

ASSEMBLY BILL NO. 162—COMMITTEE ON EDUCATION

FEBRUARY 21, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing class-size reduction.
(BDR 34-724)

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; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Superintendent of Public Instruction, on or before
2 August 1, November 1, February 1 and May 1 of each year, to apportion the State
3 Distributive School Account in the State General Fund among the 17 county school
4 districts in amounts approximating one-fourth of their respective yearly
5 apportionments. (NRS 387.124) **Section 1** of this bill requires the board of trustees
6 of each school district to report to the Department of Education on those same
7 dates: (1) the average daily attendance of pupils and the ratio of pupils per licensed
8 teacher for kindergarten and grades 1, 2 and 3; or (2) if the school district has an
9 alternative class-size reduction plan approved by the State Board of Education, the
10 average daily attendance of pupils and the ratio of pupils per licensed teacher for
11 those grades in elementary school that are required to comply with the alternative
12 class-size reduction plan. **Section 1** also requires each school district to post the
13 information reported to the Department on the school district's Internet website as
14 well as information concerning any variances from the prescribed pupil-teacher



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ratios granted by the State Board for an elementary school within the school district.

Existing law provides that the ratio of pupils per licensed teacher in kindergarten and grades 1, 2 and 3 must not exceed 15 to 1. (NRS 388.700) In lieu of complying with these pupil-teacher ratios, a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) may request approval from the State Board for a plan to reduce pupil-teacher ratios: (1) in grades 1, 2 and 3, not to exceed 22 to 1; and (2) in grades 4 and 5 or grades 4, 5 and 6, as applicable for the elementary school, not to exceed 25 to 1. (NRS 388.720) During previous sessions, the Legislature has, within the limits of available funding, appropriated money for class-size reduction in amounts that authorized pupil-teacher ratios which were higher than the statutorily prescribed ratios. **Section 2** of this bill statutorily increases the prescribed ratios: (1) for kindergarten and grades 1 and 2, to 16 to 1; and (2) for grade 3, to 18 to 1. In addition, **section 2** requires a school district that exceeds the ratios statutorily prescribed in any quarter of a school year to request a variance for the next quarter from the State Board. **Section 2** further requires the State Board to provide a quarterly report to the Interim Finance Committee on each variance requested by a school district during the preceding quarter and, if a variance was granted, the specific justification for the variance. Finally, **section 2** provides that for purposes of determining compliance with the pupil-teacher ratios, a school district must not include the count of any teachers who teach one or two specific subject areas to more than one classroom of pupils.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before August 1, November 1, February 1 and May 1 of each year, the board of trustees of each school district shall report to the Department for the preceding quarter:

(a) Except as otherwise provided in paragraph (b), the average daily attendance of pupils and the ratio of pupils per licensed teacher for kindergarten and grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily attendance and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and



(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 2. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, after the last day of the first month of the school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 ~~1~~ and 2, *must not exceed 16 to 1, and in grade 3, must not exceed ~~15~~ 18 to 1;* or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➔ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, *teachers who teach one or two specific subject areas to more than one classroom of pupils, and* 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 ~~1~~ *if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.*

3. Each school district that ~~1~~ *includes one or more elementary schools which exceed* the ratio of pupils per class ~~1~~ *during any quarter of a school year:*

(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 *for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,* 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 3 for good cause, including



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

3 5. *The State Board shall, on a quarterly basis, submit a report*
4 *to the Interim Finance Committee on each variance requested by a*
5 *school district pursuant to subsection 4 during the preceding*
6 *quarter and, if a variance was granted, an identification of each*
7 *elementary school for which a variance was granted and the*
8 *specific justification for the variance.*

9 6. The State Board shall, on or before February 1 of each odd-
10 numbered year, *submit a* report to the Legislature on:

11 (a) Each variance ~~granted by it~~ *requested by a school district*
12 *pursuant to subsection 4* during the preceding biennium ~~including~~
13 *and, if a variance was granted, an identification of each*
14 *elementary school for which variance was granted* and the specific
15 justification for the variance.

16 (b) The data reported to it by the various school districts
17 pursuant to subsection 2 of NRS 388.710, including an explanation
18 of that data, and the current pupil-teacher ratios per class in the
19 grade levels specified in paragraph (a) of subsection 1 or the grade
20 levels specified in a plan that is approved pursuant to subsection 3
21 of NRS 388.720, as applicable for the school district.

22 ~~6.7~~ 7. The Department shall, on or before November 15 of
23 each year, report to the Chief of the Budget Division of the
24 Department of Administration and the Fiscal Analysis Division of
25 the Legislative Counsel Bureau:

26 (a) The number of teachers employed;

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

29 (c) The number of pupils enrolled; and

30 (d) The number of teachers assigned to teach in the same
31 classroom with another teacher or in any other arrangement other
32 than one teacher assigned to one classroom of pupils,

33 ➤ during the current school year in the grade levels specified in
34 paragraph (a) of subsection 1 or the grade levels specified in a plan
35 that is approved pursuant to subsection 3 of NRS 388.720, as
36 applicable, for each school district.

37 ~~7.8~~ 8. The provisions of this section do not apply to a charter
38 school or to a program of distance education provided pursuant to
39 NRS 388.820 to 388.874, inclusive.

40 **Sec. 3.** This act becomes effective:

41 1. Upon passage and approval for the purpose of performing
42 any preparatory administrative tasks necessary to carry out the
43 provisions of this act; and



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2. On July 1, 2013, for all other purposes.

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