

ASSEMBLY BILL NO. 376—ASSEMBLYMEN
DOOLING; SEAMAN AND SILBERKRAUS

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools.
(BDR 34-809)

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; revising provisions governing the requirements for the reduction of pupil-teacher ratios in certain grades and classes to require certain charter schools to comply with the ratios; revising provisions governing the planning and reporting for the implementation of the reduction of pupil-teacher ratios to include those charter schools that are required to comply with the ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain ratios of pupils per licensed teacher in classes where core curriculum is taught: (1) in kindergarten and grades 1 and 2, not to exceed 16 to 1; and (2) in grade 3, not to exceed 18 to 1. Under existing law, charter schools and programs of distance education are exempted from the requirements of these prescribed pupil-teacher ratios. (NRS 388.700) During previous sessions, the Legislature has, within the limits of available funding, appropriated money for the school districts to implement the requirements of class-size reduction. (*See, e.g.*, chapter 382, Statutes of Nevada 2013, pp. 2053-2069) **Section 2** of this bill requires each charter school that enrolls pupils in kindergarten or in any of the grades from first grade through third grade, to comply with the prescribed pupil-teacher ratios and thereby removes the exemption from the requirements of class-size reduction for those charter schools.

Existing law requires the State Board of Education, in consultation with the boards of trustees of school districts and the recognized associations representing licensed educational personnel to determine the data that must be monitored by each school district to measure the effectiveness of the implementation of the plan developed by the school district to reduce teacher-pupil ratios. The data reported by each school district must be included in the annual audit of the Department of



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Education of the count of pupils for apportionment purposes. (NRS 387.304, 388.710, 388.720) **Section 3** of this bill requires the State Board to also consult with the governing bodies of those charter schools that are required to comply with the requirements of class-size reduction in determining the data that must be monitored by the school districts and charter schools, and **section 1** of this bill includes the data reported by the charter schools in the Department's annual audit.

Existing law requires each school district, together with recognized associations representing licensed educational personnel, to develop a plan to reduce the school district's pupil-teacher ratios in kindergarten and grades 1, 2 and 3. In lieu of complying with the prescribed pupil-teacher ratios, existing law also authorizes a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to request approval from the State Board for an alternative class-size reduction 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) **Section 4** of this bill mandates the governing body of a charter school that is required to comply with the requirements of class-size reduction to develop a plan to reduce pupil-teacher ratios and authorizes the governing body to request approval for an alternative class-size reduction plan to reduce pupil-teacher ratios in the same manner as a school district in a county whose population is less than 100,000 may request such approval.

Existing law requires the board of trustees of each school district to report on a quarterly basis to the Department of Education: (1) the average daily attendance of pupils and the ratio of pupils per licensed teacher for grades 1, 2 and 3; or (2) if the school district has an alternative class-size reduction plan approved by the State Board, the average daily attendance and ratio of pupils per licensed teacher for those grades that are required to comply with the alternative plan. The board of trustees is also required to post the report on its Internet website. (NRS 388.725) **Section 5** of this bill requires the governing body of each charter school that is required to comply with the requirements of class-size reduction to make a similar report to the Department and post the report on its Internet website or, if the charter school does not maintain an Internet website, on the website maintained by the sponsor of the charter school.

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

Section 1. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 , ~~and~~ the data reported by each school district pursuant to NRS 388.710 ~~that~~ *and the data reported pursuant to NRS 388.710 by each charter school that is required to comply with NRS 388.700 which* is used to measure the effectiveness of the implementation of a plan developed by each school district *or each such charter school* to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and



1 the annual report prepared by each district as required by NRS
2 387.303, and report the findings of the review to the State Board and
3 the Legislative Committee on Education, with any recommendations
4 for legislation, revisions to regulations or training needed by school
5 district employees. The report by the Department must identify
6 school districts which failed to comply with any statutes or
7 administrative regulations of this State or which had any:

8 (a) Long-term obligations in excess of the general obligation
9 debt limit;

10 (b) Deficit fund balances or retained earnings in any fund;

11 (c) Deficit cash balances in any fund;



12 (d) Variances of more than 10 percent between total general
13 fund revenues and budgeted general fund revenues; or

14 (e) Variances of more than 10 percent between total actual
15 general fund expenditures and budgeted total general fund
16 expenditures.

17 3. In preparing its biennial budgetary request for the State
18 Distributive School Account, consult with the superintendent of
19 schools of each school district or a person designated by the
20 superintendent.


21 4. Provide, in consultation with the Budget Division of the
22 Department of Administration and the Fiscal Analysis Division of
23 the Legislative Counsel Bureau, training to the financial officers of
24 school districts in matters relating to financial accountability.

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

26 388.700 1. Except as otherwise provided in this section, for
27 each school quarter of a school year, the ratio in each school district
28 *and in each charter school that enrolls pupils in kindergarten or*
29 *any of the grade levels set forth in this subsection* of pupils per
30 licensed teacher designated to teach  on a full-time basis  in
31 classes where core curriculum is taught:

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

34 (b) If a plan is approved pursuant to subsection 3 of NRS
35 388.720, must not exceed the ratio set forth in that plan for the grade
36 levels specified in the plan.

37 ➤ In determining this ratio, all licensed educational personnel who
38 teach a grade level specified in paragraph (a) or a grade level
39 specified in a plan that is approved pursuant to subsection 3 of NRS
40 388.720, as applicable for the school district  *or charter school,*
41 must be counted except teachers of art, music, physical education or
42 special education, teachers who teach one or two specific subject
43 areas to more than one classroom of pupils, and counselors,
44 librarians, administrators, deans and specialists.



2. A school district *or a charter school required to comply with subsection 1* 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 if the school district *or charter school* requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year *[H] and each charter school required to comply with subsection 1 which exceeds the ratio of pupils per class during any quarter of a school year*, as reported to the Department pursuant to NRS 388.725:

(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 *[H] or charter school*,

↪ 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 *or charter school* 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 the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

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

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

(a) Each variance requested by a school district *or charter school* pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school *or charter school* for which *a* variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts *and charter schools* pursuant to subsection 2 of NRS 388.710, including



an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district ~~and~~ *or charter school.*

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

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

(c) The number of pupils enrolled; and
(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↳ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district ~~and~~ *and charter school.*

8. The provisions of this section do not apply to a charter school ~~for to~~ *which does not enroll pupils in any of the grade levels specified in subsection 1 or* a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with the *boards of* trustees of the school districts, *the governing bodies of charter schools required to comply with NRS 388.700* and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district and *each such charter school which must be* used to measure the effectiveness of the implementation of a plan developed by each school district *and charter school required to comply with NRS 388.700* to reduce the pupil-teacher ratio pursuant to NRS 388.720.

2. Each school district *and each charter school required to comply with NRS 388.700* shall report the data to the State Board as required by the State Board.

Sec. 4. NRS 388.720 is hereby amended to read as follows:

388.720 1. Except as otherwise provided in subsection 2, *the board of trustees of* each school district, together with the recognized associations representing licensed educational personnel *of the school district and the governing body of each charter school required to comply with NRS 388.700*, shall develop a plan to reduce the *school* district's *or charter school's* pupil-teacher ratio



per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, *and the governing body of a charter school required to comply with NRS 388.700 may* develop a plan to reduce the *school district's or charter school's* pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts *and charter schools* that include grade 6 in elementary school ~~or~~ *or in the charter school*. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection 2 if the plan:

(a) Reduces the *school* district's pupil-teacher ratio in the elementary schools within the school district ~~or~~ *or reduces the charter school's pupil-teacher ratio*; and

(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.

Sec. 5. NRS 388.725 is hereby amended to read as follows:

388.725 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 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.

3. On or before August 1, November 1, February 1 and May 1 of each year, the governing body of each charter school required to comply with NRS 388.700 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 each grade in which the charter school enrolls pupils in grades 1, 2 and 3.

(b) If the State Board has approved an alternative class-size reduction plan for the charter school 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.

4. The governing body of each charter school required to comply with NRS 388.700 shall post on the Internet website maintained by the charter school or, if the charter school does not maintain an Internet website, on the website maintained by the sponsor of the charter school:

(a) The information concerning average daily attendance and class size for the charter school, as reported to the Department pursuant to subsection 3; and

(b) If applicable, notice that a variance from the prescribed pupil-teacher ratios was granted to the charter school by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 6. This act becomes effective upon passage and approval.

