

CHAPTER.....

AN ACT relating to education; making appropriations to the State Distributive School Account for purposes relating to class-size reduction; and providing other matters properly relating thereto.

WHEREAS, 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; and

WHEREAS, 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 2005-2006 and 2006-2007, and to achieve a pupil-teacher ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2005-2006 and 2006-2007; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, With this act, 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

WHEREAS, 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; now, therefore,

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

Section 1. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of \$125,552,187 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2005-2006 which must, except as otherwise provided in sections 3 and 4 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 sections 3 and 4 of this act, the money appropriated by subsection 1 must be used to pay the salaries and benefits of not less than 2,107 teachers employed by school districts to meet the required pupil-teacher ratios in the 2005-2006 school year.

3. Any remaining balance of the sum appropriated by subsection 1 must not be committed for expenditure after June 30, 2006, and must be transferred and added to the money appropriated to the State Distributive School Account pursuant to section 2 of this act for the 2006-2007 Fiscal Year, and may be expended as that money is expended.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of \$137,922,619 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2006-2007 which must, except as otherwise provided in sections 3 and 4 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 sections 3 and 4 of this act, the money appropriated by subsection 1 must be used to pay the salaries and benefits of not less than 2,197 teachers employed by school districts to meet the required pupil-teacher ratios in the 2006-2007 school year.

3. Any remaining balance of the sum appropriated by subsection 1, including any money added thereto pursuant to section 1 of this act, must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 3. The board of trustees of each county school district:

1. Shall file a plan with the Superintendent of Public Instruction describing how the money appropriated by sections 1 and 2 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

2. May, after receiving approval of the plan from the Superintendent of Public Instruction, use the money appropriated by sections 1 and 2 of this act to carry out:

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

(b) 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 2002-2003 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 programs in improving pupil achievement.

Sec. 4. 1. The money appropriated for class-size reduction pursuant to sections 1 and 2 of this act:

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

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

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

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

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

(b) Demonstrated that, from resources of the school district other than allocations received from the State Distributive School Account for class-size reduction, a sufficient number of classroom teachers have been employed to maintain the average pupil-teacher ratio that existed for each grade for grades 1, 2 and 3, in that school district for the 3 school years immediately preceding the start of the class-size reduction program in the 1990-1991 school year.

Sec. 5. 1. This section and sections 1, 3 and 4 of this act become effective on July 1, 2005.

2. Section 2 of this act becomes effective on July 1, 2006.