

## MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Education  
(*Nevada Revised Statutes 218E.605*)

Date and Time of Meeting: Wednesday, May 12, 2010  
9 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location: Legislative Building, Room 2135, 401 South Carson Street, Carson City, Nevada.

*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."*

**Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## A G E N D A

**Note: Items on this agenda may be taken in a different order than listed.**

\*Denotes items on which the Committee may take action.

- I. Opening Remarks  
Senator Joyce Woodhouse, Chair
- \*II. Approval of Minutes of the Meeting Held on January 13, 2010, in Las Vegas, Nevada
- III. Update on the Governor's Education Reform Blue Ribbon Task Force and Coordination of Nevada's Application for the Race to the Top Fund (Section 14006, Title XIV, American Recovery and Reinvestment Act of 2009, Public Law No. 111-5)  
Stacy Woodbury, Deputy Chief of Staff, Office of the Governor  
Heath E. Morrison, Ph.D., Superintendent, Washoe County School District.
- \*IV. Status Report of Current and Anticipated Activities by Nevada's Department of Education Concerning the State's Proposed Application for the Federal Race to the Top Fund  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

\*V. Presentation of Proposed Recommendations Related to K-12 Public Education for Consideration by the Legislative Committee on Education

- A. Joyce Haldeman, Associate Superintendent of Community and Government Relations, Clark County School District
- B. Patrick R. Gibbons, Education Policy Analyst, Nevada Policy Research Institute
- C. Lynn Warne, President, Nevada State Education Association
- D. Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards

VI. Public Comment

\*VII. Work Session—Discussion and Action on Recommendations Relating to:

- A. Nevada’s Application for the Race to the Top Fund (Section 14006, Title XIV, American Recovery and Reinvestment Act of 2009, Public Law No. 111-5)
- B. Charter Schools
- C. Empowerment Schools and School Choice
- D. Education Accountability and Assessment
- E. K-12 Education Funding and Budget Matters
- F. K-12 Education Personnel
- G. Miscellaneous K-12 Public Education Matters, including School Textbooks, School District Boards of Trustees, Adjusted Diplomas for Disabled Students, Collective Bargaining, Flexibility in the Number of Instructional Days, and Class-size Reduction.

The “Work Session Document” is attached below and contains proposed recommendations. The document is also available on the Committee’s Webpage, [Legislative Committee on Education \(NRS 218E.605\)](#), or a written copy may be obtained by contacting H. Pepper Sturm, Chief Deputy Research Director, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VIII. Public Comment

**(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)**

IX. Adjournment

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Maryann Elorreaga at (775) 684-6825 as soon as possible.

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Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed and e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at [www.leg.state.nv.us](http://www.leg.state.nv.us).



## **WORK SESSION DOCUMENT**

### **NEVADA LEGISLATURE'S LEGISLATIVE COMMITTEE ON EDUCATION (NEVADA REVISED STATUTES 218E.605)**

**May 12, 2010**

The following “Work Session Document” has been prepared by the Chair and staff of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218E.605). Pursuant to NRS 218D.160, the Committee is limited to ten legislative measures and must make its bill draft requests (BDRs) by September 1, 2010, unless the Legislative Commission authorizes submission of a request after that date.

The document contains a summary BDRs or other actions that have been presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Legislative Committee on Education. It is designed to assist the Committee members in making decisions during the work session. The Committee may accept, reject, modify, or take no action on any of the proposals. The concepts contained within this document are arranged under broad topics to allow members to review related issues. Actions available to the Committee members include: legislation to amend the NRS; transitory sections that do not amend the statutes; resolutions; statements in the Committee’s final report; and letters of recommendation or support. Committee members should be advised that Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. Committee members will use a “Consent Calendar” to quickly approve those recommendations, as determined by the Chair, that need no further consideration or clarification beyond what is set forth in the recommendation summary. Any Committee member may request that items on the consent calendar be removed for further discussion and consideration.

The approved recommendations for legislation resulting from these deliberations will be prepared as bill drafts and submitted to the 2011 Legislature.

## PROPOSALS RELATED TO RACE TO THE TOP CRITERIA

1. **Teacher and Principal Evaluations**—Due to the passage of Senate Bill 2 (Chapter 5, *Statutes of Nevada 2010, 26th Special Session*), amend the statutory provisions governing school district evaluations of teachers and principals (primarily at NRS 391.3125 and NRS 391.3127) to require the use of certain student achievement data in these evaluations. The Race to the Top (RTTT) application requires that teachers and principals be reported, as part of the data reporting requirements, as “highly effective,” “effective,” and “ineffective.” Currently the two statutes identified above only require licensed personnel and administrators to be evaluated as “satisfactory” or “unsatisfactory.” [Note: Should this recommendation be adopted, staff will need to obtain additional details from the Department of Education for the bill draft.]  
*(Keith W. Rheault, Ph.D., Superintendent of Public Instruction, January 13, 2010, meeting and correspondence)*
  
2. **Value-Added Assessment**—Include a statement in the report that the Department of Education (DOE) considers, as it develops the measurements to be used in evaluating teachers, value-added student assessments using the growth model. This approach measures the learning gains of individual students from one year to the next and should count for at least 50 percent of a teacher evaluation. The State Board of Education should prescribe a single vendor to establish a value-added assessment to be used by all Nevada school districts. These assessments are designed to measure student achievement gains across a school year and all school districts should be required to use a value-added assessment to categorize the effectiveness of teachers. Results concerning the amount of academic growth should be tabulated for the students in each teacher’s classroom. In accordance with Nevada’s RTTT application, teachers should be categorized as “highly effective,” “effective,” and “ineffective,” using standard criteria of which at least 50 percent is based on value-added achievement growth for students in the teacher’s classroom. Teachers receiving unsatisfactory evaluations should, regardless of tenure status, be placed on an “improvement plan” for one to two years. At the end of that period, those teachers whose performance fails to improve, as measured by the evaluation, should no longer be employed by Nevada school districts.  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
  
3. **Testing and Teacher Evaluations**—Include a statement in the final report urging the Superintendent of Public Instruction to, when establishing the State system for a growth model for teacher evaluations, give consideration to the length of time during the school year a student has been at the school and in the classroom. Under such a growth model, students should be assessed as soon as possible after they are assigned to a classroom and the methodology for calculating student growth should give consideration to how students that have not been in the classroom for the full academic year will be counted or weighted in the calculation.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

4. **Testing and Teacher Evaluations**—Send a letter from the Committee to the State Board of Education and to the Superintendent of Public Instruction expressing the support of the Committee for ensuring that the assessment model to be used in evaluating teachers provides for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, express the sense of the Committee that the State Board and the Superintendent must ensure all subject matters and grade levels be included before the incorporation of student achievement data within the evaluation in order to avoid disparate treatment for certain education employees. Specify that it is the understanding of the Committee that until the proper growth testing is put into place that actually measures educator quality, other methods shall be used to measure the effectiveness of an educator. *(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
  
5. **Assisting At-Risk Youth**—Send a letter from the Committee to the Superintendent of Public Instruction requesting the DOE to include in its application for RTTT program funds, utilization of a portion of the State’s share of those funds, to the extent authorized, to implement programs to assist the most at-risk youth to improve their access to education. Such programs include guidance issued by the United States Department of Education that encourages use of funds to improve school climate through the use of a model called Positive Behavioral Interventions and Supports. Include a statement in the report that school district policies should consider using proactive, positive approaches to student discipline that can reduce suspensions and expulsions to keep juveniles out of the criminal justice system and improve student achievement and perceptions of safety. *(Rebecca Gasca, Public Advocate, American Civil Liberties Union of Nevada, December 17, 2009, meeting)*
  
6. **Base Funding for Participating Districts**—Send a letter from the Committee to the Superintendent of Public Instruction supporting the strategy used by Utah in drafting its application for the RTTT grant funds, wherein that state’s superintendent proposed significant base amounts of funding for participating districts from the portion of the state’s share of those funds, to the extent authorized, in order to encourage additional participation by the smaller, rural districts. *(The topic was raised as an issue by the Superintendent of Public Instruction at the April 7, 2010, meeting)*
  
7. **Common Standards and Assessments**—Include a statement in the final report requesting that, during the process of revising and adopting the common standards and assessments, the DOE, the school districts, and the Council to Establish Academic Standards for Public Schools, keep in mind that younger students need sufficient time to master the basic procedures and concepts central to the core curriculum for reading, writing, and mathematics. Further, the actual curriculum should focus upon what students need to know as independent adults after high school, keeping in mind that a high proportion of students do not go on to college. The responsible parties are advised to take a serious, thoughtful look at what is being taught at what ages, and what realistic outcome measures

are for all of those graduating from high school, independent of those who might go on to college.

*(Perry A. Hood, School Psychologist, Nye County School District, from correspondence dated April 19, 2010)*

8. **Assistance with New Evaluation Systems**—Include a statement in the final report encouraging the Regional Training Programs to assist all school districts in developing their teacher and principal evaluation systems.

*(Jane C. Anderson, Principal, Churchill County Junior High School, at the December 17, 2009, meeting)*

### **PROPOSALS RELATING TO CHARTER SCHOOLS**

9. **Converting Certain Public Schools to Charter Schools**—Amend the statutes, primarily at NRS 386.506, to:

A. Delete the prohibition of converting public schools to charter schools. Limit this option to chronically low-performing schools that would otherwise qualify for this action under federal guideline for the Elementary and Secondary Education Act (ESEA), RTTT, or other federal grant programs (such as Title I School Improvement Grants for turnaround schools).

*(Eugene Paslov, Ed.D., remarks submitted for the April 7, 2010, meeting; the topic was also raised as an issue by the Superintendent of Public Instruction at the March 16, 2010, meeting)*

**OR**

B. Delete the prohibition of allowing existing public schools to convert to public charter schools and allow by a majority vote of parents of students within the school. Specify that by 2011-2012, any low-performing school, as determined by Adequate Yearly Progress (AYP) status, criterion-referenced tests (CRTs), or any newly adopted value-added assessment or State grading scale should be eligible to convert to a charter school.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

10. **Nevada Charter School Institute**—Redraft Senate Bill 385 (Second Reprint) of the 2009 Legislative Session to create the Nevada Charter School Institute. Senate Bill 385 removed the authority of the State Board of Education to sponsor charter schools and instead authorized the Institute to sponsor charter schools in Nevada. The sponsorship of all State Board sponsored charter schools would be transferred to the Institute. The Subcommittee on Charter Schools of the State Board of Education would be abolished. Senate Bill 385 authorized the Institute to adopt regulations relating to charter schools and eliminated the authority of the State Board of Education to adopt regulations relating to charter schools. The State Board may disapprove any regulation adopted by

the Institute only if the regulation threatens the efficient operation of the public school or creates an undue financial hardship for a charter school in Nevada. The DOE would maintain authority to adopt regulations relating to the finances and budgets of charter schools. Senate Bill 385 also created the Account for the Nevada Charter School Institute and authorized the Institute to accept gifts, grants, and bequests for deposit in the Account. The measure provides for the appointment of staff for the Institute. Finally, this measure required a sponsor of a charter school to forward accountability information to the Institute to be included in the Institute's annual accountability reports for all charter schools in Nevada. [Explanation: According to testimony, it was proposed that the Institute provide technical assistance to help charter schools get started, to be successful, to share best practices, to apply for grants, et cetera. It would also help schools comply with all State and federal regulations, and would separate these functions from the audit and oversight functions for which the Department is responsible to the U.S. Department of Education on behalf of all schools.]

*(Kathleen A. Conaboy, McDonald Carano Wilson, representing K12, Inc. at the April 7, 2010 meeting; Eugene Paslov, Ed.D., remarks submitted for the April 7, 2010, meeting; and Keith W. Rheault, Ph.D., Superintendent of Public Instruction)*

## **AND**

There are two models proposed for the membership of the Institute.

- A. As contained in S.B. 385, the Institute consists of seven members, two appointed by the Governor, two each by the Senate Majority Leader and the Speaker of the Assembly, and one by an association of charter schools.

*(Kathleen A. Conaboy, McDonald Carano Wilson, representing K12, Inc. at the April 7, 2010 meeting; Eugene Paslov remarks submitted for the April 7, 2010, meeting; and Keith W. Rheault, Ph.D., Superintendent of Public Instruction)*

## **OR**

- B. Specify that the membership consist of a board of five members serving two-year terms and elected by parents of students enrolled in charter schools across the State. The Nevada Legislature could determine zones of the State to be represented by board members.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

11. **Establishing Charter Schools and Revising Charters**—Redraft Assembly Bill 181 (First Reprint) of the 2009 Legislative Session. The measure would have revised procedures to apply to establish a charter school and to amend an existing charter. The State Board of Education is required to inform an applicant of the reasons for denial of or failure to approve an application. Under the bill, the Subcommittee on Charter Schools of the State Board of Education is abolished. The State Board of Education must ensure charter schools are informed of all sources of funding for public schools. Fees for

administrative expenses paid by a charter school to its sponsor are capped at 1 percent of the charter school's apportionment from the Distributive School Account (DSA), regardless of sponsor [see Recommendation No. 10]. A governing body may vote to pay its members a salary of not more than \$80 per month for attendance at meetings. The bill provides that a parent who is homeschooling a child must withdraw the notice of intent, filed with the school district of residence, before enrolling the child in a charter school. The charter school must notify the school district of the child's subsequent enrollment.

In addition, membership on the committee to form a charter school is revised. Current law requires that it consist of at least three experienced teachers holding current Nevada licenses. This requirement is revised to specify two licensed teachers, plus a parent, plus two members with knowledge and expertise in fiscal, legal, or human resource areas. Membership on the school's governing body also is revised. Under current law, the governing body must include three experienced teachers holding current Nevada licenses or two such teachers and one retired teacher. This change reduces that requirement by one licensed experienced teacher, and adds one parent. [Notes: (1) As an alternative to these specific provisions, see Recommendation No. 12, below; and (2) During the 2009 Legislative Session, Dr. Keith Rheault testified that 2 percent was sufficient to fund the proposed Charter School Institute; most bills at the end of the 2009 Session contained the 2 percent provision. Current law sets administrative fees at 2 percent for the first year for all new schools and 1 percent for district schools and 1.5 percent for Board-sponsored schools.]

*(Kathleen A. Conaboy, McDonald Carano Wilson, representing K12, Inc., at the April 7, 2010, meeting)*

12. **Charter School Formation Process and Governing Board**—Amend statutes, primarily at NRS 386.520, to delete the requirement that each committee to form a charter school must have three State-certified teachers. Further delete the requirement that teachers serve on the governing board of a charter school (primarily at NRS 386.549).  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
  
13. **Enable Grant Opportunities for Certain Charter Schools**—If the Committee chooses NOT to adopt Recommendation No. 10 (Nevada Charter School Institute), amend statutes, primarily at NRS 386.508, to allow State-sponsored charter schools to apply for certain grants, including Title I grants, wherein the State issues subgrants but is prohibited from issuing a grant to the charter schools the State Board of Education sponsors. [Note: Should this recommendation be adopted, staff will need to obtain additional details from the DOE for the bill draft.]  
*(Keith W. Rheault, Ph.D., Superintendent of Public Instruction, at the April 7, 2010, meeting)*
  
14. **Independence of Charter School Board Members**—If Recommendation No. 10 is adopted (Nevada Charter School Institute), require, by statute, the Institute to monitor and annually review and evaluate the interactions between the charter school's governing body and the principal to determine if the board exercises independent judgment in



making the policy decisions for which it is responsible. The Institute shall provide training for members of charter school governing bodies to include, but not be limited to, best practices on charter school governance.

*(Eugene Paslov, Ed.D., remarks submitted for the April 7, 2010, meeting)*

15. **Adequate Department Staff for Charter School Oversight**—Send a letter from the Committee to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the Committee for the continued funding of the charter school staff positions in the DOE provided by the Legislature. State that the Committee recognizes the State’s extraordinary fiscal situation and that it strongly supports providing adequate staff for this function.

*(Eugene Paslov, Ed.D., remarks submitted for the April 7, 2010, meeting)*

16. **Professional Development for Charter School Personnel**—Include a statement in the final report in support of encouraging the Regional Professional Development Programs (RPDPs) to make a concerted effort to target the staff of charter schools for the professional development activities that it offers, including leadership training for charter school administrators. *(Eugene Paslov, Ed.D., remarks submitted for the April 7, 2010, meeting)*

17. **Employment Status of Charter School Employees**—Amend statutes, primarily at NRS 386.595 and 391.100, that upon the request of a school district, charter schools shall transmit the personnel records of employees that have taken a leave of absence from a district under NRS 386.595, and returned to employment with the district. [Explanation: Under current law, a licensed employee of a school district may take a leave of absence to work in a charter school and may return to the district with full rights and benefits for up to three years. The district must grant the request to return, even if it will require a reduction in force.]

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)*

18. **Reduce Reporting Requirements for Charter Schools**—Send a letter from the Committee to the Superintendent of Public Instruction requesting a list of the reporting requirements mandated by federal law, such as the No Child Left Behind Act of 2001 (NCLB), and identify which reports required by the DOE or by statute may be simplified or deleted. The review shall include reporting requirements for virtual charter schools. Further, require that the report identify reporting requirements which exceed what is required of traditional public schools or school districts. The Superintendent of Public Instruction shall consult with representatives of the Charter School Association of Nevada and must submit this report and any recommendations for changes, to the Legislative Committee on Education prior to September 1, 2011.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

19. **Grant Indefinite Charters**—Repeal statutes, primarily at NRS 386.530, to eliminate requirements for the renewal of charters. Under current law, charters are granted for a period of six years and must be renewed periodically, although initial charters may be renewed after three years under certain circumstances. This change would grant charters on an indefinite basis; charters could still be revoked in accordance with existing statutes (specified primarily in NRS 386.535).

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

20. **Repeal Minimum Expenditure Requirements for Charter Schools**—With regard to minimum expenditure requirements set forth in statute for the purchase of textbooks, instructional supplies, and computer software, either:

A. Amend statutes, primarily at NRS 387.206, to exempt charter schools from requirements made of school districts and certain other schools, concerning the minimum amount of money each year that must be spent on textbooks, instructional supplies, and computer software.

**OR**

B. Repeal statutes, principally in NRS 387.206, that require all school districts, charter schools, and university schools for profoundly gifted pupils to spend a minimum amount of funds each year on textbooks, instructional supplies, and computer software.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

21. **Charter Schools Serving Homeschooled Students and Students in Private Alternative Programs for Troubled Youth**—Include a statement in the final report asking the Superintendent of Public Instruction to examine the funding structure that would be required to authorize charter schools with distance education programs to serve homeschooled students and students in certain nonreligious private alternative programs for troubled youth.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

22. **Eliminate School Board Approval for Part-Time Students in Distance Education** Revise distance education statutes, primarily at NRS 388.854, to eliminate the requirement that public school students must receive written approval from their local school district board of trustees before enrolling part-time in a program of distance learning which is provided by a charter school. Provide for notification of the school board by the distance education provider.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

**PROPOSALS RELATING TO EMPOWERMENT SCHOOLS  
AND SCHOOL CHOICE**

23. **Remove Sunset to Empowerment School Statutes**—Amend statutes, primarily at NRS 386.700 *et seq.*, to remove the prospective expiration of the empowerment school statutes. These statutes were put into place through Senate Bill 238 (Chapter 530, *Statutes of Nevada 2007*) without further legislative action, they will expire after June 30, 2011.  
*(Submitted by staff for Committee consideration, based upon discussions throughout the interim)*
24. **Site-Based Decision Making**—Send a letter from the Committee to each of the presidents of Nevada’s school district boards of trustees encouraging the adoption of policies and programs pursuant to Nevada’s site-based management statutes (NRS 386.4154 *et seq.*). Such policies should include a process through which a school could become a site-based, decision-making school in cooperation with the local associations, administration, and parents or allow a reorganization of the school without any new money but collaboration between all stakeholders. Further encourage districts to adopt a program to implement site-based decision making within schools and their districts. Among other things, the statutes provide for the district adoption of policies concerning the creation of school councils, flexibility for allocating funds, and a process for seeking waivers from certain regulations and statutes.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
25. **Convert All Public Schools to Empowerment Schools**—Amend the empowerment school statutes, primarily at NRS 386.720, to:
- A. Remove the cap on the number of empowerment schools statewide. Further, provide that each school district must provide the Superintendent of Public Instruction with a timetable and process to convert all of its public schools to empowerment schools before July 1, 2013;
  - B. Parents are free to pick any public school for their child to attend;
  - C. Schools are funded based on per-pupil enrollment rather than on a district-wide enrollment count;
  - D. Principals are given full discretion over use of funds;
  - E. Schools are not required to roll surplus funds over to the State, the county or the school district’s general fund, but may keep the surplus for the following school year;
  - F. Such schools will have direct control over 90 percent of all funds, including operational expenditures (including basic support per pupil plus outside revenues);

food service funds; transportation funds; funds for school facilities, including maintenance and landscaping; printing services; and professional development;

- G. Of that 90 percent, such schools will pay staff, administrators, and teachers their actual salaries and benefits out of the individual school budgets, rather than be charged a district-wide average;
- H. The remaining 10 percent of funds (excluding debt repayment) is allocated to fund district central office operations. Additional central office funding would be limited to profits from competitive enterprise services willingly purchased by local empowerment schools, where those schools are also free to purchase from other public or private providers; and
- I. Revise Title 34 of NRS accordingly, and specify in a legislative declaration that it is the intent of the Nevada Legislature that the system of public schools in this State must be results-oriented, and must focus upon the college and career readiness of its pupils and upon improving their academic achievement; principals must be provided with greater flexibility in the hiring and firing of staff, including teachers; and further, that the legislation is intended to help identify ineffective processes, practices, schools, and school personnel for the purpose of modification, remediation, or removal.

[Note: These provisions will require a substantial statutory revision and may have a significant fiscal impact. Should the Committee approve this recommendation, staff will need direction from members concerning the structural details of such a change.]  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

- 26. **Create Public School Open Enrollment**—Redraft portions of Senate Bill 223 (First Reprint) of the 2005 Legislative Session (primarily Sections 30 and 33 affecting NRS 388.040) to require school districts to adopt open enrollment policies, in which first preference goes to students already within existing school zones. If additional seats are available, use a lottery system to allocate them among the families who want to enroll their students in that public school. Unlike the provisions in S.B. 223, which made parents responsible for transportation, instead require school districts to offer “transportation vouchers” or reimburse parents for gas (up to \$50 a month), using local district transportation funds, when parents exercise school choice and enroll their students in schools beyond their local zone. Make retention of this transportation voucher contingent on the students’ good discipline and achievement at their school of choice. Require that all school districts implement a plan of open enrollment by the 2011-2012 School Year.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

- 27. **Corporate Tuition-Tax Credit Scholarship for Low-Income Students**—Establish within statutes a privately funded school voucher program similar to that of the State of Florida. Such a law would establish nonprofit Scholarship Tuition Organizations and provide that corporations in Nevada receive tax credits for donations made to these

organizations—such entities are created to offer scholarships to low-income or other categories of students. Taxes including the following would qualify: real property transfer tax; modified business tax; insurance premium tax; gaming tax; and live entertainment tax—all up to a legislatively determined amount, similar to the cap established in Florida. Subject to available funds, students would be able to use the scholarships to attend any public or qualifying private school of their choice. Qualifying private schools agree to accept any scholarship student regardless of race, ethnicity, religion, sex, or parental income. Qualifying private schools should hold random lotteries if more students apply than there are seats available. [Explanation: Florida has enacted a tax credit law to establish a voucher program for low-income students. This law provides a tax credit for corporations that donate money to scholarship funding organizations, who then must use 100 percent of such contributions for scholarships for children who qualify for the federal free or reduced price lunch program. Scholarships may be used to cover tuition or textbook expenses for, or transportation to, an eligible nonpublic school or transportation expenses to a public school that is located outside the district in which the student resides. Citation: [Florida Laws 220.187](#)] (*Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010*)

28. **Tuition Tax Credit Program**—Include a statement in the final report of the Committee requesting that during the 2011-2012 Interim the Committee explore the cost and practicality of establishing:
- A. A program allowing Nevadan parents to receive certain tax credits for expenditures made related to education of their special needs children. Under such a program, individuals could receive tax credits both for their own special needs related to expenditures and for donations made to nonprofit scholarship tuition organizations that grant scholarships to students with special needs. Corporations also could receive tax credits for donations to nonprofit scholarship tuition organizations that grant scholarships to special-needs children. These scholarships could be usable at any public or qualifying private school of the parent’s choice. Individuals would claim the credits against sales taxes and/or property taxes, up to a legislatively determined amount. To claim sales taxes, individuals would estimate the amount of sales taxes paid based on the household income using the Internal Revenue Service (IRS) Federal Income Tax Table. Corporations could claim tax credits on the business taxes described earlier. “Special needs student” means any elementary or secondary student who was eligible to attend a public school in Nevada in the preceding semester or is starting school in Nevada for the first time with an Individualized Education Plan [20 U.S.C. § 1414(d)(1)(A)], including but not limited to students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, autistic, or hospitalized or homebound because of illness or disability.
- (*Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010*)

## AND

- B. Making tax credit funded scholarships available to all students, allowing them to attend any public or private school of their parent's choice. Such a review would include potential constitutional amendments for exemptions to the Sales and Use Tax, and other approaches that would combine elements of personal and corporate tuition tax credit programs. The review should include the process by which individuals could claim the credits against sales taxes and/or property taxes, up to a legislatively determined amount. For example, to claim sales taxes, individuals would estimate the amount of sales taxes paid based on the household income using the IRS Federal Income Tax Table. Corporations would claim tax credits on the business taxes described in Recommendation No. 27.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

29. **Special Needs Scholarship Program**—Redraft Senate Bill 158 of the 2007 Legislative Session. This bill establishes the Special Needs Scholarship Program for certain pupils with disabilities, to be administered by the EOE. A public school or licensed private school may submit an application to the DOE to become certified as an eligible school under the Scholarship Program. The parent or legal guardian of a pupil with a disability who has an Individualized Education Program (IEP) may apply to participate in the Scholarship Program and enroll in an eligible school. A pupil who participates in the Scholarship Program and is enrolled in an eligible school is included in the count of pupils in the school district in which the child attends school for purposes of apportionments and allowances from the Distributive School Account. A scholarship is issued by the DOE on behalf of each pupil who participates in the Scholarship Program and is enrolled in a private school that is certified as an eligible school. [Note: Recent case law may make it necessary to limit this program to nonreligious private schools.]

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

## PROPOSALS RELATING TO ACCOUNTABILITY AND ASSESSMENT

30. **State Improvement Plan**—Amend the statutes concerning the State Improvement Plan, primarily at subsection 4 of NRS 385.34691, to change the due date for reporting the State Improvement Plan from December 15 to January 15 of each year. Statutes also require that District Improvement Plans are due December 15, and making this change would allow the DOE and the State Board of Education to incorporate or reference findings from the district plans.

*(Gloria Dopf, Deputy Superintendent, Department of Education, March 16, 2010, meeting)*

31. **State Improvement Plan**—Amend the statutes concerning the State Improvement Plan, primarily at NRS 385.34691, to require that the plan include a five-year planning component for recurring issues; further specify that such a component of the plan build upon data from prior years and track measurable goals.  
*(Committee discussion, March 16, 2010, meeting)*
32. **Activities of the Legislative Bureau of Educational Accountability and Program Evaluation**—In accordance with a staff review of current deadlines and reporting requirements, consider the following changes:
- A. Amend the statutes, primarily at Subsection 2 of NRS 218E.625 (formerly 218.5356) to: delete the December 31 date required for such reports; add the Legislative Committee on Education as a entity to which the report is provided; and specify that it contain a report of its activities. This provision currently requires the Legislative Bureau of Education Accountability and Program Evaluation (Bureau) to submit certain reports annually to the Legislative Commission or the Director of the Legislative Counsel Bureau before December 31.

**AND**

- B. Delete NRS 385.359—requiring the Bureau to contract for a review of district accountability reports, and clarify its duties in this regard within NRS 218E.625. [Explanation: The statute provides that such a study must be conducted—due to budget cuts this review has not been funded; eliminate as a specific requirement and instead provide flexibility within the Bureau’s duties for such reviews.]

**AND**

- C. Amend the statutes, primarily at subsection 2 of NRS 385.391, authorizing the DOE to work with the Bureau to publicize exemplary schools. This provision has never been exercised and this role is not connected to the Bureau’s other duties—delete the reference to the Bureau in this regard.  
*(Submitted by staff at the Committee’s direction for its consideration)*
33. **Testing Calendar**—Amend statutes, primarily at 385.3613 to allow for the later administration of the Statewide CRTs used to determine if schools are making AYP under NRS 385.361. Such a change is intended to give the districts another 30 days of instruction prior to testing. Revise the AYP preliminary and final reporting deadline from June to accommodate this change. This would allow school districts to meet federal guidelines and give schools more time prior to testing. Districts have to accommodate school choice but most likely could address it with preliminary results prior to the final AYP standings released to the public later in the year. Require the DOE to submit these

changes in the State Plan to the U.S. Department of Education, and adjust related dates associated with this process accordingly. The new schedule would take effect for the 2012-2013 School Year.

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010; and Sue Daellenbach, Assistant Superintendent, Assessment, Accountability, Research and School Improvement, Clark County School District, November 17, 2009, meeting)*

34. **Effective Teachers and Leaders in Schools Demonstrating Need for Improvement—** Amend statutes to provide that if a school is designated as demonstrating need for improvement for four or more consecutive years, school support teams may recommend to the Board of Trustees that provisions of collective bargaining agreements concerning salary or wage rates, discharge and disciplinary procedures, teacher preparation time, and the policies for the transfer and reassignment of teachers be changed.

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010 ;and Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards, from correspondence dated April 26, 2010)*

35. **Letter Grades for Public Schools—**In addition to the designations required under NRS 385.3623, the State Board of Education shall adopt regulations establishing a system to assign a letter grade to all public schools of A, B, C, D, or F, based on measured student achievement. The system set forth in Florida’s statutes (2009 *Florida Statutes* §1008.34), should be used as a model. Of the score, 50 percent should be based upon the school-wide performance on the State CRTs, while the other 50 percent would be based on a value-added assessment. Of the value-added assessment, 25 percent would be weighted for improvement in the achievement of low-income students (students eligible for the federal free and reduced price lunch program under 42 *United States Code*, Section 1751, et seq.). A value-added assessment should be implemented statewide by the 2011-2012 School Year, after which the grades awarded to schools, using both the CRTs and value-added assessment, would begin with the 2012-2013 School Year and a year’s worth of value-added data. Student achievement for the 2011-2012 School Year could provide the baseline to determine the statewide average or “C” grade score for both CRTs and value-added assessment. Further, the State Board of Education shall adopt regulations establishing a separate ranking of schools based on the school’s overall improvement of its students using only the value-added data. Each school that ranked within the top 20 percent of schools statewide by value-added assessment criteria would be designated as a “Most Effective School.” The DOE should make the school-wide data, scores, and rankings available to the public and post the results, by school and district, online in a searchable, longitudinal, and graphic database, using Tennessee’s model for this process. The DOE should also require local public schools, by the beginning of each school year and no later than September 1, to inform parents in writing of the grade, achievement level, and educational growth accomplished at the school their children attend.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*



36. **Close Certain Low-Performing Schools**—Amend statutes, primarily at NRS 385.3613 *et seq.*, to specifically require the closure of schools that have failed to meet AYP or other similar designations required under the federal ESEA, for more than five consecutive years; further require the State Board of Education to adopt regulations establishing the process for such closures. Amend statutes, primarily at NRS 386.506 and NRS 386.700, to provide that if neighboring schools are at or near capacity, the failing school must instead reconstitute the entire staff of the failing school, administration and teachers, and reopen the school under either the empowerment school or the charter school model. [See also Recommendation No. 9. ]  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
37. **Ensure Reading Comprehension—Restrict Promotion Out of Third Grade**—Similar to NRS 392.033, which restricts the promotion of certain students to high school. Amend statutes to require the State Board of Education to adopt regulations setting the minimum passing score that pupils in the third grade must achieve on the English portion of the examinations specified in NRS 389.550 in order to be promoted to the fourth grade, focusing upon English language reading skills. The score shall not be less than the level established as proficient during the 2009-2010 School Year. School districts shall offer remedial education during the summer or the following school year unless a parent opts out and requests the child be promoted to the next grade. The DOE shall contract for an impartial evaluation to ensure the CRTs more accurately identify students who have achieved basic mastery of English language reading. If an impartial evaluation deems the difficulty level of the State test is significantly lower relative to the National Assessment of Educational Progress (NAEP) exam (more than 10 percentage points different), then the DOE must restructure the test to more closely align with the NAEP, and have the new test in place within two years. Maintain the policy of accepting waivers on the class-size reduction program for school districts and authorize the use of these funds to hire reading coaches or to retrain teachers in effective reading strategies. [Note: These provisions will require a substantial statutory revision and may have a significant fiscal impact. Should the Committee approve this recommendation, staff will need direction from members concerning the structural details of such a change.]  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
38. **Ensure Math Comprehension—Restrict Social Promotion Out of Fifth Grade**—Similar to NRS 392.033, which restricts the promotion of certain students to high school. Amend statutes to require the State Board of Education to adopt regulations setting the minimum passing score that pupils in the fifth grade must achieve on the mathematics portion of the examinations specified in NRS 389.550 in order to be promoted to the sixth grade. The score shall not be less than the level established as proficient during the 2009-2010 School Year. School districts shall offer remedial education during the summer or the following school year unless a parent opts out and requests the child be promoted to the next grade. [Note: These provisions will require a substantial statutory revision and may have a significant fiscal impact. Should the Committee approve this

recommendation, staff will need direction from members concerning the structural details of such a change.]

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

39. **Reporting Class Size**—Send a letter from the Committee to the Superintendent of Public Instruction noting that the Superintendent, under subsection 5 of NRS 385.347 must consult with various representatives of the education community, including the Nevada State Education Association (NSEA), concerning their recommendations regarding school and district accountability reports. Request that the Superintendent consult with the NSEA and these other entities with regard to the method of determining average class size, taking the total number of students and dividing it by the total number of licensed personnel. Note that the NSEA is proposing each school report the actual number of students in each class as well as average number of students per counselor, nurse, speech pathologist, et cetera. Moreover, the Superintendent should consider altering the report to require each school district to post the enrollment of each academic core class by class period on the district website.

*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

#### **PROPOSALS RELATING TO FUNDING AND BUDGET MATTERS**

40. **Regional Training Programs**—Appropriations to fund the Regional Training Programs, include:

A. Provide an appropriation from the State General Fund to the DSA for transfer to the three school districts serving as fiscal agents for the continuation of the three RPDPs. Section 10 of Assembly Bill 563 (Chapter 389, *Statutes of Nevada 2009*) provided \$7,797,804 in both Fiscal Year (FY) 2010 and FY 2011. The estimated cost in FY 2012 is \$7,797,804 and in FY 2013 is \$7,797,804.

*(Proposed by the Regional Training Programs in communication with Committee staff)*

**AND**

- B. Provide an appropriation from the State General Fund to the DSA for transfer to the Statewide Coordinating Council to continue statewide training for educational administrators. In the 2009-2011 Biennium, pursuant to the provisions of Section 11 of Assembly Bill 563 (Chapter 389, *Statutes of Nevada 2009*), \$100,000 per fiscal year was transferred to the Statewide Coordinating Council for administrator training. The estimated cost in the 2011-2013 biennium is \$100,000 annually for administrator training.

*(Proposed by the Statewide Coordinating Council in communication with Committee staff)*

**AND**

- C. Provide an appropriation from the State General Fund to the DSA for allocation to the Bureau to contract with a consultant to review the evaluations of the RPDPs. Section 11 of Assembly Bill 627 (Chapter 343, *Statutes of Nevada 2007*) authorized for this purpose an expenditure of \$100,000 per fiscal year in the 2007-2009 Biennium. This review was not conducted during the 2007-2009 Biennium or during the 2009-2011 Biennium due to the budget reductions. The estimated cost for evaluation in the 2011-2013 Biennium is also \$100,000 per fiscal year.  
*(Submitted by staff at the Committee's direction for its consideration; the Committee has approved appropriations for this purpose during previous interim periods)*

41. **Commission on Educational Technology**—Appropriations to fund the Commission on Educational Technology include:

A. As specified in Section 5 of Assembly Bill 19 of the 2009 Legislative Session, provide an appropriation from the State General Fund to the DOE to allow the Commission on Educational Technology to continue the grants to the school districts for educational technology. For the 2007-2009 Biennium, pursuant to the provisions of Section 25 of A.B. 627, the Legislature appropriated \$10.78 million to enable the districts to provide infrastructure, technical support, professional development, high quality content programs, and pilot programs in the area of educational technology. For the 2011-2013 Biennium, the total appropriation would be \$10.78 million. A portion of the funding for the 2007-2009 Biennium was reverted for the purpose of budget reductions; although some American Recovery and Reinvestment Act of 2009 funds for education technology were made available, State funding was reduced to \$4.29 million for the 2009-2011 biennium.

*(Submitted by staff at the Committee's direction for its consideration; the Committee has approved appropriations for this purpose during previous interim periods)*

**AND**

B. As specified in Section 1 of Assembly Bill 19 of the 2009 Legislative Session, amend the statutes (primarily at NRS 388.795) to require each school district to submit in its application to the Commission on Educational Technology its priorities for purchasing and maintaining educational technology including, but not limited to, infrastructure, technical support, professional development, high quality content programs, and pilot programs in the area of educational technology. The Commission shall include the list of priorities, by school district, in the assessment of needs prepared by the Commission. Each school district shall also indicate in its application for a grant whether the funding is for the continuation of a program or for the establishment of a new program. In addition, the applicant shall identify and list all funds requested and received, as the case may be, from all other sources for the same or similar proposals as the program for which funding is requested from the Commission on Educational Technology.

*(Submitted by staff at the Committee's direction for its consideration; the Committee has approved appropriations for this purpose during previous interim periods)*

42. **Restoration of Certain Funding**—Send a letter from the Committee to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for specific educational programs provided by the 2007 Legislature and the 23rd Special Session. State that the Committee recognizes the State’s extraordinary fiscal situation and that it strongly supports restoring these funds as State General Fund revenues allow. Include in the letter the following programs:
- Planning for and establishment of empowerment schools;
  - Biennial funding of educational technology;
  - Career and technical education;
  - Regional training programs; and
  - Grants by the Commission on Educational Excellence.
- (Proposed for the Committee’s consideration based upon presentations at various meetings and Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
43. **K-12 Public Education Stabilization Account**—Redraft portions of Assembly Bill 458 from the 2009 Legislative Session, to establish the K-12 Public Education Stabilization Account. Funding that reverts back to the State DSA at the end of odd-numbered years would be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions.
- (Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010; Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010; and Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards, from correspondence dated April 26, 2010)*
44. **Weighted Per-Pupil Funding**—Write a letter from the Committee to the Superintendent for Public Instruction requesting the DOE to study the cost and practicality of converting or amending the Nevada Plan for school finance (NRS 387.121, *et seq.*), to allow for additional “weighted” formulas as specified on page 71 of the report *Estimating the Cost of an Adequate Education in Nevada* to calculate a weighted enrollment which takes into account the extraordinary needs of hard-to-serve students. The cited report was

presented by Augenblick, Palaich and Associates, Inc. on August 2006 to the Legislative Committee on School Financing Adequacy (Assembly Concurrent Resolution No. 10, File no. 99, *Statutes of Nevada 2005*).

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010; and (Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

45. **Time of Financial Emergency**—Amend statutes, primarily at NRS 288.150 and 288.200, to specify that upon declaration of financial exigency by the Superintendent of Public Instruction, contracts between school districts and recognized employee groups will be deemed to conclude at the end of the current contract year. Utilize the statutory language for “economic hardship” found in NRS 387.2065. [Explanation: School districts would like to ensure that collective bargaining agreements do not continue with “evergreen” status in times of financial emergency. The law is currently silent, potentially allowing an association to refuse to agree to new contract provisions required by budget shortfalls, thereby leaving in place the prior year’s agreement and opening the district to arbitration.]

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)*

46. **Flexibility in Required Number of Instructional Days**—Amend statutes, primarily at NRS 388.090, to allow for an exception to the requirement of 180 school days. If the Superintendent of Public Instruction makes a determination of financial exigency, the Superintendent may issue a waiver for up to ten days from that requirement. Utilize the statutory language for “economic hardship” found in NRS 387.2065.

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)*

47. **Financing the Expansion of Pilot Programs**—Amend statutes, primarily at NRS 387.191, to provide that funding from the State Supplemental School Support Fund may be used to continue to fund or expand programs that are effective in improving student achievement. Such programs would include, but not be limited to:

- Full-day kindergarten (Assembly Bill 563, 75th Session, 2009);
- Early Childhood Education (A.B. 563, 75th Session, 2009);
- Innovation and remediation (Senate Bill 404, 73rd Session, 2005; S.B. 185, 74th Session, 2007);
- Mentoring programs (as in A.B. 5 and A.B. 461 in 73rd Session, 2005; as in A.B. 229, 74th Session, 2007);
- Empowerment schools (S.B. 238, 74th Session, 2007);
- Career and technical education (A.B. 628, 74th Session, 2007);
- Pay for performance (A.B. 3, 23rd Special Session, 2007);
- Programs for disruptive pupils (A.B. 2, 23rd Special Session, 2007);
- Progressive discipline pilot program (A.B. 521, 70th Session, 1999); or other successful programs.

[Explanation: The State Supplemental School Support Fund created in NRS 387.191 by Initiative Petition 1 (75th Session, 2009) designates proceeds to be used “to improve the achievement of students.” This recommendation would authorize school districts to utilize this funding to provide programs that have demonstrated success in improving student achievement in the past, including successful pilot programs.]

*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)*

48. **Progressive Discipline Program**—Send a letter from the Committee to the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means requesting that any further funding appropriated to the Progressive Discipline Program, found primarily in NRS 392.4642 *et seq.*, which contain provisions within the appropriation must require recipients to provide detailed information concerning the manner of use for these funds and the effectiveness of the program. Further, provide that schools that participate in such programs will be required to write their compliance plan into their school improvement plans and will be required to include an account of the funding used in the program. [Explanation: The 1999 Legislature, under Assembly Bill 521,(Chapter 591, *Statutes of Nevada*) provided an appropriation to fund pilot programs for a progressive disciplinary program in certain schools; additional State funding has been provided in the past.]

*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

49. **Repeal Class-Size Reduction Program**—Amend statutes, primarily at NRS 388.700 *et seq.*, to repeal provisions governing Nevada’s program of reduction of pupil-teacher ratio in certain classes.

*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

50. **Waiver for Class-Size Reduction**—Amend statutes, primarily at NRS 388.700, to remove the ability of school districts to apply for a variance from the State Board of Education for exceeding the applicable prescribed ratio of pupils per class. [Note: If Recommendation No. 49 (above) is adopted, this proposal will be unnecessary.]

*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

51. **Tax Reform**—Include a statement in the final report concerning the need for the Legislature to enact meaningful tax reform to include a broad-based tax on business income, including an earmark of a portion of this additional funding for K-12 public education.

*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

52. **Tax Reform**—Include a statement in the final report concerning the need for the Legislature to ensure that no entity doing business in Nevada may be exempt from paying the Local School Support Tax.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
53. **Tax Abatements and Exemptions**—Include a statement in the final report concerning the need for the Legislature to conduct a review and remove all abatements and exemptions from the tax codes that provide a loss of education revenue for State and local governments.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
54. **Permanent School Fund**—Send a letter from the Committee to the Chairs of the Senate and Assembly Committees on Taxation requesting that the Committees review current statutory restrictions concerning the investment of the Permanent School Fund (PSF) and the impact of those policies upon the total rate of return possible on the investment. The Committees may need to review the need for a prudent investor rule to provide the State Treasurer with the flexibility needed to respond to changing financial markets and changing economic times. Further, the Committees are requested to examine the need for a law that returns all of school trust land given away without compensation or have the State reimburse the PSF of what is rightfully owed from the transactions.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
55. **School Trust Lands**—Adopt a resolution urging Nevada’s Congressional Delegation to enact the necessary legislation to grant additional school trust lands to the State.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
56. **K-12 Budget and Fund Reductions**—Include a statement in the final report concerning the need for the Legislature to restore all State funding cuts made to K-12 education that have taken place between 2007 and 2010.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

## PROPOSALS RELATING TO PERSONNEL

57. **Critical Labor Shortage**—Amend statutes to specify that retired teachers rehired under NRS 286.523 (critical labor shortage) may be hired by the school district at the rate of pay assigned to beginning teachers without experience. [Explanation: Currently, teachers who retire and then return to fill a position identified under the critical labor shortage provision, receive the same salary they earned prior to retirement with full benefits and are able to continue receiving Public Employees’ Retirement System (PERS)

payments. It is proposed that retired teachers filling critical labor shortage positions maintain the ability to collect from PERS but be placed on the first step of the teachers' salary schedule upon reemployment. This would save the districts money while still providing an incentive for retired teachers to fill these positions.]  
(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)

58. **Open Meetings for Collective Bargaining**—Revise provisions in the law concerning collective bargaining by:

A. Amending statutes to remove the exemption that collective bargaining sessions between school districts and recognized employee organizations are not subject to Nevada's open-meeting law.

AND/OR

B. Requiring, by statute, that collective bargaining agreements between school districts and recognized employee organizations be made available to the public online, at the school districts' websites and available for public inspection at the school districts' administrative offices, beginning July 1, 2011.  
(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)

59. **Teacher Tenure**—Amend statutes, primarily at NRS 391.3197, to award tenure to teachers after a period of five years and after demonstrated success adding value to students' achievement. The State Board of Education shall adopt regulations concerning the measurement of student achievement growth in the classroom (Recommendation Nos. 2, 3, and 4). Under current law, probationary teachers may be granted tenure (postprobationary status) after one year and three evaluations, although the statutes also allow for an additional year of probationary status.  
(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)

60. **Seniority**—Include a statement in the final report emphasizing the importance of the proposed goals for the equitable distribution of effective teachers and principals to be contained within the next reauthorization of the federal ESEA, replacing NCLB. These proposed goals mention methods to ensure equitable distribution of effective teachers and principals and for ambitious yet achievable annual targets to increase the number and percentage of highly effective teachers in high-poverty schools. School districts are urged to review and revise policies that might make it much more likely that low-income and minority students will be taught by inexperienced or ineffective teachers. Further, the Committee urges school districts to base decisions concerning hiring, job relocation (or changing jobs), and job termination of teachers and school administrators upon evaluations, with at least 50 percent of the evaluation based on student achievement.  
(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)



61. **Convert Longevity Pay Into a Merit Bonus**—Include a statement in the final report urging school districts to replace longevity pay programs for teachers with a program of payment of bonuses for postprobationary teachers based upon the attainment of specified standards of achievement by pupils. Under such a system, at least 50 percent of the evaluation for the tenure merit bonus should be based on student achievement, measured by value-added assessment.  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
62. **Allow Alternative Teacher Certification**—Amend statutes, primarily at NRS 391.019 and 391.031, to require the issuance of a Nevada teaching license to persons holding a certificate from certain nonprofit alternative teacher certification programs—the American Board for Certification of Teacher Excellence and Teach for America. The DOE and all school districts and charter schools are required to recognize these alternative certifications by the 2011-2012 School Year. Teachers with alternative certifications should be given a probationary period of five years. [See Senate Bill 264 (Chapter 151, *Statutes of Nevada 2007*).]  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
63. **Eliminate Certain Compensation Incentives**—Amend statutes, primarily at NRS 391.160 and 391.166, concerning additional compensation for certain education employees with additional certification. Delete all requirements for such additional compensation except for nationally certified classroom teachers possessing degrees in mathematics, science, or special education.  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
64. **Equal Enhanced Compensation**—Include a statement in the final report of the Committee urging the State Board of Education to identify additional nationally recognized certifications for licensed personnel and education support professionals. During the 2011-2012 Interim period the Board may recommend to the Committee related additions that might be made to NRS 391.160 concerning additional compensation for certain education employees with additional certification. [Note: Conflicts with Recommendation No. 63 above.]  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*
65. **Enhanced Compensation**—Include a statement in the final report urging school districts to work with recognized employee organizations to include the requirements specified under NRS 391.160 on the career ladder. Such a review should examine whether enhanced compensation must be in addition to the single salary schedule and designed through collective bargaining.  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

66. **Create a Defined Contribution Retirement Plan for New Teachers**—Include a statement in the final report supporting revisions to State statutes concerning public employees’ retirement benefits that adopt a defined contributions pension plan for all school district personnel hired after July 1, 2012. Further, an incentive program should be designed to encourage existing participants in the current plan to switch to the defined benefit program.  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*
67. **Replace Traditional Pay Schedule with Merit Pay for Teachers**—Include a statement in the final report urging school districts and recognized employee organizations to work together to adopt a merit-based compensation program. For example, such a program could establish an annual base pay of \$40,000 and provide additional bonuses to teachers based on merit demonstrated under a value-added assessment system. If the class-size reduction program is eliminated, these funds could instead provide the bonus pool to be divided among the State’s exceptional teachers. Alternatively, teachers receiving a rating of “poor” could receive no bonus; their portion of the pool instead being divided among the better teachers. For “superior” teachers, Nevada could award bonuses of perhaps \$1,000 for each additional student educated above a determined statewide grade level average. Excellent teachers should teach more students and be rewarded for this additional effort.  
*(Patrick R. Gibbons, Nevada Policy Research Institute, from correspondence dated April 24, 2010)*

#### **PROPOSALS RELATING TO MISCELLANEOUS MATTERS**

68. **Textbook Adoption Process**—Include a statement in the final report urging the State Board of Education and the DOE to consult with the school district representatives concerning textbook adoption policies, and revise the *Nevada Administrative Code* (NAC), principally at NAC 390.050, to specifically identify subjects or situations within the policy wherein districts may certify to the DOE the material contained within existing textbooks has not materially changed. Further, urge that the Superintendent may grant exceptions. [Explanation: the DOE requires that new textbooks be adopted in each subject area every seven years. For some subjects, new books do not necessarily contain new information. Therefore, districts would benefit from keeping the textbooks in these areas for longer periods of time. A change in the policy would require approval by the DOE but not a statutory change. According to NAC 390.050, “A textbook and electronic media will be adopted for use in public schools according to the schedule for adoption prescribed by the department of education, unless the state board of education grants an exception to this requirement.” The NRS and NAC do not give a timetable for textbook adoption; however, the NAC does require that the written procedures for selection be submitted to the Superintendent of Public Instruction every five years.]  
*(Joyce Haldeman, Associate Superintendent, Clark County School District, from correspondence dated April 26, 2010)*

69. **Representation by School Board Members on K-12 Public Bodies**—Include a statement in the final report emphasizing the importance of representation from the Nevada Association of School Boards on all committees and groups formed by the Legislature to address issues involving K-12 public education. Future legislation creating such bodies, as well as legislation amending statutes concerning existing bodies, should consider adding such representatives. [Explanation: School board members are the elected officials responsible for establishing school district policies, regulations, and procedures, awarding public works and purchase contracts, managing school property, negotiating labor agreements, establishing the school district budget, and conducting disciplinary hearings for employees and students, as well as implementing policies and regulations adopted at both the State and federal levels.]  
*(Dotty Merrill, Ed., Executive Director, Nevada Association of School Boards, from correspondence dated April 26, 2010)*
70. **Adjusted Diploma**—Require, by statute, that the State Board of Education adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils with an IEP prior to turning age 18. [Explanation: Under current law, students who have an IEP prior to turning 18 are no longer eligible to receive an adjusted diploma after turning 22. This proposal will allow students to receive an adjusted diploma regardless of age, if they had an IEP prior to age 18.]  
*(Lynn Warne, President, Nevada State Education Association, from correspondence dated April 26, 2010)*

# CONSENT CALENDAR FOR WORK SESSION



## Legislative Committee on Education

*Nevada Revised Statutes 218E.605*

May 12, 2010

*NOTE TO COMMITTEE MEMBERS: The recommendations listed below have been placed on a Consent Calendar by the Chair and Committee staff to assist the Committee in quickly taking action on certain selected items. Committee members may request to remove items from this list for further discussion and consideration. If so desired, other recommendations from the "Work Session Document" may be added to the Consent Calendar with the approval of the Committee.*

ITEM NUMBER	BRIEF DESCRIPTION OF RECOMMENDATION (Please see "Work Session Document" for full description)
3.	<p><b>Include a statement in the final report</b> urging the Superintendent of Public Instruction to, when establishing the State system for a growth model for teacher evaluations, give consideration to the length of time during the school year a student has been at the school and in the classroom. The methodology for calculating student growth should give consideration to how students who have not been in the classroom for the full academic year will be counted or weighted in the calculation.</p>
4.	<p><b>Send a letter from the Committee</b> to the State Board of Education and to the Superintendent of Public Instruction expressing the support of the Committee for ensuring that the assessment model to be used in evaluating teachers provides for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, express the sense of the Committee that the Board and the Superintendent must ensure all subject matters and grade levels be included.</p>
15.	<p><b>Send a letter from the Committee</b> to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the Committee for the continued funding of the charter school staff positions in the Department of Education (NDE) provided by the Legislature.</p>

16.	<b>Include a statement in the final report</b> in support of encouraging the Regional Professional Development Programs (RPDPs) to make a concerted effort to target the staff of charter schools for the professional development activities that it offers, including leadership training for charter school administrators.
23.	<b>Amend statutes</b> to remove the prospective expiration of the empowerment school statutes (primarily NRS 386.700 <i>et seq.</i> ). These statutes were put into place through Senate Bill 238 (Chapter 530, <i>Statutes of Nevada</i> ) of the 2007 Legislative Session; without further legislative action, they will expire after June 30, 2011.
30.	<b>Amend the statutes</b> concerning the State Improvement Plan to change the due date for reporting the State Improvement Plan from December 15 of each year to January 15. Making this change would allow the NDE and the State Board of Education to incorporate or reference findings from the district plans.
31.	<b>Amend the statutes</b> concerning the State Improvement Plan to require that the plan include a five year planning component for recurring issues; further specify that such a component of the plan build upon data from prior years and track measurable goals.
42.	<b>Send a letter from the Committee</b> to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding, as revenues allow, for the following programs: planning for and establishment of empowerment schools; biennial funding of educational technology; career and technical education; Regional Training Programs; and grants by the Commission on Educational Excellence.