

SENATE BILL NO. 459—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON EDUCATION)

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the class-size reduction program. (BDR 34-330)

FISCAL NOTE: Effect on Local Government: No.  
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 the class-size reduction program; requiring the governing body of a charter school that is not sponsored by a school district and that is an elementary school to submit to the Department of Education quarterly reports concerning pupil-teacher ratios; requiring the ratio of pupils per teacher in certain grades in such a charter school not to exceed prescribed ratios; requiring such a charter school to develop a plan to reduce the pupil-teacher ratio in certain grades; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the maximum ratio of pupils per licensed teacher in  
2 kindergarten and grades 1, 2 and 3, and requires a school district with a school that  
3 exceeds this ratio to request a variance from the State Board of Education. Existing  
4 law also requires each school district to: (1) develop a plan to reduce the district’s  
5 pupil-teacher ratio per class in those grades; and (2) submit to the Department of  
6 Education quarterly reports with certain information relating to the district’s pupil-  
7 teacher ratios. Under existing law, charter schools are exempt from the provisions  
8 relating to the ratio of pupils per teacher. (NRS 388.700, 388.720, 388.725) **Section**  
9 **4** of this bill removes the exemption from the requirements relating to the ratio of  
10 pupils per teacher for charter schools that are not sponsored by a school district and  
11 requires such a charter school that exceeds the prescribed ratio to request a variance  
12 from the State Public Charter School Authority. **Sections 1, 2, 7 and 8** of this bill  
13 make changes that conform to the removal of the exemption from the requirements  
14 relating to the pupil-teacher ratio for such charter schools.



15 **Section 6** of this bill requires a charter school that is not sponsored by a school  
16 district and that is an elementary school to develop a plan to reduce the school's  
17 pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3. **Section 5** of this  
18 bill makes conforming changes. **Section 3** of this bill requires the governing body  
19 of such a charter school to submit quarterly reports with certain information  
20 relating to the school's pupil-teacher ratios to the Department.

21 **Section 10** of this bill provides that this bill becomes effective on July 1, 2017,  
22 only if the amount of money appropriated by the Legislature for the class-size  
23 reduction program for the 2017-2019 biennium includes an appropriation to carry  
24 out the amendatory provisions of this bill and such appropriation for class-size  
25 reduction in charter schools does not reduce the amount of money appropriated to  
26 school districts for the class-size reduction program below the amount that was  
27 appropriated for that purpose for the 2015-2017 biennium.

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

1 **Section 1.** NRS 387.1234 is hereby amended to read as  
2 follows:

3 387.1234 1. Except as otherwise provided in subsection 3  
4 and NRS 388.700, the State Board shall establish by regulation the  
5 maximum pupil-teacher ratio in each grade, and for each subject  
6 matter wherever different subjects are taught in separate classes, for  
7 each 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 2. If the Superintendent of Public Instruction finds that any  
14 school district *or charter school that is not sponsored by the school*  
15 *district* is maintaining one or more classes whose pupil-teacher ratio  
16 exceeds the applicable maximum, and unless the Superintendent  
17 finds that the board of trustees of the school district *or the*  
18 *governing body of the charter school* has made every reasonable  
19 effort in good faith to comply with the applicable standard, the  
20 Superintendent shall, with the approval of the State Board, reduce  
21 the count of pupils for apportionment purposes by the percentage  
22 which the number of pupils attending those classes is of the total  
23 number of pupils in the district, and the State Board may direct the  
24 Superintendent to withhold the quarterly apportionment entirely.

25 3. The provisions of this section do not apply to ~~a charter~~  
26 ~~school;~~ a university school for profoundly gifted pupils or a  
27 program of distance education provided pursuant to NRS 388.820 to  
28 388.874, inclusive.

29 **Sec. 2.** NRS 387.304 is hereby amended to read as follows:  
30 387.304 The Department shall:



1 1. Conduct an annual audit of the count of pupils for  
2 apportionment purposes reported each quarter by each school  
3 district pursuant to NRS 387.123 and the data reported by each  
4 school district *and each charter school that is not sponsored by a*  
5 *school district* pursuant to NRS 388.710 that is used to measure the  
6 effectiveness of the implementation of a plan developed by ~~teach~~  
7 *the school district or charter school, as applicable*, to reduce the  
8 pupil-teacher ratio as required by NRS 388.720.

9 2. Review each school district's report of the annual audit  
10 conducted by a public accountant as required by NRS 354.624, and  
11 the annual report prepared by each district as required by NRS  
12 387.303, and report the findings of the review to the State Board and  
13 the Legislative Committee on Education, with any recommendations  
14 for legislation, revisions to regulations or training needed by school  
15 district employees. The report by the Department must identify  
16 school districts which failed to comply with any statutes or  
17 administrative regulations of this State or which had any:

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

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

21 (c) Deficit cash balances in any fund;

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

24 (e) Variances of more than 10 percent between total actual  
25 general fund expenditures and budgeted total general fund  
26 expenditures.

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

31 4. Provide, in consultation with the Budget Division of the  
32 Office of Finance and the Fiscal Analysis Division of the  
33 Legislative Counsel Bureau, training to the financial officers of  
34 school districts in matters relating to financial accountability.

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

37 *1. On or before August 1, November 1, February 1 and*  
38 *May 1 of each year, the governing body of each charter school*  
39 *that is not sponsored by the school district and that is an*  
40 *elementary school shall report to the Department for the preceding*  
41 *quarter:*

42 *(a) Except as otherwise provided in paragraph (b), the average*  
43 *daily attendance of pupils and the ratio of pupils per teacher for*  
44 *grades 1, 2 and 3.*



1 (b) *If the State Board has approved an alternative class-size*  
2 *reduction plan for the charter school pursuant to NRS 388.720,*  
3 *the average daily attendance of pupils and the ratio of pupils per*  
4 *teacher for those grades which are required to comply with the*  
5 *alternative class-size reduction plan for the charter school.*

6 2. *The governing body of each charter school that is an*  
7 *elementary school shall post on the Internet website maintained by*  
8 *the charter school:*

9 (a) *The information concerning average daily attendance and*  
10 *class size, as reported to the Department pursuant to subsection 1;*  
11 *and*

12 (b) *A statement that a variance from the prescribed pupil-*  
13 *teacher ratios was granted by the State Public Charter School*  
14 *Authority pursuant to subsection 4 of NRS 388.700.*

15 **Sec. 4.** NRS 388.700 is hereby amended to read as follows:

16 388.700 1. Except as otherwise provided in this section, for  
17 each school quarter of a school year, the ratio in each school district  
18 *and each charter school that is not sponsored by a school district*  
19 of pupils per licensed teacher designated to teach, on a full-time  
20 basis, in classes where core curriculum is taught:

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

23 (b) If a plan is approved pursuant to subsection 3 of NRS  
24 388.720, must not exceed the ratio set forth in that plan for the grade  
25 levels specified in the plan.

26 ➤ In determining this ratio, all licensed educational personnel  
27 *employed by a school district and all educational personnel*  
28 *employed by a charter school* who teach a grade level specified in  
29 paragraph (a) or a grade level specified in a plan that is approved  
30 pursuant to subsection 3 of NRS 388.720, as applicable for the  
31 school district ~~†~~ *or charter school*, must be counted except  
32 teachers of art, music, physical education or special education,  
33 teachers who teach one or two specific subject areas to more than  
34 one classroom of pupils, and counselors, librarians, administrators,  
35 deans and specialists.

36 2. A school district *or charter school that is not sponsored by*  
37 *a school district* may, within the limits of any plan adopted pursuant  
38 to NRS 388.720, assign a pupil whose enrollment in a grade occurs  
39 after the end of a quarter during the school year to any existing class  
40 regardless of the number of pupils in the class if the school district  
41 *or charter school* requests and is approved for a variance from the  
42 State Board *or State Public Charter School Authority, as*  
43 *applicable*, pursuant to subsection ~~†4~~ 5.

44 3. Each school district that includes one or more elementary  
45 schools which exceed the ratio of pupils per class during any quarter



1 of a school year, as reported to the Department pursuant to  
2 NRS 388.725:

- 3 (a) Set forth in subsection 1;
- 4 (b) Prescribed in conjunction with a legislative appropriation for  
5 the support of the class-size reduction program; or
- 6 (c) Defined by a legislatively approved alternative class-size  
7 reduction plan, if applicable to that school district,  
8 ↪ must request a variance for each such school for the next quarter  
9 of the current school year if a quarter remains in that school year or  
10 for the next quarter of the succeeding school year, as applicable,  
11 from the State Board by providing a written statement that includes  
12 the reasons for the request and the justification for exceeding the  
13 applicable prescribed ratio of pupils per class.

14 4. *Each charter school that is not sponsored by a school  
15 district and that is an elementary school which exceeds the ratio of  
16 pupils per class during any quarter of a school year, as reported to  
17 the Department pursuant to section 3 of this act:*

- 18 (a) *Set forth in subsection 1;*
- 19 (b) *Prescribed in conjunction with a legislative appropriation  
20 to a charter school for the support of the class-size reduction  
21 program; or*
- 22 (c) *Defined by a legislatively approved alternative class-size  
23 reduction plan, if applicable to the charter school,  
24 ↪ must request a variance for the charter school for the next  
25 quarter of the current school year if a quarter remains in that  
26 school year or for the next quarter of the succeeding school year,  
27 as applicable, from the State Public Charter School Authority by  
28 providing a written statement that includes the reasons for the  
29 request and the justification for exceeding the applicable  
30 prescribed ratio of pupils per class.*

31 5. The State Board *or the State Public Charter School  
32 Authority, as applicable,* may grant to a school district *or a charter  
33 school that is not sponsored by a school district* a variance from the  
34 limitation on the number of pupils per class set forth in paragraph  
35 (a), (b) or (c) of subsection 3 *or paragraph (a), (b) or (c) of  
36 subsection 4, as applicable,* for good cause, including the lack of  
37 available financial support specifically set aside for the reduction of  
38 pupil-teacher ratios.

39 ~~5~~ 6. The State Board *and the State Public Charter School  
40 Authority* shall, on a quarterly basis, submit a report to the Interim  
41 Finance Committee on each variance requested by a school district  
42 *or charter school* pursuant to subsection ~~4~~ 5 during the preceding  
43 quarter and, if a variance was granted, an identification of each  
44 elementary school for which a variance was granted and the specific  
45 justification for the variance.



1 ~~16.1~~ 7. The State Board *and the State Public Charter School*  
2 *Authority* shall, on or before February 1 of each odd-numbered  
3 year, submit a report to the Legislature on:

4 (a) Each variance requested by a school district *or charter*  
5 *school* pursuant to subsection ~~4.1~~ 5 during the preceding biennium  
6 and, if a variance was granted, an identification of each elementary  
7 school for which variance was granted and the specific justification  
8 for the variance.

9 (b) The data reported to it by the various school districts *and*  
10 *charter schools* pursuant to subsection 2 of NRS 388.710, including  
11 an explanation of that data, and the current pupil-teacher ratios per  
12 class in the grade levels specified in paragraph (a) of subsection 1 or  
13 the grade levels specified in a plan that is approved pursuant to  
14 subsection 3 of NRS 388.720, as applicable for the school district ~~1-~~  
15 ~~7.1~~ *or charter school*.

16 8. The Department shall, on or before November 15 of each  
17 year, report to the Chief of the Budget Division of the Office of  
18 Finance and the Fiscal Analysis Division of the Legislative Counsel  
19 Bureau:

20 (a) The number of teachers employed;

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

23 (c) The number of pupils enrolled; and

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

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

31 ~~18.1~~ 9. The provisions of this section do not apply to ~~1a charter~~  
32 ~~school or to~~ a program of distance education provided pursuant to  
33 NRS 388.820 to 388.874, inclusive.

34 **Sec. 5.** NRS 388.710 is hereby amended to read as follows:

35 388.710 1. The State Board, in consultation with the trustees  
36 of the school districts , ~~and~~ the recognized associations  
37 representing licensed educational personnel, *a representative of the*  
38 *Charter School Association of Nevada and a representative of the*  
39 *State Public Charter School Authority*, after receiving comments  
40 from the general public, shall determine the data that must be  
41 monitored by each school district *or charter school that is not*  
42 *sponsored by a school district* and used to measure the effectiveness  
43 of the implementation of a plan developed by ~~1each~~ *the* school  
44 district *or charter school* to reduce the pupil-teacher ratio pursuant  
45 to NRS 388.720.



1 2. Each school district *and charter school that is not*  
2 *sponsored by a school district* shall report the data to the State  
3 Board as required by the State Board.

4 **Sec. 6.** NRS 388.720 is hereby amended to read as follows:

5 388.720 1. Except as otherwise provided in subsection 2,  
6 each school district together with the recognized associations  
7 representing licensed educational personnel *and each charter*  
8 *school that is not sponsored by a school district and that is an*  
9 *elementary school* shall develop a plan to reduce the ~~{district's}~~  
10 pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3  
11 *for the school district or charter school, as applicable*, within the  
12 limits of available financial support specifically set aside for this  
13 purpose and submit that plan to the State Board.

14 2. In lieu of complying with the pupil-teacher ratio prescribed  
15 in paragraph (a) of subsection 1 of NRS 388.700, a school district in  
16 a county whose population is less than 100,000 *or a charter school*  
17 *that is not sponsored by a school district* may, in consultation with  
18 the recognized associations representing licensed educational  
19 personnel, *if applicable*, develop a plan to reduce the ~~{district's}~~  
20 pupil-teacher ratios per class *for the school district or charter*  
21 *school, as applicable*, for specified grade levels in elementary  
22 schools. Alternative ratios for grade 6 may only be approved for  
23 those school districts *or charter schools* that include grade 6 in  
24 elementary school. The alternative pupil-teacher ratios must not:

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

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

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

30 (a) Reduces the ~~{district's}~~ pupil-teacher ratio *for the school*  
31 *district or charter school, as applicable*, in the elementary schools  
32 within the school district ~~{}~~ *or in the charter school, as applicable*;  
33 and

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

37 **Sec. 7.** NRS 388.723 is hereby amended to read as follows:

38 388.723 The Department shall:

39 1. Develop policies and procedures for:

40 (a) Monitoring the plan of each school district *or charter school*  
41 *that is not sponsored by a school district* to reduce the pupil-teacher  
42 ratio per class developed pursuant to NRS 388.720, which must  
43 include, without limitation, provisions for:

44 (1) The review of each plan submitted to the State Board to  
45 ensure the adequacy of such plans; and





1 (2) The review of any data submitted to the State Board  
2 pursuant to NRS 388.710.

3 (b) Monitoring the quarterly reports concerning the average  
4 daily attendance of pupils and the pupil-teacher ratios ~~in each~~  
5 ~~school district~~ submitted by the board of trustees of ~~the~~ *each*  
6 school district pursuant to NRS 388.725 *and the governing body of*  
7 *each charter school pursuant to section 3 of this act* to ensure the  
8 completeness and accuracy of such reports.

9 (c) The review of any requests for a variance submitted to the  
10 State Board *or the State Public Charter School Authority* pursuant  
11 to NRS 388.700, which must include, without limitation, provisions  
12 to verify the information in such requests to ensure the accuracy of  
13 the reports on variances submitted by the State Board *or the State*  
14 *Public Charter School Authority* to the Legislature pursuant to that  
15 section.

16 (d) The distribution of money to each school district *or charter*  
17 *school that is not sponsored by a school district* for the reduction of  
18 pupil-teacher ratios, which must include, without limitation,  
19 provisions for:

20 (1) The retention of all documents and records related to the  
21 distribution; and

22 (2) The review of the work performed to determine the  
23 distribution of such money to ensure the accuracy of supporting  
24 information and the calculations used in making such  
25 determinations.

26 2. Provide guidance to the school districts *and charter schools*  
27 *that are not sponsored by a school district* on:

28 (a) The development of a plan to reduce the pupil-teacher ratio  
29 per class pursuant to NRS 388.720. In developing such guidance,  
30 the Department shall:

31 (1) Outline the criteria that each plan must include to meet  
32 the requirements of NRS 388.720.

33 (2) Provide examples of policies, plans or strategies adopted  
34 by other states to reduce class sizes.

35 (b) The requirements for reporting information related to the  
36 reduction of pupil-teacher ratios.

37 (c) The data that must be monitored pursuant to NRS 388.710  
38 by each school district *and charter school* and used to measure the  
39 effectiveness of the implementation of any plan to reduce pupil-  
40 teacher ratios.

41 3. Communicate with the board of trustees of each school  
42 district *and the governing body of each charter school that is not*  
43 *sponsored by a school district* regarding the expectations of the  
44 Department for the use of any money distributed to reduce pupil-  
45 teacher ratios in the school district ~~H~~ *or charter school*, including,





1 without limitation, the minimum number of teachers the school  
2 district *or charter school* is expected to employ.

3 **Sec. 8.** NRS 218E.625 is hereby amended to read as follows:

4 218E.625 1. The Legislative Bureau of Educational  
5 Accountability and Program Evaluation is hereby created within the  
6 Fiscal Analysis Division. The Fiscal Analysts shall appoint to the  
7 Legislative Bureau of Educational Accountability and Program  
8 Evaluation a Chief and such other personnel as the Fiscal Analysts  
9 determine are necessary for the Bureau to carry out its duties  
10 pursuant to this section.

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

13 (a) Collect and analyze data and issue written reports  
14 concerning:

15 (1) The effectiveness of the provisions of chapter 385A of  
16 NRS in improving the accountability of the schools of this State;

17 (2) The statewide program to reduce the ratio of pupils per  
18 class per ~~Hiensed~~ teacher prescribed in NRS 388.700, 388.710 and  
19 388.720;

20 (3) The statewide program to educate persons with  
21 disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;

22 (4) The results of the examinations of the National  
23 Assessment of Educational Progress that are administered pursuant  
24 to NRS 390.830; and

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

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

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

31 (2) At the request of the Legislature.

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

35 (c) On or before October 1 of each even-numbered year, submit  
36 a written report of its findings pursuant to paragraphs (a) and (b) to  
37 the Director for transmission to the next regular session. The Bureau  
38 shall, on or before October 1 of each odd-numbered year, submit a  
39 written report of its findings pursuant to paragraphs (a) and (b) to  
40 the Director for transmission to the Legislative Commission and to  
41 the Legislative Committee on Education.

42 3. The Bureau may, pursuant to NRS 218F.620, require a  
43 school, *including a charter school*, a school district, the Nevada  
44 System of Higher Education or the Department of Education to  
45 submit to the Bureau books, papers, records and other information



1 that the Chief of the Bureau determines are necessary to carry out  
2 the duties of the Bureau pursuant to this section. An entity whom  
3 the Bureau requests to produce records or other information shall  
4 provide the records or other information in any readily available  
5 format specified by the Bureau.

6 4. Except as otherwise provided in this subsection and NRS  
7 239.0115, any information obtained by the Bureau pursuant to this  
8 section shall be deemed a work product that is confidential pursuant  
9 to NRS 218F.150. The Bureau may, at the discretion of the Chief  
10 and after submission to the Legislature or Legislative Commission,  
11 as appropriate, publish reports of its findings pursuant to paragraphs  
12 (a) and (b) of subsection 2.

13 5. This section does not prohibit the Department of Education  
14 or the State Board of Education from conducting analyses,  
15 submitting reports or otherwise reviewing educational programs in  
16 this State.

17 **Sec. 9.** The provisions of subsection 1 of NRS 218D.380 do  
18 not apply to any provision of this act which adds or revises a  
19 requirement to submit a report to the Legislature.

20 **Sec. 10.** This act becomes effective on July 1, 2017, only if the  
21 amount of money appropriated by the Legislature for the class-size  
22 reduction program for the 2017-2019 biennium includes an  
23 appropriation to carry out the amendatory provisions of sections 1 to  
24 8, inclusive, of this act, and such appropriation does not reduce the  
25 amount of money appropriated by the Legislature for the class-size  
26 reduction program and distributed to school districts in this State  
27 below the amount of money appropriated by the Legislature and  
28 distributed to school districts for that purpose for the 2015-2017  
29 biennium.

