staff that can be included when determining pupil-teacher ratios for the purposes of NRS 388.700. The proposed legislation also requires a teacher who completes a self-assessment under the statewide performance evaluation system, and is responsible for a class that exceeds the non-binding recommended pupil-teacher ratios determined by the State Board of Education to be awarded the score the teacher awarded themselves. The Nevada Department of Education has determined these duties are within the current scope of work; therefore, there would appear to be no fiscal impact.

Name Megan Peterson

Title Management Analyst III

GOVERNOR'S OFFICE OF FINANCE COMMENTS

The agency's response appears reasonable.

Date Thursday, March 18, 2021

Name Catherine Bartlett

Title Executive Branch Budget Officer 2

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 25, 2021

Agency Submitting: State Public Charter School Authority

Items of Revenue or Expense, or Both	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The agency has reviewed this bill and determined the following: A) Fiscal impact to the agency - none; B) Fiscal impact to the sponsored charter schools – none.

Name Jennifer Bauer

Title Administrative Services Officer

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, March 17, 2021

The agency's response appears reasonable.

Name Catherine Bartlett

Title Executive Branch Budget Officer 2

BDR 34-704
AB 266

LOCAL GOVERNMENT
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 25, 2021

Agency Submitting: Local Government

Items of Revenue or Expense, or Both	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

See attached.

Name Michael Nakamoto

Title Deputy Fiscal Analyst

The following responses from local governments were compiled by the Fiscal Analysis Division. The Fiscal Analysis Division can neither verify nor comment on the figures provided by the individual local governments.

Local Government Responses
A.B. 266 / BDR 34 - 704

School District: Carson City School District Approved by: Andrew J Feuling, Director of Fiscal Services Comment:				
Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: Churchill County School District Approved by: Christi Fielding, Comptroller Comment: Our counts are following what is recommended in the bill.				
Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: Clark County School District Approved by: Dillon Kay, Coordinator IV - Budget Comment: Does not appear to have a material financial impact on CCSD. If passed, the required work could be absorbed into the current workflow.				
Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: Douglas County School District Approved by: Keith Lewis, Superintendent Comment: BDR 34-704 is an act relating to education; requiring only certain personnel be counted in determining the ratio of pupils per licensed teacher; establishing provisions relating to job vacancies in a school district; requiring the board of trustees of a school district to post certain information on its Internet website; revising provisions relating to the statewide performance evaluation system for teachers. This bill will have minimal to no fiscal impact on Douglas County School District.				
Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: Lander County School District Approved by: Keith Piazza, Finance Officer, LCSD Comment:				
Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Lincoln County School District**

Approved by: Pam Teel, Superintendent

Comment: Cannot determine cost of time to report required info

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

School District: **Lyon County School District**

Approved by: Spencer Winward, Finance Manager/Comptroller

Comment: Lyon County School District already complies with the proposed legislation in sections 1 and 2 and thus would not be affected by that change. Additionally, we foresee no other measurable fiscal effect from the other sections of the BDR.

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Mineral County School District**

Approved by: JayDee Porras-Grant, Finance Manager

Comment:

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Nye County School District**

Approved by: Kelly Wood, Executive Secretary

Comment:

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Pershing County School District**

Approved by: Russell D. Fecht, Superintendent

Comment:

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Storey County School District**

Approved by: Kristen Chandler, Business Manager

Comment:

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Washoe County School District**

Approved by: Lindsay Anderson, Government Affairs Director

Comment:

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **White Pine County School District**

Approved by: Paul Johnson, Chief Financial Officer

Comment: Sections 1 and 2 deal with student/teacher ratios excluding certain staff from the ratio. The school district already reports information consistent with the BDR. Section 3 requires the school district use the specified student/teacher ratio as a benchmark for employee vacancies. This reporting can be accommodated and posted to the web-site within existing staff and resources. Section 4 deals with performance evaluations and would not create a fiscal impact.

Impact	FY 2020-21	FY 2021-22	FY 2022-23	Future Biennia
No Impact	\$0	\$0	\$0	\$0

The following school districts did not provide a response: Elko County School District, Esmeralda County School District, Eureka County School District, and Humboldt County School District.

**UNSOLICITED
EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: May 4, 2021

Agency Submitting: Department of Education

Items of Revenue or Expense, or Both	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Effect on Future Biennia
Personnel (Expense)		\$24,123	\$3,583	\$3,500
Total	0	\$24,123	\$3,583	\$3,500

Explanation

(Use Additional Sheets of Attachments, if required)

If enacted, the Nevada Department of Education (NDE) believes it will cost approximately \$24,123 in fiscal year (FY) 2022 to implement AB 266 as amended, which requires NDE to revise existing Nevada Educator Performance Framework (NEPF) tools and protocols and to develop and deliver professional development to school-based administrators on how to use those tools and protocols. These activities are not currently reflected in NDE's budget.

The projected cost for FY 22 is based on the following assumptions:

- 1) 1 Education Programs Professional (EPP)(Grade 39, step 10) - 160 hours overtime. The EPP would be responsible for revising the NEPF tools and protocols, converting the current tool to calculate both the regular score and the "weighted" score, developing guidance documents, creating professional development curriculum, and facilitating professional development to school districts by district/region. The EPP would need to review the submission of any alternate tools by Districts to ensure they reflect the required changes.
- 2) 1 Education Programs Supervisor (EPS) (Grade 40, step 10) - 120 hours overtime. The EPS would assist in reviewing the revised tools, protocols, and guidance documents and assist in creating the professional development curriculum and delivery. The EPS would need to review/approve the submission of any alternate tools by Districts to ensure they reflect the required changes.

The projected cost for NDE for FY23 (and future biennia) of \$3,500 is based on the following assumptions:

- 1) 1 Education Programs Professional (Grade 39, step 10) - 40 additional overtime hours per year. The EPP would be responsible for facilitating ongoing professional development to school districts by district/region.
- 2) 1 Education Programs Supervisor (Grade 40, step 10) - 40 additional overtime hours (FY 23 only). The EPS The would be responsible for facilitating ongoing professional development to school districts by district/region.

Name Megan Peterson

Title Management Analyst III