

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 164

49th Legislature, 2nd Session, 2010

Tracking Number: .180786.1

Short Title: Temporary Class & Teaching Load Increase

Sponsor(s): Representative Janice E. Arnold-Jones and Others

Analyst: James Ball

Date: February 15, 2010

Bill Summary:

HB 164 amends the *Public School Code* to permit a temporary five-year increase in class sizes and teaching loads for school years 2010-2011 through 2014-2015. The following class size increases are authorized in HB 164:

<u>Class</u>	<u>Current Class Size/Load</u>	<u>HB 164</u>
Kindergarten	20	25
Grades 1-2-3 average	22	27
Grades 4-5-6 average	24	30
Grades 7-12	160 (daily)	170 (daily)
Grades 7-8 English	135 (daily) / 27 per class	145 (daily) / 30 per class
Grades 9-12 English	150 (daily) / 30 per class	160 (daily) / 32 per class

Fiscal Impact:

HB 164 contains no appropriation.

Fiscal Issues:

The analysis by the Office of Education Accountability (OEA) indicates that the fiscal impact of HB 164 is difficult to estimate because it is unknown how many districts would implement the increased class sizes provided by the bill. However, the OEA analysis does suggest that some cost savings might be realized through reduced capital expenditures.

HB 164 may also reduce the number of teachers that would need to be hired to cover the instructional program of school districts and charter schools.

Substantive Issues:

The OEA analysis reviews some of the research on the effects of class size on students' academic achievement. Although not all researchers are convinced that small class sizes contribute to student achievement, this analysis says, "In general, the results find that urban and minority students, as well as those in the early primary grades (K-3) tend to do better in classrooms with fewer students."

According to the Public Education Department (PED), waiving the requirements dealing with class size, teaching load, and subject areas could have a negative impact on student achievement, especially for schools in improvement status and more particularly for students in need of additional assistance, instructional time, and individualized interventions. PED further states that larger class sizes decrease the time a teacher has for each student and decrease the likelihood for successful differentiated instruction to meet student needs.

PED also points out in its analysis of HB 164 that the Secretary of Public Education already has the authority to waive class size requirements under PED's own waiver procedures. If an individual school or district requests an exemption from the current statutory requirements, a process is in place to address the request on an individual basis. While providing temporary exemptions, the PED can still retain oversight regarding each situation that can ensure a high quality of instruction.

In addition, PED notes that the increases in allowable class sizes under HB 164 are much higher than the usual requests submitted by districts that are generally for only one or two students on average in each class. Since July 1, 2009, the PED has received 364 class size waiver requests. Only about 5.0 percent have been of the size of the increases in HB 164.

Background:

According to PED when the department receives a request to waive class size requirements by three or more students, a staff member calls the principal to ensure that one or more of the following is in place before the waiver is approved:

- an educational assistant is provided in the classroom;
- a parent or grandparent volunteer is present on a weekly basis;
- the teacher is a veteran and highly qualified under the *No Child Left Behind Act of 2001*;
- the school is not a School in Need of Improvement;
- there is a supporting or cooperating teacher assisting; and
- there is a plan in place to remedy the overload.

PED also asks the following questions prior to approval of the request:

- Are portable classrooms available?
- Are there other available sources of funding?
- Does the district have alternatives to increase building capacity for implementation within one year?
- Have parents been notified in writing, including the school's plan to achieve compliance with the class load requirements?

Related Bill(s):

*SB 97 *School District Budget Flexibility*