

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: *SB 97

49th Legislature, 2nd Session, 2010

Tracking Number: .180551.1

Short Title: School District Budget Flexibility

Sponsor(s): Senator Vernon D. Asbill and Others

Analyst: Eilani Gerstner

Date: January 31, 2010

Bill Summary:

SB 97 adds a temporary provision to the *Public School Code* to provide school districts with flexibility to meet state fiscal solvency requirements.

Among its provisions, SB 97 allows the Secretary of Public Education, in school years 2009-2010 through 2011-2012, to waive requirements of the *Public School Code* and the Public Education Department (PED) rules pertaining to:

- individual class load;
- teaching load;
- length of school day;
- staffing patterns;
- subject areas; and
- purchases of instructional materials.

SB 97 further requires that PED monitor the waivers and report to the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC) on any issues or actions of a school district that appear to adversely affect student learning.

SB 97 contains an emergency clause.

Fiscal Impact:

SB 97 does not contain an appropriation.

Fiscal Issues:

The provisions in SB 97 related to waiving individual class load and teaching load requirements may allow districts experiencing higher than anticipated enrollment growth to maintain current staffing levels when they would otherwise have to hire additional teachers.

The PED analysis of SB 97 noted additional resources may be needed by the department to monitor the additional waivers provided for in SB 97. The PED analysis does not address potential school district savings that may result from the provisions in SB 97.

Substantive Issues:

Provisions in Current Law Regarding Waivers

In at least two sections of the *Public School Code*, waivers may currently be granted for length of school day, staffing patterns, subject areas, and instructional materials:

- for charter schools in the *Charter School District Act*; and
- for individual schools through collaborative school improvement programs.

The *Instructional Material Law* also allows school district superintendants to request waivers of the use of funds for the purchase of instructional material.

Provisions in Current Law Regarding Class Load and Teaching Load Waivers

The *School Personnel Act* allows the secretary to waive class and teaching loads for individual schools for a maximum of two years if a school district demonstrates that:

- (1) no portable classrooms are available;
- (2) no other available sources of funding exist to meet its need for additional classrooms;
- (3) the school district is planning alternatives to increase building capacity for implementation within one year; and
- (4) the parents of all children affected by the waiver have been notified in writing:
 - (a) of the statutory class load requirements;
 - (b) that the school district has made a decision to deviate from these class load requirements; and
 - (c) of the school district plan to achieve compliance with the class load requirements.

A subsection of the same act allows PED to waive the individual class load and teaching load requirements upon:

- demonstration of a “viable alternative curricular plan”;
- a finding by PED that the plan is in the best interest of the school district; and
- that each year the plan has been presented to and is supported by the affected teaching staff.

The following table outlines current provisions in law for class and teaching load waivers.

	Current Law (applies to individual schools)	Waivers Allowed in Current Law	SB 97 (would apply to school districts)
Class load			
Kindergarten	20 students (classes of 15 to 20 entitled to an educational assistant)		SB 97 appears to allow class load provisions in current law to be waived with permission of the secretary
Grades 1-3 (average)	22 students (classes of 21 to 22 entitled to an educational assistant)	With waiver, may not exceed: <ul style="list-style-type: none"> • 20 students in grade 1; and • 25 students when averaged among grades 2-6 	
Grades 4-6 (average)	24 students		
Teaching load			
Grades 7-12	160 students daily		SB 97 appears to allow teaching load provisions in current law to be waived with permission of the secretary
Required English courses, grades 7-8	135 students daily, maximum 27 students per class		
Required English courses, grades 9-12	150 students daily, maximum 30 students per class		

The PED analysis notes that the WebEPSS (Educational Plan for Student Success) could be used to track the flexibility waivers and keep the flexibility changes aligned with the EPSS.

It is assumed that the provisions in SB 97 would strengthen the ability of school districts to apply for and receive approval for all waivers in current law.

Background:

A similar measure was introduced during the 2009 first special session but did not pass.

Related Bills:

- SB 78 *Alternative School Curricular Plans* (for the LESC)
- SB 87 *Delay School Year & Day Length Changes*
- SB 92 *Delay School Year and Day Length Changes* (for the LESC)
- SJM 12 *Study Various School Calendars* (for the LESC)