The first meeting of the Legislative Committee on Education was held on November 16, 2005, at 9:30 a.m. in Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was Videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of “Summary Minutes and Action Report,” including the “Meeting Notice and Agenda” (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature’s Web site at www.leg.state.nv.us/72nd/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

   Senator William J. Raggio, Chairman
   Assemblywoman Bonnie Parnell, Vice Chairwoman
   Senator Barbara Cegavske
   Senator Maurice E. Washington
   Assemblyman Bob McCleary

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

   Assemblyman Chad Christensen
   Assemblyman Mark Manendo

COMMITTEE MEMBER ABSENT:

   Senator Bernice Mathews (excused)
LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Principal Research Analyst
Kristin C. Roberts, Principal Deputy Legislative Counsel
Melinda Martini, Education Program Analyst
Maryann Elorreaga, Senior Research Secretary

OPENING REMARKS

Chairman Raggio opened the meeting and introduced the Committee members and Legislative Counsel Bureau staff. He then made opening remarks regarding the requirements and functions of the Legislative Committee on Education, pointing out Article 11, Section 2 of the Nevada Constitution assigned to the Legislature the responsibility to establish a uniform system of common schools. He noted the Legislature has taken a role in the oversight of the public schools to meet that responsibility. The Chairman addressed such issues as the Nevada Education Reform Act of 1997; compliance with the federal No Child Left Behind Act of 2001; and the Committee’s working relationship with the Department of Education and the school superintendents during the interim.

REVIEW OF THE COMMITTEE’S DUTIES AND RESPONSIBILITIES AND SIGNIFICANT LEGISLATION FROM THE 73RD REGULAR SESSION AND THE 22ND SPECIAL SESSION OF THE LEGISLATURE

- Carol M. Stonefield, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB) and Melinda Martini, Education Program Analyst, Legislative Bureau of Educational Accountability and Program Evaluation, Fiscal Analysis Division, LCB gave background information on the Legislative Committee on Education and discussed significant legislation passed in the 2005 Legislative Session.

They addressed the Nevada Education Reform Act (NERA) and the powers and duties imparted to the Committee by the Act. They also discussed the Legislative Bureau of Educational Accountability and Program Evaluation which was also created by NERA.

Ms. Stonefield and Ms. Martini gave a brief overview of several Senate bills and Assembly bills passed during the 2005 Legislative Session and the 22nd Special Session, noting $3.11 billion in the State General Fund had been earmarked for education over the 2005-07 biennium. They discussed several special programs for elementary and secondary education.

Chairman Raggio thanked Ms. Martini and Ms. Stonefield for their presentation and commented on the usefulness of the information they provided.

Chairman Raggio commented on the importance of the Commission on Educational Excellence and the level of responsibility of the members. He said a review of the application form
distributed by the Commission (Exhibit B) indicated there was some misunderstanding of the intent of the Legislature regarding the purpose of the program and the allocation of the $78 million and $13.9 million appropriated for the purpose. He reiterated the funds were to be distributed to the schools (and in some cases, to school districts) in compliance with the directive in Section 6 of Senate Bill 404, not based upon a per pupil formula. He stated the Legislature would never have created the Commission and required it to establish a program of educational excellence if funds were to be allocated on a proportionate basis.

Chairman Raggio also noted subsection 5 of Section 6 obligated the Commission to review and consider recommendations of the Committee concerning effective programs, practices, and strategies. He said it will be an important function of the Committee to monitor the activities of the Commission and provide recommendations over the biennium.

He commented on the importance of a common understanding of how the work of the Commission on Excellence was to proceed, emphasizing the following:

- As stated in S.B. 404 and in the testimony, the grants should be made based upon the need expressed in the school improvement plan as reflected in the application. Some plans have become pro forma boilerplate copies of one another. That approach is not acceptable. To serve their purpose, the documents must be clear, comprehensive, direct, and realistic with regard to the approaches and resources necessary to improve student achievement.

- The Commission will need to make some very tough choices about the grant proposals based upon the quality of the improvement plan and the Commission’s judgment about the merits of the plan. The Committee expects that the Commission may reduce or choose not to fund some requests, but may increase other requests, based upon the Commission’s priorities and expertise. Effective school improvement strategies are needed for those schools designated as high priority for these programs.

- The evaluation component of the program will be the key to continued funding. There was a general understanding that this year’s funding evaluation would be tied to some basic indicators, and that, at a minimum, effectiveness would be measured based upon movement of the school in the Department of Education’s annual AYP ranking list. It is the expectation of the Committee that during this initial year there will be a high quality evaluation of each of the programs, practices, and strategies that are funded, and their comparative ability to improve pupil achievement. This is a necessary requirement if the Commission is going to succeed. It is expected the Commission members will become experts on what works.

- The Committee will monitor the Commission’s actions in allocating the funds and the degree to which the decisions of the Commission are tied to the overall goal of improved student achievement and to successful accomplishment of the goals set forth in the improvement plan. Each successful applicant will need to make a commitment to
measure and report levels of improvement, and make a case for any continued funding each grant cycle.

Chairman Raggio said his statements were intended to be constructive comments, not criticisms, on the expectations of the Commission on Educational Excellence and the utilization of the very important funding that was authorized.

Assemblywoman Parnell said, as a representative of the Assembly Committee on Education, she agreed with the Chairman’s statements. She said the legislation stated a school or a school district could apply for grants, noting it was the hope of the legislators that they could have some really exciting dialog at the school with the school principal and staff to determine the needs of the students at that particular school. She said her understanding was, in some cases, the schools were caught up in a maze of bureaucratic decision making that could prevent the submittal of their applications to the Commission. She asked that there be some discussion of that situation during the meeting.

Chairman Raggio asked that the NDE give timelines for application due dates and award dates.

PRESENTATION BY THE COMMISSION ON EDUCATIONAL EXCELLENCE

- Dr. George Ann Rice, Chairman, Commission on Educational Excellence, reviewed the “Fact Sheet Commission on Educational Excellence” (Exhibit C) and explained the information in the document. She reported on the results of the first two meetings of the Commission and stated the applications will be reviewed during the first week of January 2006. She noted the Nevada Department of Education (NDE) had conducted technical assistance workshops in Clark, Elko, and Washoe Counties and explained to the attendees that the process will be competitive and some schools and districts would not receive funding for proposed programs.

Dr. Rice said the Commission will conduct another process in April. Schools and districts that did not previously submit plans or those that were rejected or those that were new and did not have anything to submit previously will be able to compete for funds to be awarded in August of 2006.

She said the district superintendents had recently agreed to include funds to help finance a statewide evaluation in their grant requests to ensure all programs will be evaluated to the same standard.

Chairman Raggio thanked her for her presentation and asked how much of the evaluation money would be utilized for the statewide evaluation.

Dr. Rice responded the exact amount is still unknown because the RFP has not been issued yet. She said it will be well below the five percent initially suggested, however.

Chairman Raggio asked when the results of the statewide evaluation would be available.
Dr. Rice responded they would be available at the end of the 2006 – 2007 school year.

Chairman Raggio asked if the list of priorities of schools had been compiled and submitted by the NDE.

Ms. Martini stated S.B. 404, Section 6, subsection 4 requires a list of priorities of schools, based upon the AYP status, be provided on or before July 1 of each year.

Dr. Paul LaMarca, Director, Office of Assessments, Program Accountability, and Curriculum, NDE, said the list had not yet been compiled but would be available to the Commission prior to the review of any applications.

Chairman Raggio asked that a report be presented to the Committee for the January meeting.

Chairman Raggio asked if it was necessary that the application be so lengthy.

Dr. Rheault responded many of the pages were instructions and budget pages the actual application was limited to four double-spaced pages.

Chairman Raggio said the application sent out seemed to invite every school and every district to submit an application. He asked how a large number of applications could be processed by the Commission.

Chairman Raggio said the challenge would be to evaluate the merit of each of the requests and determine if they are likely to improve student achievement. He stated the proposed programs should be considered on their merits, not on whether the application process was followed precisely.

Assemblywoman Parnell asked why the schools in Clark County had to have their applications to the Clark County School District by November 16, 2005.

Dr. Rice said one of the requirements of a school improvement plan is that it complements the district’s improvement plan. They are being reviewed to make sure that they are consistent with what the districts and the principals know about the needs of the schools.

Assemblywoman Parnell said she understood the school improvement plans should be reviewed, but the request for applications issued by the NDE said eligible schools or districts may submit a request for funds to the NDE for transmittal to the Commission. Schools should not have been required to have their applications in until December. Now the schools have lost a month and what is submitted will be a group vehicle that the district will submit and will not actually be done per school.
Dr. Rice responded that every school is individually completing its requests. They have been asked to submit their school improvement plan with their requests so the Commission can determine if the plan is consistent with that of the district.

Chairman Raggio said it was his understanding that a school did not need the approval of the school district to submit a request. The intent of the law was that schools could make these requests directly to the Commission.

Dr. Rice responded it is being done that way in Clark County just to ensure that the requests are in conformity with each other.

Ms. Martini said applications for funds this year are late because the Commission had just been created. She asked how future funds will get out earlier if the applications for funds were tied to the current school improvement plan.

Dr. Rheault responded second year grants will need to be decided by approximately June 1 so legislative requirements to get the funding to the approved grant by August 15 can be met. The Commission will have to rely on the most current plan available in the spring when deciding grant awards.

Chairman Raggio said the issue would be put on the agenda for the next meeting and directed Committee staff to work closely with staffs of the Commission, the NDE, and the Governor’s office to provide the Commission with technical assistance and to clarify any issues that have been raised which will help each of the bodies to fulfill their responsibilities in making this a successful program.

PRESENTATION ON SCHOOL DESIGNATIONS AND ADEQUATE YEARLY PROGRESS OF NEVADA PUBLIC SCHOOLS AND SCHOOL DISTRICTS FOR THE 2005 – 2006 SCHOOL YEAR

- Dr. Paul LaMarca previously identified on page 5 of these minutes, conducted a PowerPoint presentation entitled “2004 – 2005 School Designations and Performance on Adequate Yearly Progress” (Exhibit D). He reviewed the summary of statewide results and noted over 50 percent of Nevada schools did not achieve Adequate Yearly Progress (AYP) in 2005. He said the overwhelming reason for failure was subject-area related; the problems were in reading and mathematics. [He noted all of the AYP information is available at the NDE Website (http://www.doe.nv.gov)].

Chairman Raggio asked what baseline percentages are used to determine AYP.

Dr. LaMarca said the No Child Left Behind Act of 2001(NCLB) required states to use information available from the 2001-2002 school year to set baseline annual measurable objectives. Based on that information, the state’s responsibility was to develop a trajectory of performance that increased to 100 percent proficiency by the 2013-2014 school year.
Senator Cegavske asked about the format used to develop and present the AYP Profile information and if there was similar information available, in a less complicated format, for parents and other citizens to review.

Dr. LaMarca said the information was primarily a tool for school principals and school districts. He said there is a “Parent Guide to AYP” available at the NDE Website as well as a technical manual for a more technical audience.

PRESENTATION ON THE ANALYSIS AND COMPARISON OF THE RESULTS OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS FOR GRADES 4 AND 8 AND THE RESULTS OF THE ACHIEVEMENT AND PROFICIENCY EXAMINATIONS

- Dr. Paul LaMarca, previously identified in these minutes, conducted a second PowerPoint presentation entitled “Analysis and Comparison of Nevada CRT, NRT, and NAEP Performance” (Exhibit E), which addressed the results of Criterion-Referenced Tests (CRT), Norm-Referenced Tests (NRT) and National Assessment of Educational Progress (NAEP) for Grades 4 and 8. The testing is required under Nevada Revised Statutes (NRS) 389.015 and 389.550. He said the NDE was beginning compliance with Senate Bill 214 (Chapter 410, Statutes of Nevada 2005) by monitoring their accountability system and by a stricter comparison of performance on the NAEP and the tests used to determine AYP.

He reviewed and explained the Performance Comparison charts, NRT Comparisons, and NAEP and CRT Comparisons in reading and mathematics performance in Grades 4 and 8. He said there is very little difference in CRT and NRT performance at the elementary level, even in the sub populations.

Senator Cegavske asked if a school district level analysis has been performed.

Dr. LaMarca said that analysis has not yet been done.

Dr. LaMarca concluded his presentation with a review of NAEP comparisons.

Chairman Raggio thanked Dr. LaMarca for his presentations.

Assemblywoman Parnell commented on the contents of the NAEP charts as compared to charts presented by Dr. LaMarca.

Dr. LaMarca said NAEP does a good job of presenting their data, but many of their cautionary statements tend to be ignored.

Chairman Raggio asked that Dr. Rheault present a proposal regarding the need for additional support staff at a future meeting.
PRESENTATION ON STUDENT ACHIEVEMENT AND GRADUATION RATES IN NEVADA: URGENT NEED FOR FASTER IMPROVEMENT

Chairman Raggio stated the Committee was interested in the genesis and purpose of the report and asked for justification for the statement in the report, “education is not a priority in Nevada.”

Paul Koehler, Director, WestEd Center on Policy, addressed the Chairman’s concerns. He said WestEd, under a federal contract, worked with the Center for Policy Analysis at the University of Nevada, Las Vegas (UNLV) as well as with the NDE and District Superintendents. The report was published prior to the end of the 2005 Legislative Session so it did not capture any of the work accomplished during the session. He said the purpose of the report was to review some of the indicators required by the NCLB, and to capture the work that has been done in Nevada to reform and improve education.

- Dr. Koehler then conducted a PowerPoint presentation (Exhibit F) explaining the findings in the report, Student Achievement and Graduation Rates in Nevada. Urgent Need for Faster Improvement (Exhibit G). He addressed The Education Context in Nevada; Nevada Reforms; Status of Graduation Rate; Status of Student Achievement; and Recommendations.

Senator Cegavske asked who requested the study, and who funded it.

Dr. Koehler responded the report was generated under a federal contract to study state achievement. He said WestEd contacted the NDE and some colleagues at UNLV to obtain data and had worked directly with the seventeen district superintendents.

Senator Cegavske asked for names of UNLV staff involved in study.

Dr. Koehler continued with his presentation.

Chairman Raggio expressed strong disagreement with many of the statements in the report stating they were highly inaccurate and, in some instances, insulting.

Dr. Koehler responded and continued with his presentation.

Chairman Raggio addressed the high school initiative for attention to dropout-prevention programs mentioned in the report.

Dr. Koehler said 26 states had implemented a program called Jobs for America’s Graduates. He said the program had a 90 percent graduation rate for students in the program.

Chairman Raggio asked that the example information be provided to the Committee.

Senator Cegavske said higher education was not preparing teachers to teach in the classroom. She also expressed concern about 8th grade dropout rates. She asked if the study addressed those issues.
Dr. Koehler they had not specifically examined the quality of higher education for teachers.

Dr. Koehler concluded his presentation.

Chairman Raggio addressed the summary of recommendations and said they are the overall goals that are already expressed in the State Improvement Plan and have already been developed by the State Board of Education. He reiterated the report ignored the effort and commitment made during the last Legislative Session.

APPOINTMENT OF THE SUBCOMMITTEE TO STUDY THE EFFECTIVENESS OF CAREER AND TECHNICAL HIGH SCHOOLS [ASSEMBLY BILL 388(CHAPTER 309, STATUTES OF NEVADA 2005)]

Chairman Raggio appointed Assemblywoman Bonnie Parnell (Chairwoman), Senator Barbara Cegavske (Vice Chairwoman), Senator Bernice Mathews, Assemblyman Chad Christensen to the subcommittee.

Chairman Raggio directed LCB staff to work with the subcommittee Chair to develop a work plan and a budget to be presented at the next meeting of the full Committee.

CONSIDERATION AND RECOMMENDATION OF REMEDIAL PROGRAMS FOR LIST OF EFFECTIVE REMEDIAL PROGRAMS [NRS 218.5354(2)(b)]

- Joi Davis, Program Analyst, and Laura Freed, Program Analyst, Fiscal Analyst Division, LCB, summarized their report (Exhibit H) for the Committee.

- The Committee APPROVED THE FOLLOWING ACTION:

  SENATOR CEGAVSKE MOVED TO APPROVE THE LIST OF EFFECTIVE REMEDIAL PROGRAMS. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN PARNELL AND CARRIED.

REVIEW AND APPROVAL OF LEGISLATIVE COMMITTEE ON EDUCATION WORK PLAN/MEETING SCHEDULE FOR THE 2005 – 2006 BIENNIAL

- Carol Stonefield, previously identified in these minutes, distributed the tentative meeting schedule, and a list of potential agenda items for future meetings for the Committee to review and consider.

Chairman Raggio asked the Committee members to review the information and advise staff of their availability for meetings and interest in the proposed agenda items.

PUBLIC TESTIMONY
Ray Bacon, President, Nevada Manufacturers Association, said the details in the report were comprehensive but the summary did not match the details. He said the report had value but missed some important points.
ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:58 p.m.

Respectfully submitted,

Maryann Elorreaga
Senior Research Secretary

Carol M. Stonefield
Principal Research Analyst

APPROVED BY:

Senator William J. Raggio, Chairman

Date: ________________________________
LIST OF EXHIBITS

Exhibit A is the Meeting Notice and Agenda provided by Carol M. Stonefield, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City, Nevada.

Exhibit B is a “Request for Applications,” issued by the Nevada Department of Education (NDE).

Exhibit C is a document entitled “Fact Sheet Commission on Educational Excellence,” submitted by Dr. George Ann Rice, Chairman, Commission on Educational Excellence.

Exhibit D is a PowerPoint presentation entitled “2004 – 2005 School Designations and Performance on Adequate Yearly Progress,” submitted by Dr. Paul LaMarca, Director, Office of Assessments, Program Accountability, and Curriculum, NDE.

Exhibit E is a PowerPoint presentation entitled “Analysis and Comparison of Nevada CRT, NRT, and NAEP Performance,” submitted by Dr. Paul LaMarca, Director, Office of Assessments, Program Accountability, and Curriculum, NDE.

Exhibit F is a PowerPoint presentation entitled “Student Achievement and Graduation Rates in Nevada, Urgent Need for Faster Improvement,” submitted by Paul Koehler, Director, WestEd Center on Policy.

Exhibit G is the Executive Summary of the report “Student Achievement and Graduation Rates in Nevada, Urgent Need for Faster Improvement,” submitted by Paul Koehler, Director, WestEd Center on Policy.

Exhibit H is a memorandum from Joi Davis, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, to the Legislative Committee on Education entitled “List of Effective Remedial Programs – 2005.”

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.