

Assembly Bill No. 4—Committee of the Whole

CHAPTER.....

AN ACT relating to education; temporarily providing flexibility for school districts from the requirements of pupil-teacher ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain ratios of pupils per teacher in grades 1 through 3. (NRS 388.700) In counties whose population is less than 100,000, a school district may adopt an alternative plan for class-size reduction for specified grade levels in the elementary schools, including grades 4, 5 and 6. (NRS 388.720) The 2009 Session of the Nevada Legislature appropriated money for school districts to implement their class-size reduction plans. (Sections 17 through 21, inclusive, chapter 389, Statutes of Nevada 2009, pp. 2134-2136) This bill temporarily revises provisions governing class-size reduction to allow school districts flexibility in addressing budget shortfalls. For the 2010-2011 school year, this bill allows a school district to elect to increase class size by not more than two pupils to achieve ratios of 18 pupils per teacher in grades 1 and 2, and 21 pupils per teacher in grade 3. If a school district elects to increase class size in this manner, all money that would have otherwise been expended by the school district to achieve the lower class sizes in grades 1 through 3 must be used to minimize the impact of budget reductions on class sizes in grades 4 through 12. This exception applies only for the 2010-2011 school year and sunsets on June 30, 2011.

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

Section 1. Section 17 of chapter 389, Statutes of Nevada 2009, at page 2134, is hereby amended to read as follows:

Sec. 17. The Legislature hereby finds and declares that:

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

2. Available money is estimated to provide a sufficient number of teachers to achieve in each school district pupil-teacher ratios of 16 pupils per teacher in selected kindergarten classrooms in which pupils are most at risk of failure and in grades 1 and 2 in Fiscal Years 2009-2010 and 2010-2011, and to achieve a pupil-teacher ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2009-2010 and 2010-2011;

3. For the 2010-2011 Fiscal Year, available money is estimated to achieve the ratios set forth in subsection 2. However, in recognition of the significant downturn in the national and state economies and to allow school districts flexibility in addressing budget shortfalls during this fiscal



crisis and notwithstanding the provisions of NRS 388.700, 388.710 and 388.720 to the contrary, a school district may, for the 2010-2011 school year, elect to increase the class size by not more than two pupils per teacher to achieve ratios of 18 pupils per teacher in grades 1 and 2, and 21 pupils per teacher in grade 3. If a school district elects to increase class size as authorized by this subsection:

(a) All money that would have otherwise been expended by the school district to achieve the class sizes set forth in subsection 2 must be used to minimize the impact of budget reductions on class sizes in grades 4 to 12, inclusive;

(b) The reduction of class sizes in grades 4 to 12, inclusive, must be fiscally neutral such that the plan to reduce the ratios in those grades will not cost more to carry out than complying with the ratios prescribed by subsection 2; and

(c) All plans and reports concerning class size made by the school district to the Department of Education must include the pupil-teacher ratios achieved for each grade level, including grades 1, 2 and 3 and grades 4 to 12, inclusive;

~~[3-]~~ 4. Certain school districts do not have a sufficient number of classrooms available to permit an average class size of 19 pupils per teacher in grade 3;

~~[4-]~~ 5. It is unreasonable to assign two teachers to classrooms of 38 pupils to attain a district-wide pupil-teacher ratio of 19 pupils per teacher in grade 3;

~~[5-]~~ 6. School districts may, instead, attain the desired pupil-teacher ratio in classes where core curriculum is taught by using alternative methods of reducing the ratio, such as employing teachers to provide remedial instruction;

~~[6-]~~ 7. School districts may wish to use money for class-size reduction to carry out programs that have been found to be effective in improving academic achievement;

~~[7-]~~ 8. The Legislature has specifically designed the laws relating to class-size reduction to allow the local school districts the necessary discretion to effectuate the reduction in the manner appropriate in their respective districts;

~~[8-]~~ 9. School districts are encouraged, to the extent possible, to further reduce the pupil-teacher ratio in each classroom in the district for grades 1, 2 and 3 for which additional funding is provided;



~~9.1~~ **10.** The Legislature intends to continue the reduced pupil-teacher ratio for selected kindergarten classrooms in which pupils are most at risk of failure and for grades 1 and 2 throughout the State and to continue reducing the pupil-teacher ratio in grade 3; and

~~10.1~~ **11.** Thereafter, the intended goal of the Legislature is to reduce the pupil-teacher ratio per class in grade 3 to not more than 15 pupils per class, thereafter to reduce the pupil-teacher ratio per class in grades 4, 5 and 6 to not more than 22 pupils per class and thereafter to reduce the pupil-teacher ratio per class in grades 7 to 12, inclusive, to not more than 25 pupils per class.

Sec. 2. Section 19 of chapter 389, Statutes of Nevada 2009, at page 2135, is hereby amended to read as follows:

Sec. 19. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$145,935,501 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2010-2011 which must, except as otherwise provided in sections 20 and 21 of this act, be used to employ teachers to comply with the required ratio of pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2 and in selected kindergartens with pupils who are considered at risk of failure by the Superintendent of Public Instruction and to maintain the current ratio of pupils per teacher in grade 3. Expenditures for the class-size reduction program must be accounted for in a separate category of expenditure in the State Distributive School Account.

2. Except as otherwise provided in **subsection 3 of section 17 of this act and** sections 20 and 21 of this act, the money transferred by subsection 1 must be used to pay the salaries and benefits of not less than 2,163 teachers employed by school districts to meet the required pupil-teacher ratios in the 2010-2011 school year.

3. Any remaining balance of the sum transferred by subsection 1, including any money added thereto pursuant to section 18 of this act, must not be committed for expenditure after June 30, 2011, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 3. Section 20 of chapter 389, Statutes of Nevada 2009, at page 2135, is hereby amended to read as follows:

Sec. 20. 1. The board of trustees of each county school district:



(a) Shall file a plan with the Superintendent of Public Instruction describing how the money appropriated by ~~sections 18 and 19~~ **section 18** of this act will be used to comply with the required ratio of pupils to teachers in kindergarten and grades 1, 2 and 3 ~~to or~~ **and how the money appropriated by section 19 of this act will be used to comply with the required ratio of pupils to teachers in kindergarten and grades 1, 2 and 3 or with the ratio authorized by subsection 3 of section 17 of this act; or**

(b) May, after receiving approval of the plan from the Superintendent of Public Instruction, use the money appropriated by sections 18 and 19 of this act to carry out:

(1) An alternative program for reducing the ratio of pupils per teacher, including, without limitation, any legislatively approved program of flexibility; or

(2) Programs of remedial education that have been found to be effective in improving pupil achievement in grades 1, 2 and 3, so long as the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district does not exceed the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district in the 2004-2005 school year.

➡ The plan approved by the Superintendent of Public Instruction must describe the method to be used by the school district to evaluate the effectiveness of the alternative program or remedial education programs in improving pupil achievement.

2. In no event must the provisions of this section be construed to authorize the board of trustees of a school district in a county whose population is 100,000 or more to develop an alternative plan for the reduction of pupil-teacher ratios pursuant to subsection 2 of NRS 388.720.

Sec. 4. This act becomes effective upon passage and approval and expires by limitation on June 30, 2011.

