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**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date Prepared: 02/20/23
Bill No: HB413

Sponsor: Trujillo
Short Title: SCHOOL CLASS LOAD SIZES

Agency Name and Code
Number: PED - 924
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 413 (HB413) changes statutory class load limits, including decreasing class load limits for high-poverty schools, and requires an elementary school teacher with a class load of 15 or more students to have the full-time assistance of an educational assistant (EA). The bill

requires the Public Education Department (PED) to create an online portal to allow teachers and parents to submit confidential reports of class load violations. The bill defines a “high-poverty school” as a school in which 75 percent or more of students qualify for free and reduced-price lunch.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The bill would create a considerable expense for schools to ensure elementary school teachers with 15 or more students have a full-time educational assistant and to pay for the reduction in total students a teacher can serve at the secondary level. [HB127, Educational Assistant Salary Increase](#), proposes to increase the statutory minimum salary for EAs to \$25,000. Because HB413 would require EAs for all elementary classes with 15 or more students, schools would have increased demand for EAs to meet the requirements, and combined with the increased salaries for EAs, this would result in increased financial cost to public schools. Without EAs, schools would be required to reduce class sizes below 15 students which would exacerbate the current teacher shortage.

SIGNIFICANT ISSUES

The table below shows the class load limits proposed by the bill.

Class Load Limits Proposed by HB413

Grade Levels	Class Load for a School That is Not High-Poverty	Class Load for a High-Poverty School
Kindergarten and First	20	18
Second and Third	22	20
Fourth through Sixth	24	22
Seven through Eighth 9-Week Teaching Load Required English Courses	125 25 students per class	110 25 students per class
Seven thru twelve 9-week teaching load	150	125

The bill allows for a waiver for one class per school per year.

Current law. The School Personnel Act requires that, except for kindergarten, class loads limits per teacher are based on averages of grades in each school:

- Kindergarten: 20 students; teachers with 15 or more students are entitled to an EA;
- Grades 1-3: the average of the three grades may not exceed 22 students; teachers in grade 1 with 21 or more students may have an EA;
- Grades 4-6: the average of the three grades may not exceed 24 students;
- Grades 7-12: 160; except the daily teaching load for teachers of required English courses in grades seven and eight shall not exceed 135, or 27 students per class and the daily teaching load for teachers of required English courses in grades nine through twelve shall not exceed 160, or 30 students per class.

Educational Assistant Shortages. It is unlikely that schools would be able to meet the new requirements to provide EAs to all elementary classes with 15 or more students. This requirement currently only applies to kindergarten classes with 15 or more students and first

grade classes with 21 or more students, yet as of September 2022, there were 446 educational assistant vacancies statewide.

School Budget Review. The bill, at Subsection I, *requires* PED disapprove a proposed school district budget of a school that fails to adhere to the class load requirements. Current law provides that such a failure to meet requirements within two years is merely grounds for budget disapproval. This proposed provision completely obviates PED discretion. Conceivably, this provision could result in increased workload for the courts, if schools have no recourse before the department and must bring action in district court for approval of their budget.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The bill would:

- require PED to create an online portal to allow teachers and parents to submit confidential reports of class load violations;
- permit PED to promulgate rules for the awarding of additional compensation to teachers who are asked to increase their class load over the permitted maximum;
- prohibit PED from approving budgets for school districts and charter schools that do not meet the required class sizes; and
- likely reduce the number of class-size waivers that the agency reviews as waivers would be limited to one per school.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

[HB127, Educational Assistant Salary Increase](#), would increase the statutory minimum salary for EAs to \$25,000.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

According to the Brookings Institute, although there is a lot of literature on class-size and academic achievement, “only a few studies are of high enough quality and sufficiently relevant to be given credence as a basis for legislative action.”

Brookings also notes that because the pool of credible studies is small and studies differ in the setting, method, grades, and magnitude of class size variation, conclusions should be tentative. One takeaway from available studies is that very large class-size reductions - 7-10 fewer students per class - can have significant long-term positive effects on student achievement and other meaningful outcomes, and those outcomes can be largest when introduced in the earliest grades and for economically disadvantaged students.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor may consider adding funding to increase the state equalization guarantee to pay for the reduction in class size. There will be considerable expense for schools to add an educational assistant for any elementary class with more than 15 students, as well as to pay for the reduction in total students a teacher can serve at the secondary level. At present, HB413 creates an unfunded mandate.