

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. This bill
10 also requires the board of trustees of a school district that develops a plan
11 establishing pupil-teacher ratios to submit to the Department of Education a report
12 on the status of the plan. The Department is required to compile the reports and
13 submit the compilation to the Director of the Legislative Counsel Bureau for
14 transmission to the next regular session of the Legislature and to the Legislative
15 Committee on Education.



* A B 1 2 9 R 1 *

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
5 education provided by the school district, pupils who reside in the
6 county in which the school district is located and are enrolled in any
7 charter school, including, without limitation, a program of distance
8 education provided by a charter school, and pupils who are enrolled
9 in a university school for profoundly gifted pupils located in the
10 county, for:
11 (a) Pupils in the kindergarten department.
12 (b) Pupils in grades 1 to 12, inclusive.
13 (c) Pupils not included under paragraph (a) or (b) who are
14 receiving special education pursuant to the provisions of NRS
15 388.440 to 388.520, inclusive.
16 (d) Pupils who reside in the county and are enrolled part-time in
17 a program of distance education provided pursuant to NRS 388.820
18 to 388.874, inclusive.
19 (e) Children detained in facilities for the detention of children,
20 alternative programs and juvenile forestry camps receiving
21 instruction pursuant to the provisions of NRS 388.550,
22 388.560 and 388.570.
23 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
24 NRS 386.560 and pupils who are enrolled in classes pursuant to
25 subsection 5 of NRS 386.580.
26 (g) Pupils who are enrolled in classes pursuant to subsection 3
27 of NRS 392.070.
28 (h) Pupils who are enrolled in classes and taking courses
29 necessary to receive a high school diploma, excluding those pupils
30 who are included in paragraphs (d), (f) and (g).
31 2. The State Board shall establish uniform regulations for
32 counting enrollment and calculating the average daily attendance of
33 pupils. In establishing such regulations for the public schools, the
34 State Board:
35 (a) Shall divide the school year into 10 school months, each
36 containing 20 or fewer school days, or its equivalent for those public
37 schools operating under an alternative schedule authorized pursuant
38 to NRS 388.090.
39 (b) May divide the pupils in grades 1 to 12, inclusive, into
40 categories composed respectively of those enrolled in elementary
41 schools and those enrolled in secondary schools.



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

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

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

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

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

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

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

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

29 387.304 The Department shall:

30 1. Conduct an annual audit of the count of pupils for
31 apportionment purposes reported by each school district pursuant to
32 NRS 387.123 . ~~[and the data reported by each school district
33 pursuant to NRS 388.710 that is used to measure the effectiveness
34 of the implementation of a plan developed by each school district to
35 reduce the pupil teacher ratio as required by NRS 388.720.]~~

36 2. Review each school district's report of the annual audit
37 conducted by a public accountant as required by NRS 354.624, and
38 the annual report prepared by each district as required by NRS
39 387.303, and report the findings of the review to the State Board and
40 the Legislative Committee on Education, with any recommendations
41 for legislation, revisions to regulations or training needed by school
42 district employees. The report by the Department must identify
43 school districts which failed to comply with any statutes or
44 administrative regulations of this State or which had any:



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

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

4 (c) Deficit cash balances in any fund;

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

7 (e) Variances of more than 10 percent between total actual
8 general fund expenditures and budgeted total general fund
9 expenditures.

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

14 4. Provide, in consultation with the Budget Division of the
15 Department of Administration and the Fiscal Analysis Division of
16 the Legislative Counsel Bureau, training to the financial officers of
17 school districts in matters relating to financial accountability.

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

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

23 *2. If the board of trustees of a school district develops a plan*
24 *establishing pupil-teacher ratios pursuant to subsection 1, the*
25 *board of trustees must submit the plan to the Department for*
26 *informational purposes.*

27 *3. If the board of trustees of a school district develops a plan*
28 *establishing pupil-teacher ratios pursuant to subsection 1, the*
29 *board of trustees shall, on or before August 1 of each year, submit*
30 *to the Department a report on the status of the plan, including,*
31 *without limitation, the effectiveness of the plan in improving the*
32 *achievement of pupils enrolled in the grade levels at which the*
33 *plan is implemented.*

34 *4. The Department shall compile the reports it receives*
35 *pursuant to subsection 3 and, on or before October 1, submit the*
36 *compilation and a summary of the effectiveness of each plan to:*

37 *(a) In even-numbered years, the Director of the Legislative*
38 *Counsel Bureau for transmission to the next regular session of the*
39 *Legislature; and*

40 *(b) In odd-numbered years, the Legislative Committee on*
41 *Education.*

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

43 218E.615 1. The Committee may:

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



- 1 (1) Programs to enhance accountability in education;
2 (2) Legislative measures regarding education;
3 (3) The progress made by this State, the school districts and
4 the public schools in this State in satisfying the goals and objectives
5 of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301
6 et seq., and the annual measurable objectives established by the
7 State Board of Education pursuant to NRS 385.361;
8 (4) Methods of financing public education;
9 (5) The condition of public education in the elementary and
10 secondary schools;
11 (6) ~~The program to reduce the ratio of pupils per class per~~
12 ~~licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~
13 *Any plans establishing pupil-teacher ratios developed by the*
14 *boards of trustees of school districts pursuant to section 3 of this*
15 *act;*
16 (7) The development of any programs to automate the
17 receipt, storage and retrieval of the educational records of pupils;
18 and
19 (8) Any other matters that, in the determination of the
20 Committee, affect the education of pupils within this State.
21 (b) Conduct investigations and hold hearings in connection with
22 its duties pursuant to this section.
23 (c) Request that the Legislative Counsel Bureau assist in the
24 research, investigations, hearings and reviews of the Committee.
25 (d) Make recommendations to the Legislature concerning the
26 manner in which public education may be improved.
27 2. The Committee shall:
28 (a) In addition to any standards prescribed by the Department of
29 Education, prescribe standards for the review and evaluation of the
30 reports of the State Board of Education, school districts and public
31 schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.
32 (b) For the purposes set forth in NRS 385.389, recommend to
33 the Department of Education programs of remedial study for each
34 subject tested on the examinations administered pursuant to NRS
35 389.015. In recommending these programs of remedial study, the
36 Committee shall consider programs of remedial study that have
37 proven to be successful in improving the academic achievement of
38 pupils.
39 (c) Recommend to the Department of Education providers of
40 supplemental educational services for inclusion on the list of
41 approved providers prepared by the Department pursuant to NRS
42 385.384. In recommending providers, the Committee shall consider
43 providers with a demonstrated record of effectiveness in improving
44 the academic achievement of pupils.



1 (d) For the purposes set forth in NRS 385.3785, recommend to
2 the Commission on Educational Excellence created by NRS
3 385.3784 programs, practices and strategies that have proven
4 effective in improving the academic achievement and proficiency of
5 pupils.

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

7 218E.625 1. The Legislative Bureau of Educational
8 Accountability and Program Evaluation is hereby created within the
9 Fiscal Analysis Division of the Legislative Counsel Bureau. The
10 Fiscal Analysts shall appoint to the Legislative Bureau of
11 Educational Accountability and Program Evaluation a Chief and
12 such other personnel as the Fiscal Analysts determine are necessary
13 for the Bureau to carry out its duties pursuant to this section.

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

16 (a) Collect and analyze data and issue written reports
17 concerning:

18 (1) The effectiveness of the provisions of NRS 385.3455 to
19 385.391, inclusive, in improving the accountability of the schools of
20 this State;

21 (2) ~~[The statewide program to reduce the ratio of pupils per~~
22 ~~class per licensed teacher prescribed in NRS 388.700, 388.710 and~~
23 ~~388.720;]~~ *Any plans establishing pupil-teacher ratios developed by*
24 *the boards of trustees of school districts pursuant to section 3 of*
25 *this act;*

26 (3) The statewide program to educate persons with
27 disabilities that is set forth in chapter 395 of NRS;

28 (4) The results of the examinations of the National
29 Assessment of Educational Progress that are administered pursuant
30 to NRS 389.012; and

31 (5) Any program or legislative measure, the purpose of
32 which is to reform the system of education within this State.

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

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

37 (2) At the request of the Legislature.

38 ↪ This paragraph does not prohibit the Bureau from contracting
39 with a person or entity to conduct studies and analyses on behalf of
40 the Bureau.

41 (c) On or before December 31 of each even-numbered year,
42 submit a written report of its findings pursuant to paragraphs (a) and
43 (b) to the Director of the Legislative Counsel Bureau for
44 transmission to the next regular session of the Legislature. The
45 Bureau shall, on or before December 31 of each odd-numbered year,



1 submit a written report of its findings pursuant to paragraphs (a) and
2 (b) to the Director of the Legislative Counsel Bureau for
3 transmission to the Legislative Commission.

4 3. The Bureau may, pursuant to NRS 218F.620, require a
5 school, a school district, the Nevada System of Higher Education or
6 the Department of Education to submit to the Bureau books, papers,
7 records and other information that the Chief of the Bureau
8 determines are necessary to carry out the duties of the Bureau
9 pursuant to this section. An entity whom the Bureau requests to
10 produce records or other information shall provide the records or
11 other information in any readily available format specified by the
12 Bureau.

13 4. Except as otherwise provided in this subsection or NRS
14 239.0115, any information obtained by the Bureau pursuant to this
15 section shall be deemed a work product that is confidential pursuant
16 to NRS 218F.150. The Bureau may, at the discretion of the Chief
17 and after submission to the Legislature or Legislative Commission,
18 as appropriate, publish reports of its findings pursuant to paragraphs
19 (a) and (b) of subsection 2.

20 5. This section does not prohibit the Department of Education
21 or the State Board of Education from conducting analyses,
22 submitting reports or otherwise reviewing educational programs in
23 this State.

24 **Sec. 6.** NRS 388.700, 388.710 and 388.720 are hereby
25 repealed.

26 **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.

