

SENATE BILL NO. 4—COMMITTEE OF THE WHOLE

JUNE 25, 2003

Referred to Committee of the Whole

SUMMARY—Makes appropriations to State Distributive School Account for class-size reduction. (BDR S-9)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation included in Executive Budget.

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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; making appropriations to the State Distributive School Account for purposes relating to class-size reduction; authorizing certain school districts to adopt a program of alternative pupil-teacher ratios for the 2003-2005 biennium; requiring larger school districts to study current class sizes in certain grades; and providing other matters properly relating thereto.

1 WHEREAS, The intended goal of the Legislature is to achieve a
2 pupil-teacher ratio of not more than 15 pupils per teacher or 30
3 pupils per two teachers in kindergarten and grades 1, 2 and 3 where
4 core curriculum is taught; and

5 WHEREAS, Available money is estimated to provide a sufficient
6 number of teachers to achieve in each school district pupil-teacher
7 ratios of 16 pupils per teacher in selected kindergarten classrooms in
8 which pupils are most at risk of failure and in grades 1 and 2 in
9 Fiscal Years 2003-2004 and 2004-2005, and to achieve a pupil-
10 teacher ratio in grade 3 of 19 pupils per teacher in Fiscal Years
11 2003-2004 and 2004-2005; and

12 WHEREAS, Certain school districts do not have a sufficient
13 number of classrooms available to permit an average class size of 19
14 pupils per teacher in grade 3; and

15 WHEREAS, It is unreasonable to assign two teachers to
16 classrooms of 38 pupils to attain a district-wide pupil-teacher ratio
17 of 19 pupils per teacher in grade 3; and



1 WHEREAS, School districts may, instead, attain the desired
2 pupil-teacher ratio in classes where core curriculum is taught by
3 using alternative methods of reducing the ratio, such as employing
4 teachers to provide remedial instruction; and

5 WHEREAS, School districts may wish to use money for class-
6 size reduction to carry out programs that have been found to be
7 effective in improving academic achievement; and

8 WHEREAS, Reduced class sizes may increase pupil academic
9 achievement and may decrease the need for pupil discipline; and

10 WHEREAS, Additional funding has not been provided to reduce
11 class-sizes in grades 4, 5 and 6, however, school districts may wish
12 to use available money for class-size reduction to reduce class-sizes
13 in those grades; and

14 WHEREAS, The Legislature has specifically designed the laws
15 relating to class-size reduction to allow the local school districts the
16 necessary discretion to effectuate the reduction in the manner
17 appropriate in their respective districts; and

18 WHEREAS, School districts are encouraged, to the extent
19 possible, to further reduce the pupil-teacher ratio in each classroom
20 in the district for grades 1, 2 and 3 for which additional funding is
21 provided; and

22 WHEREAS, With this act, the Legislature intends to continue the
23 reduced pupil-teacher ratio for selected kindergarten classrooms in
24 which pupils are most at risk of failure and for grades 1 and 2
25 throughout the State and to continue reducing the pupil-teacher ratio
26 in grade 3; and

27 WHEREAS, Thereafter, the intended goal of the Legislature is to
28 reduce the pupil-teacher ratio per class in grade 3 to not more than
29 15 pupils per class, thereafter to reduce the pupil-teacher ratio per
30 class in grades 4, 5 and 6 to not more than 22 pupils per class and
31 thereafter to reduce the pupil-teacher ratio per class in grades 7 to
32 12, inclusive, to not more than 25 pupils per class; now, therefore,

33

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

36

37 **Section 1.** 1. There is hereby appropriated from the State
38 General Fund to the State Distributive School Account the sum of
39 \$108,937,389 for distribution by the Superintendent of Public
40 Instruction to the county school districts for Fiscal Year 2003-2004
41 which must, except as otherwise provided in sections 3 and 5 of this
42 act, be used to employ teachers to comply with the required ratio of
43 pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2
44 and in selected kindergartens with pupils who are considered at risk
45 of failure by the Superintendent of Public Instruction and to



1 maintain the current ratio of pupils per teacher in grade 3.
2 Expenditures for the class-size reduction program must be
3 accounted for in a separate category of expenditure in the State
4 Distributive School Account.

5 2. Except as otherwise provided in sections 3 and 5 of this act,
6 the money appropriated by subsection 1 must be used to pay the
7 salaries and benefits of not less than 1,887 teachers employed by
8 school districts to meet the required pupil-teacher ratios in the 2003-
9 2004 school year.

10 3. Any remaining balance of the sum appropriated by
11 subsection 1 must not be committed for expenditure after June 30,
12 2004, and must be transferred and added to the money appropriated
13 to the State Distributive School Account pursuant to section 2 of
14 this act for the 2004-2005 fiscal year, and may be expended as that
15 money is expended.

16 **Sec. 2.** 1. There is hereby appropriated from the State
17 General Fund to the State Distributive School Account the sum of
18 \$117,142,553 for distribution by the Superintendent of Public
19 Instruction to the county school districts for Fiscal Year 2004-2005
20 which must, except as otherwise provided in sections 3 and 5 of this
21 act, be used to employ teachers to comply with the required ratio of
22 pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2
23 and in selected kindergartens with pupils who are considered at risk
24 of failure by the Superintendent of Public Instruction and to
25 maintain the current ratio of pupils per teacher in grade 3.
26 Expenditures for the class-size reduction program must be
27 accounted for in a separate category of expenditure in the State
28 Distributive School Account.

29 2. Except as otherwise provided in sections 3 and 5 of this act,
30 the money appropriated by subsection 1 must be used to pay the
31 salaries and benefits of not less than 1,953 teachers employed by
32 school districts to meet the required pupil-teacher ratios in the 2004-
33 2005 school year.

34 3. Any remaining balance of the sum appropriated by
35 subsection 1, including any money added thereto pursuant to section
36 1 of this act, must not be committed for expenditure after June 30,
37 2005, and reverts to the State General Fund as soon as all payments
38 of money committed have been made.

39 **Sec. 3.** 1. Except as otherwise provided in subsection 2, the
40 board of trustees of each county school district:

41 (a) Shall file a plan with the Superintendent of Public Instruction
42 describing how the money appropriated by sections 1 and 2 of this
43 act will be used to comply with the required ratio of pupils to
44 teachers in kindergarten and grades 1, 2 and 3; or



1 (b) May, after receiving approval of the plan from the
2 Superintendent of Public Instruction, use the money appropriated by
3 sections 1 and 2 of this act to carry out an alternative program for
4 reducing the ratio of pupils per teacher or to carry out programs of
5 remedial education that have been found to be effective in
6 improving pupil achievement in grades 1, 2 and 3, so long as the
7 combined ratio of pupils per teacher in the aggregate of kindergarten
8 and grades 1, 2 and 3 of the school district does not exceed the
9 combined ratio of pupils per teacher in the aggregate of kindergarten
10 and grades 1, 2 and 3 of the school district in the 2000-2001 school
11 year. The plan approved by the Superintendent of Public Instruction
12 must describe the method to be used by the school district to
13 evaluate the effectiveness of the alternative program or remedial
14 programs in improving pupil achievement.

15 2. In lieu of complying with subsection 1, the board of trustees
16 of a school district that is located in a county whose population is
17 less than 100,000 may, after receiving approval of the plan from the
18 Superintendent of Public Instruction, use the money appropriated by
19 sections 1 and 2 of this act to carry out a program in which
20 alternative pupil-teacher ratios are carried out in grades 1 through 5
21 or grades 1 through 6, as applicable. Alternative ratios for grade 6
22 may only be approved for those school districts that include grade 6
23 in elementary school. The alternative pupil-teacher ratios shall not:

- 24 (a) Exceed 22 to 1 in grades 1, 2 and 3; and
25 (b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as
26 applicable.

27 3. If a school district receives approval to carry out programs
28 of remedial education pursuant to paragraph (b) of subsection 1 or to
29 carry out alternative pupil-teacher ratios pursuant to subsection 2,
30 the school district shall evaluate the effectiveness of the alternative
31 program. The evaluation must include, without limitation, the effect
32 of the alternative program on:

- 33 (a) Team-teaching;
34 (b) Pupil discipline; and
35 (c) The academic achievement of pupils.

36 4. A school district shall submit a written report of the results
37 of the evaluation to the Superintendent of Public Instruction on or
38 before December 1 of each year for the immediately preceding
39 school year. The Superintendent of Public Instruction shall
40 summarize the results of the evaluations and report the findings in
41 an interim report to the Legislative Committee on Education on or
42 before February 16, 2004.

43 5. On or before February 1, 2005, the Superintendent of Public
44 Instruction shall submit a final written report of the results of the
45 evaluations of alternative class-size reduction programs to the



1 Legislative Bureau of Educational Accountability and Program
2 Evaluation. On or before February 15, 2005, the Legislative Bureau
3 of Educational Accountability and Program Evaluation shall submit
4 a copy of the written report to the Director of the Legislative
5 Counsel Bureau for transmission to the 73rd Session of the Nevada
6 Legislature.

7 6. The interim report required pursuant to subsection 4 and the
8 final written report required pursuant to subsection 5 must include,
9 without limitation:

10 (a) The number of school districts for which an alternative class-
11 size reduction program was approved;

12 (b) A description of the approved alternative class-size reduction
13 programs; and

14 (c) The effect of the alternative class-size reduction programs
15 on:

16 (1) Team teaching;

17 (2) Pupil discipline; and

18 (3) The academic achievement of pupils.

19 **Sec. 4.** 1. During the 2003-2005 biennium, a school district
20 that is located in a county whose population is 100,000 or more
21 shall study the current class-sizes in the school district for grades 1
22 to 5, inclusive, to determine whether alternative pupil-teacher ratios
23 may:

24 (a) Improve the academic achievement of pupils;

25 (b) Decrease pupil discipline; or

26 (c) Decrease or eliminate team-teaching in grades 1 and 2.

27 2. In conducting the study, the school district shall consider the
28 costs that would be associated with carrying out the alternative
29 pupil-teacher ratios, including, without limitation, the:

30 (a) Number of additional classrooms needed; and

31 (b) Number of additional teachers needed.

32 3. On or before February 15, 2005, each school district that
33 conducts a study of alternative pupil-teacher ratios pursuant to this
34 section shall submit a written report of its findings concerning
35 alternative pupil-teacher ratios to the:

36 (a) Director of the Legislative Counsel Bureau for transmission
37 to the 73rd Session of the Nevada Legislature;

38 (b) Legislative Bureau of Educational Accountability and
39 Program Evaluation; and

40 (c) State Board of Education.

41 **Sec. 5.** 1. The money appropriated for class-size reduction
42 pursuant to sections 1 and 2 of this act:

43 (a) May be applied first to pupils considered most at risk of
44 failure.



1 (b) Must not be used to settle or arbitrate disputes between a
2 recognized organization representing employees of a school district
3 and the school district, or to settle any negotiations.

4 (c) Must not be used to adjust the district-wide schedules of
5 salaries and benefits of the employees of a school district.

6 2. The money appropriated for class-size reduction pursuant to
7 sections 1 and 2 of this act must not be distributed to a school
8 district unless that school district has:

9 (a) Filed with the Department of Education a plan for achieving
10 the required ratio set forth in NRS 388.700; and

11 (b) Demonstrated that, from resources of the school district
12 other than allocations received from the State Distributive School
13 Account for class-size reduction, a sufficient number of classroom
14 teachers have been employed to maintain the average pupil-teacher
15 ratio that existed for each grade for grades 1, 2 and 3, in that school
16 district for the 3 school years immediately preceding the start of the
17 class-size reduction program in the 1990-1991 school year. In
18 addition, if a school district uses the allocations received from the
19 State Distributive School Account for class-size reduction to carry
20 out an alternative class-size reduction program as set forth in
21 subsection 2 of section 3 of this act, a sufficient number of teachers
22 have been employed to maintain the average pupil-teacher ratio that
23 existed in each grade so reduced, in that school district for the 3
24 years immediately preceding the implementation of the alternative
25 program.

26 **Sec. 6.** In no event may the alternative pupil-teacher ratios
27 authorized pursuant to subsection 2 of section 3 of this act be carried
28 out beyond the 2003-2005 biennium unless the 73rd Session of the
29 Nevada Legislature determines that the alternative pupil-teacher
30 ratios may be carried out after June 30, 2005.

31 **Sec. 7.** 1. This section and sections 1 and 3 to 6, inclusive, of
32 this act become effective on July 1, 2003.

33 2. Section 2 of this act becomes effective on July 1, 2004.

