
ASSEMBLY BILL NO. 129—ASSEMBLYMAN KIRNER

PREFILED FEBRUARY 4, 2011

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Repeals the statewide requirements for class-size reduction and authorizes the boards of trustees of school districts to establish pupil-teacher ratios for elementary schools. (BDR 34-639)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; repealing the statutory requirements for the reduction of pupil-teacher ratios in certain grades; authorizing the board of trustees of a school district to establish pupil-teacher ratios for the elementary schools within the school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires prescribed ratios of pupils per licensed teacher in
2 kindergarten and grades 1, 2 and 3. (NRS 388.700) Under existing law, a school
3 district in a county whose population is less than 100,000 (currently all counties
4 other than Clark and Washoe Counties) may, in lieu of complying with the
5 prescribed ratios, develop an alternative plan to reduce the district’s pupil-teacher
6 ratios for specified grade levels in elementary schools. (NRS 388.720) This bill
7 repeals the provisions requiring class-size reduction and authorizes the board of
8 trustees of a school district to develop a plan establishing pupil-teacher ratios for
9 specified grade levels in the elementary schools within the school district.

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

1 **Section 1.** NRS 387.123 is hereby amended to read as follows:
2 387.123 1. The count of pupils for apportionment purposes
3 includes all pupils who are enrolled in programs of instruction of the
4 school district, including, without limitation, a program of distance



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1 education provided by the school district, pupils who reside in the
2 county in which the school district is located and are enrolled in any
3 charter school, including, without limitation, a program of distance
4 education provided by a charter school, and pupils who are enrolled
5 in a university school for profoundly gifted pupils located in the
6 county, for:

7 (a) Pupils in the kindergarten department.

8 (b) Pupils in grades 1 to 12, inclusive.

9 (c) Pupils not included under paragraph (a) or (b) who are
10 receiving special education pursuant to the provisions of NRS
11 388.440 to 388.520, inclusive.

12 (d) Pupils who reside in the county and are enrolled part-time in
13 a program of distance education provided pursuant to NRS 388.820
14 to 388.874, inclusive.

15 (e) Children detained in facilities for the detention of children,
16 alternative programs and juvenile forestry camps receiving
17 instruction pursuant to the provisions of NRS 388.550,
18 388.560 and 388.570.

19 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
20 NRS 386.560 and pupils who are enrolled in classes pursuant to
21 subsection 5 of NRS 386.580.

22 (g) Pupils who are enrolled in classes pursuant to subsection 3
23 of NRS 392.070.

24 (h) Pupils who are enrolled in classes and taking courses
25 necessary to receive a high school diploma, excluding those pupils
26 who are included in paragraphs (d), (f) and (g).

27 2. The State Board shall establish uniform regulations for
28 counting enrollment and calculating the average daily attendance of
29 pupils. In establishing such regulations for the public schools, the
30 State Board:

31 (a) Shall divide the school year into 10 school months, each
32 containing 20 or fewer school days, or its equivalent for those public
33 schools operating under an alternative schedule authorized pursuant
34 to NRS 388.090.

35 (b) May divide the pupils in grades 1 to 12, inclusive, into
36 categories composed respectively of those enrolled in elementary
37 schools and those enrolled in secondary schools.

38 (c) Shall prohibit the counting of any pupil specified in
39 subsection 1 more than once.

40 ~~3. Except as otherwise provided in subsection 4 and NRS~~
41 ~~388.700, the State Board shall establish by regulation the maximum~~
42 ~~pupil teacher ratio in each grade, and for each subject matter~~
43 ~~wherever different subjects are taught in separate classes, for each~~
44 ~~school district of this State which is consistent with:~~

45 ~~—(a) The maintenance of an acceptable standard of instruction;~~



1 ~~—(b) The conditions prevailing in the school district with respect~~
2 ~~to the number and distribution of pupils in each grade; and~~

3 ~~—(c) Methods of instruction used, which may include educational~~
4 ~~television, team teaching or new teaching systems or techniques.~~

5 ~~→ If the Superintendent of Public Instruction finds that any school~~
6 ~~district is maintaining one or more classes whose pupil teacher ratio~~
7 ~~exceeds the applicable maximum, and unless the Superintendent~~
8 ~~finds that the board of trustees of the school district has made every~~
9 ~~reasonable effort in good faith to comply with the applicable~~
10 ~~standard, the Superintendent shall, with the approval of the State~~
11 ~~Board, reduce the count of pupils for apportionment purposes by the~~
12 ~~percentage which the number of pupils attending those classes is of~~
13 ~~the total number of pupils in the district, and the State Board may~~
14 ~~direct the Superintendent to withhold the quarterly apportionment~~
15 ~~entirely.~~

16 ~~—4. The provisions of subsection 3 do not apply to a charter~~
17 ~~school, a university school for profoundly gifted pupils or a program~~
18 ~~of distance education provided pursuant to NRS 388.820 to 388.874,~~
19 ~~inclusive.]~~

20 **Sec. 2.** NRS 387.304 is hereby amended to read as follows:

21 387.304 The Department shall:

22 1. Conduct an annual audit of the count of pupils for
23 apportionment purposes reported by each school district pursuant to
24 NRS 387.123 . ~~[and the data reported by each school district~~
25 ~~pursuant to NRS 388.710 that is used to measure the effectiveness~~
26 ~~of the implementation of a plan developed by each school district to~~
27 ~~reduce the pupil teacher ratio as required by NRS 388.720.]~~

28 2. Review each school district's report of the annual audit
29 conducted by a public accountant as required by NRS 354.624, and
30 the annual report prepared by each district as required by NRS
31 387.303, and report the findings of the review to the State Board and
32 the Legislative Committee on Education, with any recommendations
33 for legislation, revisions to regulations or training needed by school
34 district employees. The report by the Department must identify
35 school districts which failed to comply with any statutes or
36 administrative regulations of this State or which had any:

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

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

40 (c) Deficit cash balances in any fund;

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

43 (e) Variances of more than 10 percent between total actual
44 general fund expenditures and budgeted total general fund
45 expenditures.



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

5 4. Provide, in consultation with the Budget Division of the
6 Department of Administration and the Fiscal Analysis Division of
7 the Legislative Counsel Bureau, training to the financial officers of
8 school districts in matters relating to financial accountability.

9 **Sec. 3.** Chapter 388 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. The board of trustees of a school district may develop a*
12 *plan establishing ratios of pupils per licensed teacher for specified*
13 *grade levels in the elementary schools within the school district.*

14 *2. If the board of trustees of a school district develops a plan*
15 *establishing pupil-teacher ratios pursuant to subsection 1, the*
16 *board of trustees must submit the plan to the Department for*
17 *informational purposes.*

18 **Sec. 4.** NRS 218E.615 is hereby amended to read as follows:

19 218E.615 1. The Committee may:

20 (a) Evaluate, review and comment upon issues related to
21 education within this State, including, but not limited to:

22 (1) Programs to enhance accountability in education;

23 (2) Legislative measures regarding education;

24 (3) The progress made by this State, the school districts and
25 the public schools in this State in satisfying the goals and objectives
26 of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301
27 et seq., and the annual measurable objectives established by the
28 State Board of Education pursuant to NRS 385.361;

29 (4) Methods of financing public education;

30 (5) The condition of public education in the elementary and
31 secondary schools;

32 (6) ~~The program to reduce the ratio of pupils per class per~~
33 ~~licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

34 ~~— (7) The development of any programs to automate the~~
35 ~~receipt, storage and retrieval of the educational records of pupils;~~
36 and

37 ~~(8) (7) Any other matters that, in the determination of the~~
38 ~~Committee, affect the education of pupils within this State.~~

39 (b) Conduct investigations and hold hearings in connection with
40 its duties pursuant to this section.

41 (c) Request that the Legislative Counsel Bureau assist in the
42 research, investigations, hearings and reviews of the Committee.

43 (d) Make recommendations to the Legislature concerning the
44 manner in which public education may be improved.

45 2. The Committee shall:



1 (a) In addition to any standards prescribed by the Department of
2 Education, prescribe standards for the review and evaluation of the
3 reports of the State Board of Education, school districts and public
4 schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

5 (b) For the purposes set forth in NRS 385.389, recommend to
6 the Department of Education programs of remedial study for each
7 subject tested on the examinations administered pursuant to NRS
8 389.015. In recommending these programs of remedial study, the
9 Committee shall consider programs of remedial study that have
10 proven to be successful in improving the academic achievement of
11 pupils.

12 (c) Recommend to the Department of Education providers of
13 supplemental educational services for inclusion on the list of
14 approved providers prepared by the Department pursuant to NRS
15 385.384. In recommending providers, the Committee shall consider
16 providers with a demonstrated record of effectiveness in improving
17 the academic achievement of pupils.

18 (d) For the purposes set forth in NRS 385.3785, recommend to
19 the Commission on Educational Excellence created by NRS
20 385.3784 programs, practices and strategies that have proven
21 effective in improving the academic achievement and proficiency of
22 pupils.

23 **Sec. 5.** NRS 218E.625 is hereby amended to read as follows:

24 218E.625 1. The Legislative Bureau of Educational
25 Accountability and Program Evaluation is hereby created within the
26 Fiscal Analysis Division of the Legislative Counsel Bureau. The
27 Fiscal Analysts shall appoint to the Legislative Bureau of
28 Educational Accountability and Program Evaluation a Chief and
29 such other personnel as the Fiscal Analysts determine are necessary
30 for the Bureau to carry out its duties pursuant to this section.

31 2. The Bureau shall, as the Fiscal Analysts determine is
32 necessary or at the request of the Committee:

33 (a) Collect and analyze data and issue written reports
34 concerning:

35 (1) The effectiveness of the provisions of NRS 385.3455 to
36 385.391, inclusive, in improving the accountability of the schools of
37 this State;

38 (2) ~~The statewide program to reduce the ratio of pupils per~~
39 ~~class per licensed teacher prescribed in NRS 388.700, 388.710 and~~
40 ~~388.720;~~

41 ~~—(3)—~~ (3) The statewide program to educate persons with
42 disabilities that is set forth in chapter 395 of NRS;

43 ~~{(4)}~~ (3) The results of the examinations of the National
44 Assessment of Educational Progress that are administered pursuant
45 to NRS 389.012; and



1 ~~(5)~~ (4) Any program or legislative measure, the purpose of
2 which is to reform the system of education within this State.

3 (b) Conduct studies and analyses to evaluate the performance
4 and progress of the system of public education within this State.
5 Such studies and analyses may be conducted:

6 (1) As the Fiscal Analysts determine are necessary; or

7 (2) At the request of the Legislature.

8 ➔ This paragraph does not prohibit the Bureau from contracting
9 with a person or entity to conduct studies and analyses on behalf of
10 the Bureau.

11 (c) On or before December 31 of each even-numbered year,
12 submit a written report of its findings pursuant to paragraphs (a) and
13 (b) to the Director of the Legislative Counsel Bureau for
14 transmission to the next regular session of the Legislature. The
15 Bureau shall, on or before December 31 of each odd-numbered year,
16 submit a written report of its findings pursuant to paragraphs (a) and
17 (b) to the Director of the Legislative Counsel Bureau for
18 transmission to the Legislative Commission.

19 3. The Bureau may, pursuant to NRS 218F.620, require a
20 school, a school district, the Nevada System of Higher Education or
21 the Department of Education to submit to the Bureau books, papers,
22 records and other information that the Chief of the Bureau
23 determines are necessary to carry out the duties of the Bureau
24 pursuant to this section. An entity whom the Bureau requests to
25 produce records or other information shall provide the records or
26 other information in any readily available format specified by the
27 Bureau.

28 4. Except as otherwise provided in this subsection or NRS
29 239.0115, any information obtained by the Bureau pursuant to this
30 section shall be deemed a work product that is confidential pursuant
31 to NRS 218F.150. The Bureau may, at the discretion of the Chief
32 and after submission to the Legislature or Legislative Commission,
33 as appropriate, publish reports of its findings pursuant to paragraphs
34 (a) and (b) of subsection 2.

35 5. This section does not prohibit the Department of Education
36 or the State Board of Education from conducting analyses,
37 submitting reports or otherwise reviewing educational programs in
38 this State.

39 **Sec. 6.** NRS 388.700, 388.710 and 388.720 are hereby
40 repealed.

41 **Sec. 7.** This act becomes effective on July 1, 2011.



TEXT OF REPEALED SECTIONS

388.700 Reduction of ratio in certain grades; request for variance required under certain circumstances; reports by State Board and Department; exception to requirements for charter schools and distance education.

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, 2 and 3, must not exceed 15 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, 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 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 or before February 1 of each odd-numbered year, report to the Legislature on:

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

(b) The data reported to it by the various school districts 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.

6. 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.

7. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

388.710 State Board of Education to determine data to be monitored by school district; school district to report data to State Board.

1. The State Board, in consultation with the trustees of the school districts 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 used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio pursuant to NRS 388.720.

2. Each school district shall report the data to the State Board as required by the State Board.



388.720 Development of plan by school district to reduce pupil-teacher ratios; alternative ratios for certain grades authorized in certain counties.

1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district'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, develop a plan to reduce the district'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 that include grade 6 in elementary 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 district's pupil-teacher ratio in the elementary schools within the school district; 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.

