

ASSEMBLY BILL NO. 526—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

MARCH 29, 2005

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing class-size reduction program and National School Lunch Program. (BDR 34-377)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; revises provisions governing the appropriation and apportionment of money for school districts that participate in the National School Lunch Program; prescribing the circumstances under which a school district is required to request a variance from the requirements of the class-size reduction program; expressing the intent of the Legislature concerning the elimination of team-teaching in connection with the class-size reduction program; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 387.105 is hereby amended to read as follows:
- 2 387.105 **1.** To enable the State Board ~~[of Education]~~ to
- 3 provide for the establishment, maintenance, operation and expansion
- 4 of programs of nutrition, money must be provided by legislative
- 5 appropriation from the General Fund as a budgeted part of the
- 6 appropriation for the support of the Department and must be paid
- 7 out on claims as other claims against the State are paid.



2. *In addition to the amounts provided pursuant to subsection 1, money must be provided by legislative appropriation in an amount that satisfies the amount required as a matching grant from this State for participation in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq., which must be designated as the "Nutrition State Match." For those school districts that participate in the National School Lunch Program, the amount appropriated must be a reduction in the total amount of basic support calculated for those school districts pursuant to NRS 387.1233 and must be distributed in accordance with NRS 387.124. Each school district receiving money that is designated as a "Nutrition State Match" shall verify that the money is used to support the National School Lunch Program in the public schools located within the school district.*

Sec. 2. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school



1 but are concurrently enrolled part time in a program of distance
2 education provided by a school district or another charter school. If
3 the apportionment per pupil to a charter school is more than the
4 amount to be apportioned to the school district in which a pupil who
5 is enrolled in the charter school resides, the school district in which
6 the pupil resides shall pay the difference directly to the charter
7 school.

8 3. Except as otherwise provided in this subsection, the
9 apportionment to a charter school that is sponsored by the State
10 Board, computed on a yearly basis, is equal to:

11 (a) The sum of the basic support per pupil in the county in
12 which the pupil resides plus the amount of local funds available per
13 pupil pursuant to NRS 387.1235 and all other funds available for
14 public schools in the county in which the pupil resides; or

15 (b) The statewide average per pupil amount for pupils who are
16 enrolled full time,

17 ➡ whichever is greater. If the calculation set forth in paragraph (a)
18 is less than the calculation pursuant to paragraph (b), the school
19 district in which the charter school is located shall pay the difference
20 directly to the charter school. If a charter school provides a program
21 of distance education pursuant to NRS 388.820 to 388.874,
22 inclusive, the apportionment to the charter school for pupils who are
23 enrolled in the program of distance education must be calculated as
24 set forth in subsection 2 or 4, as applicable.

25 4. In addition to the apportionments made pursuant to this
26 section, an apportionment must be made to a school district or
27 charter school that provides a program of distance education for
28 each pupil who is enrolled part time in the program if an agreement
29 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
30 applicable. The amount of the apportionment must be equal to the
31 percentage of the total time services are provided to the pupil
32 through the program of distance education per school day in
33 proportion to the total time services are provided during a school
34 day to pupils who are counted pursuant to subparagraph (2) of
35 paragraph (a) of subsection 1 of NRS 387.1233 for the school
36 district in which the pupil resides.

37 5. The governing body of a charter school may submit a
38 written request to the Superintendent of Public Instruction to
39 receive, in the first year of operation of the charter school, an
40 apportionment 30 days before the apportionment is required to be
41 made pursuant to subsection 1. Upon receipt of such a request, the
42 Superintendent of Public Instruction may make the apportionment
43 30 days before the apportionment is required to be made. A charter
44 school may receive all four apportionments in advance in its first
45 year of operation.



6. *The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.*

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 3. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in ~~subsections 2, 3 and 6,~~ *this section*, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. 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 last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. *Each school district that does not meet the ratio of pupils per class:*

(a) Set forth in subsection 1;

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

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

↪ must request a variance from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in *paragraph (a), (b) or (c) of subsection ~~H~~ 3* for good cause,



1 including the lack of available financial support specifically set
2 aside for the reduction of pupil-teacher ratios.

3 ~~[4-]~~ 5. The State Board shall, on or before February 1 of each
4 odd-numbered year, report to the Legislature on:

5 (a) Each variance granted by it during the preceding biennium,
6 including the specific justification for the variance.

7 (b) The data reported to it by the various school districts
8 pursuant to subsection 2 of NRS 388.710, including an explanation
9 of that data, and the current pupil-teacher ratios per class in
10 kindergarten and grades 1, 2 and 3.

11 ~~[5-]~~ 6. The Department shall, on or before November 15 of
12 each year, report to the Chief of the Budget Division of the
13 Department of Administration and the Fiscal Analysis Division of
14 the Legislative Counsel Bureau:

15 (a) The number of teachers employed;

16 (b) The number of teachers employed in order to attain the ratio
17 required by subsection 1;

18 (c) The number of pupils enrolled; and

19 (d) The number of teachers assigned to teach in the same
20 classroom with another teacher or in any other arrangement other
21 than one teacher assigned to one classroom of pupils,
22 ➔ during the current school year in kindergarten and grades 1, 2 and
23 3 for each school district.

24 ~~[6-]~~ 7. The provisions of this section do not apply to a charter
25 school or to a program of distance education provided pursuant to
26 NRS 388.820 to 388.874, inclusive.

27 **Sec. 4.** The Legislature hereby declares its intent that the use
28 of team-teaching for the purpose of satisfying the requirements of
29 the class-size reduction program be eliminated by all school districts
30 not later than the beginning of the 2011-2012 school year, unless a
31 school district does not have sufficient financial resources to provide
32 the classroom space required for the elimination of team-teaching.
33 To accomplish this intent, the Legislature hereby encourages the
34 board of trustees of each school district to request that the residents
35 of the county in which the school district is located support bonds
36 for the construction of additional classrooms necessary for the
37 elimination of team-teaching if:

38 1. There is sufficient debt service rate that is remaining within
39 the applicable statutory cap; and

40 2. The school district has first met the needs related to the
41 increase in the enrollment of pupils within the school district and the
42 needs for school renovation.

43 **Sec. 5.** This act becomes effective upon passage and approval.



